

A U.S. Perspective on Global Strategy

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Public Disclosure Grace Periods Around the World

Public disclosure prior to a patent application filing can present a significant hurdle to patentability in most countries because of absolute novelty requirements. However, to soften these requirements, many countries have grace period provisions that cover some form of inventor originated or derived public disclosures. The May 2017 issue of Sterne Kessler's Global Patent Prosecution Newsletter includes information on grace periods and also provides a comprehensive table and map outlining these provisions around the globe.

Sterne Kessler's Global Patent Prosecution Newsletter is designed to help meet the needs of biotech/pharmaceutical companies regarding global patent prosecution strategies. For more information, please contact [Paul Calvo](#) or [John Covert](#). If you wish to unsubscribe from this and other newsletters, please click on the unsubscribe link below.

Editor:



Paul A. Calvo, Ph.D.
Director
pcalvo@skgf.com

Authors:



Jeremiah B. Frueauf
Director
jfrueauf@skgf.com



Matthew A. Smith, Ph.D.
Associate
msmith@skgf.com



Andrea Yates
Paralegal
ayates@skgf.com

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Patent Grace Periods and Public Disclosures: Finding a Saving Grace (Period) to Minimize Impact of Pre-Filing Public Disclosures

By: [Jeremiah B. Frueauf](#) and [Matthew A. Smith, Ph.D.](#)

We have all been there. Despite best efforts to minimize public disclosures from the company, you get an email (likely on a Friday at 5 PM) that a company scientist submitted an abstract to a conference without notifying the IP department.

And it gets worse: the abstract published in the conference proceedings a week ago. This public disclosure can present a significant hurdle to patentability in most countries because most apply an absolute novelty requirement.

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Patent Grace Period Laws in the IP5 Patent Offices: Some Similarities But Largely Different

By: [Matthew A. Smith, Ph.D.](#) and [Jeremiah B. Frueauf](#)

Life science and other high technology companies most frequently file patent applications in five IP offices (IP5), namely: the United States Patent and Trademark Office (USPTO), the European Patent Office (EPO), the Japanese Patent Office (JPO), the Korean Intellectual Property Office (KIPO), and the State Intellectual Property Office (China) (SIPO).

Several factors, including consumer purchasing power and more advanced healthcare systems, make these countries/regions attractive for procurement and enforcement of IP.

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Worldwide Public Disclosure Grace Periods - May 2017

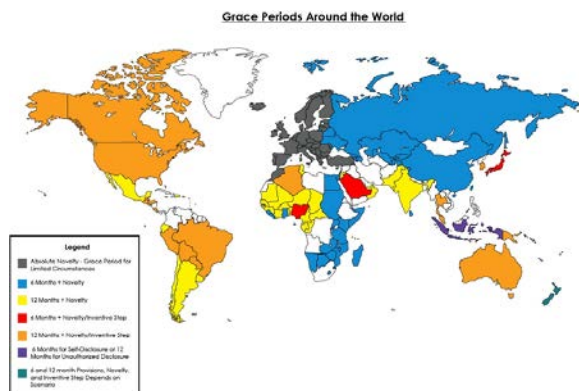
By: [Paul A. Calvo, Ph.D.](#) and Andrea Yates

Country	Grace Period
Albania	Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date (priority date) when the publication is made by: (a) the applicant or his predecessor in title;
6 months Novelty/ Inventive Step in Limited Circumstances	(b) a third party who had obtained information from applicant or his predecessor in title; (c) an office and the information is found: (i) in another application filed by the applicant or his predecessor in title and which should not have been published by the office; (ii) in an application filed by a third party without the knowledge and the permission of the applicant or his predecessor in title, although the party received the information directly or indirectly from the applicant or his predecessor in title. (d) the applicant or his predecessor in title has displayed the invention at an official, or officially recognized, international exhibition. The applicant shall state when filing the patent application that the invention has been so displayed and shall file a supporting certificate within the time limit and under the conditions laid down in the Implementing Regulation. (Articles 7, 9, & 11 of Law No. 9947 of July 7, 2008 on Industrial Property)

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