

STATE OF PLAY OF THE IMPLEMENTATION OF DIRECTIVE 98/44/EC

(Last revision 15-01-2007)

COUNTRY		STATE OF PLAY OF THE IMPLEMENTATION GENERAL REMARKS	IMPLEMENTATION DATE
MEMBER STATES (27)			
AT	AUSTRIA	<p><u>16-5-2000:</u> Bill submitted to Parliament. However, due to the election and the Parliament's dissolution (autumn 2002) the AT authorities are obliged to re-submit a new bill to Parliament.</p> <p><u>8-10-2003:</u> Inquiry of the Parliament relating to the directive.</p> <p><u>14-9-2004:</u> New Bill approved by Ministers and submitted to Parliament.</p> <p><u>12-5-2005:</u> The first reading has been completed by Nationalrat.</p> <p>Law BGBl. I Nr. 42/2005 - Publication on <u>09-06-2005</u></p>	<u>09 June 2005</u>
BE	BELGIUM	<p><u>14-6-2001:</u> Bill adopted by Government. Bill submitted to Parliament before the Summer break 2002. Due to the election which took place on <u>18-05-2003</u>, the BE authorities were obliged to re-submit a new bill to the Parliament. An urgent advice of the "Raad van State" (Council of the State) has been requested on this proposed text and then this proposal is to go to the Parliament. A text was being discussed in Parliament in November 2004</p> <p>The Bill was approved at the Chamber of Representatives on <u>10-03-2005</u> and the Senate on <u>14-04-2005</u>.</p> <p>Law of <u>28-04-2005</u>, publication on <u>13-05-2005</u></p>	<u>28 April 2005</u>
BG	BULGARIA	Law on patents and utility model registration (<i>Title amended, State Gazette No. 64/2006; in force as from 09.11.2006</i>)	Entry into force: <u>09.11.2006</u>
CY	CYPRUS	Law N.163(I)/2002, the Patents (Amendment) Law of 2002 as from <u>9-08-2002</u> .	<u>Implemented 2002</u>
CZ	CZECH REPUBLIC	Act No. 206/2000 Coll. L of <u>21-06-2000</u>	Entry into force: <u>01.10.2000</u>
DK	DENMARK	The Danish Parliament (Folketinget) passed the implementing legislation on <u>26-05-2000</u> .	<u>26 May 2000</u>
EE	ESTONIA	Amendments of 1994 Patents Act dated <u>27-10-1999</u>	Entry into force: <u>01.01.2000</u>
DE	GERMANY	<p>A new bill has been unanimously adopted by the Government on <u>25-06-2003</u>. This bill should be discussed in the course of the first semester 2004. Debates were ongoing in Parliament. The first reading has been completed by the Bundesrat by <u>11-03-2004</u>. Due to the general election (September 2002), DE authorities were obliged to re-submit a new bill to Parliament (the former one was dated from 18-10-2000).</p> <p>The Bundestag passed a bill on <u>3-12-2004</u>. Publication on <u>28-01-2005</u> in the Bundesgesetzblatt to be in force on</p>	<u>28 February 2005</u>

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		<u>28-02-2005</u>	
FIN	FINLAND	The Finnish Parliament (Riksdagen) passed the implementing legislation on <u>30-05-2000</u> .	<u>30 June 2000</u>
FR	FRANCE	<p>Bill adopted by the Government on <u>31-10-2001</u>. This bill has never been discussed by the Parliament. However, the main provisions of the directive (art. 5 and 6) have been involved in the revision of the bioethics laws. Other provisions of the directive should be discussed after the adoption of the new laws on bioethics.</p> <ul style="list-style-type: none"> • <u>January 2002</u>: 1st lecture in National Assembly • <u>January 2003</u>: 1st lecture in the Senate • <u>December 2003</u>: 2nd lecture in the N.A. • <u>6-08-2004</u>: bill adopted in 2nd lecture in the Senate (Law n° 2004-800 published on 7/8/2004). • <u>29-11-2004</u>: Remaining implementing measures adopted (Law n° 2004-1338 published on 8-12-2004). 	<p><u>7 August 2004</u>: Implementation of Articles 5 and 6</p> <p><u>8 December 2004</u>: Remaining implementation achieved</p>
GR	GREECE	Presidential Decree no. 321/2001 (OJ 218, A, <u>1-10-2001</u>).	<u>22 October 2001</u>
HU	HUNGARY	Act. XXXIX of 2002	Entry into force: <u>01.01.2003</u>
IRL	IRELAND	European Communities (Legal Protection of Biotechnological Inventions) Regulations, 2000 (S.I. No. 247 of 2000)	<u>30 July 2000</u> : Regulations
IT	ITALY	<p><u>19-10-1999</u>: Bill submitted to Parliament</p> <p><u>26-9-2002</u>: Adoption of the bill by the Lower Chamber with amendments.</p> <p><u>02-04-2003</u>: Adoption by Senate with amendments</p> <p><u>26-06-2003</u>: Adoption by Lower Chamber with further amendments therefore requires final approval by Senate.</p> <p><u>2004</u>: Awaiting final approval by the Senate after the amendments made in the last reading by the Lower Chamber. After this, the text should be ready for transposition into law (for which the administration has 6 months from the final approval).</p> <p><u>29-12-2005</u>: Decree-Law adopted by the Government (Decreto-Legge n.3 del 10 gennaio 2006, published on <u>11-01-2006</u>).</p> <p>Conversion in Law definitively adopted (Legge n.78 del 22 febbraio 2006) published on <u>10-03-2006</u>.</p>	<u>11 March 2006</u>
LV	LATVIA	<ul style="list-style-type: none"> • Modification of the Law relating to Plant Variety Rights (Grozījumi Augu šķirņu aizsardzības likumā), adopted on <u>17-11-2005</u> • Modification of the Law relating to Patents (Grozījumi Patentu likumā), adopted on <u>8-12-2005</u> 	<u>29 December 2005</u>

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LU	LUXEMBOURG	The bill No 4673 was submitted to Parliament in June 2000 . Parliamentary Committee on Ethics in charge of the file expressed its opposition against the bill of law. However, the Government re-submitted the bill to the Parliamentary Committee on Economy in March 2005 which made amendments. On 11-10-2005 the State Council has delivered two opinions on these amendments and the final report from the Committee was adopted on 19-01-2006. Law adopted in plenary on 15-02-2006. Law of 7-04-2006 published on 19-04-2006 .	<u>23 April 2006</u>
LT	LITHUANIA	Law of 30-06-2005 on the Amendments and Supplements of the Preamble, Articles 2, 4, 10, 11, 13, 19, 21, 24, 26, 39, 40, 48, 50 of the Patent Law and Amendments of the Law by Articles 28(1), 38, Section X(1) and an Annex (No X-287). Official Gazette "Valstybes žinios" 2005 No 85-3135	Entry into force: <u>14.07.2005</u>
MT	MALTA	Patents and Designs Act 2002 (Chapter 417 of the Laws of Malta)	Entry into force: <u>01.01.2004</u>
NL	NETHERLANDS	Laws passed 10-11-2004	<u>November 2004</u>
PL	POLAND	Ustawa z dnia 30 czerwca 2000 r. - Prawo własności przemysłowej adopted 30-06-2000	Entry into force: <u>18.10.2002</u>
PT	PORTUGAL	Bill has been adopted by Parliament. The Minister Council has been definitively adopted on November 2002 . The law is entered into force 7 months after this adoption.	<u>1st July 2003</u>
RO	ROMANIA	Patent Law No. 64/1991, as amended and completed by Law No. 203/2002 of 19 April 2002 (OJ Nr. 212/1991, Nr. 340/2002) approved by Government Decision No.499/2003 of 18 April 2003 (OJ Nr. 348 of 22 May 2003)	Entry into force: <u>22.05.2003</u>
SK	SLOVAK REPUBLIC	Act. No. 435/2001 Coll. Patent Act	Entry into force: <u>01.11.2001</u>
SV	SLOVENIA	Decree n° 3873 published on 18-08-2003	Entry into force: <u>02.09.2003</u>
ES	SPAIN	The Directive has been implemented by the law 10/2002, dated 29 April and published in the Official Bulletin on 30-04-2002 .	<u>30 April 2002</u>
SE	SWEDEN	12-12-2003: A bill of a law adopted. 1-04-2004: Bill passed by Parliament without amendment.	<u>1st May 2004</u>
GB	UNITED KINGDOM	<ul style="list-style-type: none"> • Implementation of Art 1-11. Entered into force on <u>28-07-2000</u> • Implementation of Art. 13 and 14 on <u>6-07-2001</u> • Implementation of Art 12. Entered into force on <u>1-03-2002</u> 	<u>28 July 2000:</u> Implementation of Articles 1-11 <u>6 July 2001:</u> Implementation of Articles 13-14 <u>1 March 2002:</u> Implementation of Article 12

CANDIDATE COUNTRIES			
<i>HR</i>	<i>CROATIA</i>	Patent Act of <u>8-11-2003</u>	<i>Entry into force: <u>01.01.2004</u></i>
<i>TR</i>	<i>TURKEY</i>	EPC member state. Technical Studies in preparation.	
	<i>FYROM</i>	No information	
EEA COUNTRIES			
<i>IC</i>	<i>ICELAND</i>	Iceland has enacted legislation implementing the biotech Directive (Act of <u>15-03-2004</u> , entry into force after publication)	<i>Entry into force: <u>11.05. 2004</u></i>
<i>LI</i>	<i>LIECHTENSTEIN</i>	EPC member state. No information	
<i>NO</i>	<i>NORWAY</i>	Adapted by Parliament by <u>2003</u>	<i>Entry into force: <u>01.02.2004</u></i>
NON EU BUT EPC COUNTRIES			
<i>CH</i>	<i>SWITZERLAND</i>	<ul style="list-style-type: none"> • <u>07-12-2001</u>: The Swiss Justice- and Police department has opened the notification procedure (Vernehmlassungsverfahren). One of the issues is the adjustment of the Swiss Regulations on the Patenting of biotechnological inventions to the EU provisions. • <u>29-11-2002</u>: The Federal Council (Bundesrat) has taken notice of the Report of the results of the notification procedure • <u>11-03-2005</u>: The Federal Council authorized the Federal Department of Justice and Police to complete the draft of the revised patent law at its March 11, 2005 session. The draft is supposed to be presented to Parliament in the current year. The draft focuses on appropriate patent protection for Biotech inventions. • <u>23.11.2005</u>: The Federal Council adopted the message concerning the revision of the law on the patents. This one adapts the substantive patent law to technical progress and the developments occurred these last years on the international level. • <u>20.12.2006</u>: The National Council approves the revision of the law on patents. The National Council as a First Council adopted the bill concerning the modification of the patent law and the approval of the Treaty on the substantive patent law. 	Delayed