Inputs from Member States and Regional Patent Offices to the Thirty-Eighth Session of the Standing Committee on the Law of Patents

Respondent Information

First Name:

[redacted]

Last Name:

[redacted]

Country:

Syrian Arab Republic

IP Office

Syrian Patent Office

Job title

Head Of Syrian Patent Office

Email address:

[redacted]

Email address confirmation:

[redacted]

Disclaimer:

The information provided in response to this questionnaire is understood to be submitted on behalf of the Member State or regional organization concerned, through its competent authority and in accordance with its applicable official internal procedures.
It is assumed that the person completing and submitting the questionnaire is duly authorized to do so and that the information reflects the official position or practice of the Member State or organization, to the extent possible.

I confirm that I have read and understood the statement above and that I agree with its contents.

A. Prior Art

1. How is prior art defined under the applicable national or regional law?

The concept of prior technical status is mentioned in Article (2) of the Executive Regulations of the Patents Law No. 18 The invention is considered new unless it is covered by prior art, which is: everything that is available to the public before the date of filing the patent application or the date of the legally claimed priority, through a written or oral description, or through use or any other means available to the public, and that it has not been He published about it in the Syrian Arab Republic and around the world.

2. Against which date is prior art assessed under the applicable law?

Everything that exists before the date of filing the patent application or the priority date claimed

3. Which types of information may constitute prior art under the applicable law, and how is it determined whether such information is considered to form part of the prior art?

All relevant technical information available to the general public anywhere in the world through written disclosure (whether photographs or public documents such as patents, conference papers, or brochures), oral disclosure, or visual disclosure (disclosure by presentation or actual use of the invention) before the actual filing date. The Patent application or priority date
Any form of oral or (digital or electronic) disclosure, patent documents, or information available to the public or general use before filing the patent application affects the eligibility to grant the application a patent and deprives it of the novelty requirement. If the applicant has an application on the same subject submitted in another country and does not have a priority right document (did not submit his application in Syria during the priority period), this will affect his application submitted in Syria and deprive it of the novelty requirement.
Article (8) of the Syrian Law No. 18 of 2012 stipulates that the applicant must, in all cases, provide complete data and information about the applications he has previously submitted abroad concerning the same invention or related matters, as well as the results of the decision on these applications
priority right: as stated in Article (53) of Patent Law No. /18/ of 2012 and Article (106) of the Executive Regulations: Anyone who submits an application to register a patent for an invention or a utility model benefit from the priority right, if the following conditions are met:
1- The previous application must have been submitted in one of the countries or member organizations of the Amended Paris Convention for the Protection of Industrial Property, or in a multilateral international agreement to which Syria is a party, or in a country that treats Syria reciprocally with regard to the priority right.
2- The previous application must be the first application submitted to file the same patent, on the same application's subject as that submitted in the Syrian Arab Republic.
3- The application must be accompanied by a statement indicating the number and date of the first application, the name of the country in which it was submitted, and the name of the person in whose name the application was submitted. He must submit, within a period of (three months) from the date of the subsequent filing, a priority document certified for the previous filing by the authority that issued it. In the country in which the filing took place and translated into Arabic. Negligence of the transactions stipulated in this article results in the loss of priority rights.
The priority deadlines referred to above are twelve months for patents and six months for utility models, and these dates apply from the day following the date of filing this application

4. Does the applicable law provide for any category of prior art that is taken into account for patentability purposes notwithstanding that it was not publicly available before the relevant filing or priority date (sometimes referred to as “secret prior art”)?

No

If yes, please indicate, where applicable, the types of information or documents concerned (for example, earlier-filed patent applications), the relevant date(s) for determining such prior art, as well as any limitations, exclusions, or special rules applicable to such prior art. :

B. Novelty

1. How is the requirement of novelty defined under the applicable national or regional law?

Novelty: As stated in Article (2) of the Executive Regulations of the Patent Law No. 18 of 2012
The invention is considered new unless it is covered by prior art, which is: everything that is available to the public before the date of filing the patent application or the date of the legally claimed priority, through a written or oral description, or through use or any other means available to the public, and that it has not been He published about it in the Syrian Arab Republic and around the world

2. For the purposes of assessing novelty under the applicable law, are there any novelty-specific considerations regarding the relevant date or the scope of information taken into account, beyond those addressed in the Prior Art section of this survey?

The examiner should follow these steps when assessing the novelty:
1. Evaluate the elements of the invention for which protection is sought.
2. Determine whether the document under consideration constitutes a prior state of technical knowledge.
3. Assess whether each element or step of the invention for which protection is sought was explicitly or clearly disclosed in the document to experts in the field at the time of the document's publication

3. Does the applicable law apply an absolute novelty requirement, or does it provide for any limitations or qualifications to novelty (for example, relative novelty or other restricted approaches), apart from any grace period mechanisms addressed separately in this survey?

The absolute condition for being a novelty is that it has not been published in the Syrian Arab Republic or in the world. In both cases, the invention is not considered entirely or partially new:
1- If a patent application has already been filed for, or a patent has been issued for, the invention or any part thereof in Syria or abroad before the date of filing the patent application.
2- If the invention has already been used or exploited publicly in Syria or abroad, or if its description has been disclosed in a way that allows experts to exploit it, before the filing of the patent application.

C. Inventive Step

1. How is the criterion of inventive step or non-obviousness defined under the applicable national or regional law?

The innovative step: As stated in Article (2) of the executive regulations of the Patent Law No. 18 of 2012.
The invention is considered as an innovative activity, if it is not evident to the average professional in the field of expertise, in comparison with the prior art on the date of filing the patent application or, if necessary, on the legally recognized priority date. The state of the technology as a whole is considered, including its individual elements or parts of these elements. Each one separately, and it also includes combinations of elements or some of their parts when these combinations are self-evident to the ordinary man of expertise

2. For the purposes of assessing inventive step or non-obviousness under the applicable law, what is the relevant date and what prior art or information is taken into account?

, in comparison with the prior art on the date of filing the patent application or, if necessary, on the legally recognized priority date
Key considerations to take into account when determining the innovative step:
1. The invention for which protection is sought must be examined in its entirety.
2. References to previous technical cases must be examined in their entirety, and experts must be motivated to synthesize the information in the documentation to arrive at the subject matter as defined by the elements of protection, including considering reasonable expectations that might lead to applicability.
3. References must be consulted without relying on what can be discerned from the invention for which protection is sought

3. What is the standard applied under the applicable law to determine whether an invention involves an inventive step or is non-obvious, in particular as reflected in the concept of the "person skilled in the art", focusing on how the standard is understood or applied, rather than its formal legal definition?

The person with prior technical expertise should be a hypothetical individual who is usually skilled in the field of prior technical expertise and is familiar with the ordinary general knowledge in the field of prior technical expertise in the relevant history. It is also assumed that the person with prior technical expertise has access to all references to prior technical expertise, especially documents cited in the research report, and has the ability to conduct a normal examination
If the problem on which the invention is based, which arises from the nearest reference to the previous technical situation, prompts the person with experience in the previous technical situation to seek a solution to it in another technical field, then the person with experience in the previous technical situation who belongs to this other technical field is the most capable of solving this problem. Therefore, whether this solution includes an innovative step or not should be evaluated based on the knowledge and capabilities of the specialist.

4. Are there any specific rules, limitations, or contextual factors that apply to the assessment of inventive step or non-obviousness under the applicable law?

Yes

Please indicate, where relevant, whether such rules or factors include geographic or territorial considerations affecting the relevance of prior art (for example, distinctions between domestic and foreign disclosures, uses, or publications, or territorial conditions applicable to particular categories of prior art) or any other particular considerations relevant to the assessment.

***Responses should be limited to such contextual factors asthey relate to the assessment of inventive step or non-obviousness, without restating general rules on what constitutes prior art.*:** The following considerations should be applied when evaluating an innovative step: 1. Determine the scope of the invention for which protection is sought. 2. Determine the scope of the relevant reference(s) to the prior technical situation. 3. Identify the person with expertise in the relevant field of the invention. 4. Identify the points of difference and similarity between the relevant reference(s) for the prior technical case and the invention for which protection is sought. 5. Assess whether the invention for which protection is sought is, as a whole, intuitively understandable to the person with expertise in the prior technical case, based on the relevant reference(s) for the prior technical case and the general knowledge of such individuals.

5. Please provide any additional information relevant to the requirement of inventive step or non-obviousness under the applicable law, to the extent not already addressed in questions 1 to 4, including, where applicable, any guidance (for example, patent office manuals or guidelines) or key judicial decisions in your jurisdiction with general relevance to applicants or interested parties, captured by patent office practice.

Please upload any document relevant to the requirement of inventive step or non-obviousness under the applicable law.

6. Please indicate whether any legal provisions, including those applicable to utility models or any other similar system (where different from those applicable to patents of invention), are relevant to the subject matter of this section and, if so, kindly provide the relevant information and references.

Utility models: as stated in Article (47) of the Patents Law No. /18/ of 2012: A utility model patent is granted in accordance with the provisions of this law for every new invention that is industrially applicable but does not result from sufficient inventive activity to grant a patent for it.

D. Grace Period Mechanisms and Pre-Filing Disclosures

1. Does the applicable law provide for any mechanism under which certain disclosures made before the filing or priority date do not prejudice the patentability of an invention, in particular with respect to novelty and/or the legal effect on prior art?

Yes

If yes, please identify the relevant legal provisions (in primary and/or secondary legislation) and describe their operation.: Grace period: It was mentioned in Patent Law No. 18 of 2012 within the executive regulations for temporary protection of markets and exhibitions in Syria and foreign countries. In this case, disclosure will not affect the novelty condition Article (67) Patents, utility models, and design plans for integrated circuits benefit from temporary protection in markets and exhibitions held in Syria and foreign countries if these markets and exhibitions are officially organized, and participation or organization must be official so that this law can be applied to them Article (68) Anyone wishing to benefit from the provisions of Article (107) of Law No. 8 of 2007 to protect his exhibited items in markets and exhibitions in a foreign country in which the Syrian Arab Republic participates must submit a request to the official representative of the Syria in the market or exhibition that includes the nature of the exhibited, accompanied by a document proving that the exhibited item is The item to be protected has been displayed in the aforementioned market or exhibition Article (69) When the representative of the Syrian Arab Republic receives these documents, it is recorded in a special register and a registration certificate is given to the exhibitor in exchange for paying the specified fee. The exhibitor submits the application for protection within a period of (three weeks) starting from the day the item for which he is requesting protection is displayed

2. What is the duration of the mechanism referred to in question 1, during which the covered disclosures do not prejudice the patentability of the invention?

Article (70)
At the end of the exhibition or market, the official representative sends the special organized record to the directorate in the Syrian Arab Republic, and the person who obtained temporary protection can convert it to final protection within a period (one year) starting from the end of the market or exhibition after presenting the certificate delivered to him in accordance with Article 109/ From Law No. 8 of 2007, effective protection then begins from the day the exhibition or market opens.
The applicant submits a request for final protection in accordance with the provisions of this law and the articles related to the protection of commercial and industrial property rights.

3. Where such a mechanism exists, which categories of disclosures are covered by it?

4. Are there any formalities or procedural requirements that must be fulfilled in order to rely on the mechanism identified in question 1?

Yes

Please describe any such requirements, where applicable, including, for example, the need to file statements, declarations or notices, to submit certificates or other supporting evidence, or to comply with any timing or notification requirements or any information relating to the burden of proof. **:** Article (69) When the representative of the Syrian Arab Republic receives these documents, it is recorded in a special register and a registration certificate is given to the exhibitor in exchange for paying the specified fee. The exhibitor submits the application for protection within a period of (three weeks) starting from the day the item for which he is requesting protection is displayed. Article (70) At the end of the exhibition or market, the official representative sends the special organized record to the directorate in the Syrian Arab Republic, and the person who obtained temporary protection can convert it to final protection within a period (one year) starting from the end of the market or exhibition after presenting the certificate delivered to him in accordance with Article 109/ From Law No. 8 of 2007, effective protection then begins from the day the exhibition or market opens. The applicant submits a request for final protection in accordance with the provisions of this law and the articles related to the protection of commercial and industrial property rights.

5. Does the applicable law provide for prior user rights or other protections for third parties who may be affected by an invention that has benefited from a graced pre-filing disclosure?

If yes, identify the relevant legal provisions (including any provisions in primary and/or secondary legislation), and describe the conditions under which such rights or protections arise (for example, good-faith use of the invention prior to the filing or priority date), as well as how such rights or protections operate. **:**

6. Please provide any additional information that may be relevant, including, where applicable, any guidance (e.g. patent office manual/guidelines) or key judicial decisions in your jurisdiction with general relevance to applicants or interested parties, captured by patent office practice.

Please upload any document that may be relevant to grace period mechanisms and/or pre-filing disclosures.

7. Please indicate whether any legal provisions, including those applicable to utility models or any other similar system (where different from those applicable to patents of invention), are relevant to the subject matter of this section and, if so, kindly provide the relevant information and references.

Submission of information concerning other aspects of national/regional patent law

E. Sufficiency of Disclosure

sufficiency_of_disclosure.doc

F. Exclusions from Patentable Subject Matter

Exclusions_from_patentable_subject_matter.doc

G. Exceptions and Limitations to Patent rights

Exceptions_and_limitations_of_the_rights.doc

Final review before submission

Confirmation of submission

I am aware that by clicking "Submit" below, my responses will be sent to the SCP Secretariat.