

WORLD TRADE ORGANIZATION

ORGANISATION MONDIALE DU COMMERCE

ORGANIZACIÓN MUNDIAL DEL COMERCIO

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

Iceland

Addendum

By means of a communication from the Permanent Mission of Iceland, dated 28 May 1997, Iceland has informed the Secretariat that the text of Regulation, No. 286/1996, as notified by Iceland and distributed as part of document IP/N/1/ISL/P/2, is incomplete and submitted a new, complete version. The present document reproduces¹ this complete text of Regulation, No. 286/1996.

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES
A LA PROPRIETE INTELLECTUELLE NOTIFIEES
AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

Islande

Addendum

Par une communication de sa Mission permanente datée du 28 mai 1997, l'Islande a informé le Secrétariat que le texte du règlement n° 286/1996 qu'elle avait notifié et qui a été distribué sous la cote IP/N/1/ISL/P/2 était incomplet, et elle lui en a fait parvenir une nouvelle version, complète cette fois. Le présent document contient le texte¹ complet du règlement n° 286/1996.

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Islandia

Addendum

Mediante comunicación de la Misión Permanente de Islandia de fecha 28 de mayo de 1997, Islandia ha informado a la Secretaría de que el texto del Reglamento N° 286/1996, notificado por Islandia y distribuido como parte del documento IP/N/1/ISL/P/2, está incompleto y ha presentado una nueva versión completa. En el presente documento se reproduce¹ el texto íntegro de dicho Reglamento N° 286/1996.

¹English only/anglais seulement/inglés solamente.

No. 286

31 May 1996

Regulation

amending the Regulation concerning patent applications etc.,
No. 574/1991, as subsequently amended, and amending
the Advertisement of instructions concerning patent applications,
No. 575/1991, as subsequently amended.

CHAPTER I

Amendments to Regulation No. 574/1991, concerning patent applications etc.

Article 1

The words "in sections 45-50" in the second sentence of the second paragraph of Section 1 shall be replaced with: in sections 50-55.

Article 2

The first paragraph of Section 3 shall read as follows:

Application documents may be in Icelandic, Danish, Norwegian, Swedish or English. If the description, patent claims and abstract are not in Icelandic, the abstract and patent claims must be available in Icelandic translation before the application is made accessible to the public, while the description must be available in Icelandic translation within four months of the time that the applicant was notified that a patent could be granted.

Article 3

The words "or from the day on which the application was deemed to be filed," in the first sentence of the first paragraph of Section 5 shall be deleted.

Article 4

Point 16 of the third paragraph of Section 7 shall be deleted. The present Point 17 shall become Point 16.

Article 5

Section 8 shall read as follows:

The Patent Office shall prepare every month, or in connection with the publication described in Section 49, a summary of the applications, cf. Section 7, including the information stipulated in Points 1, 3, 6-11 and 14 of the third paragraph of Section 7, and the name of the inventor.

This summary shall be available from the Patent Office for a set fee if this requires a special issue.

Article 6

The following changes shall be made to Section 10:

- a) The words "or from the day on which the application was deemed to have been filed (effective date)," in the first paragraph shall be deleted.
- b) A new paragraph shall be added to the section, which shall read as follows:

Priority, in accordance with Section 6 of the Patent Act may be based on an application for protection which has been filed in a state which is a party to the Agreement on the World Trade Organisation (WTO). Priority may also be based on an application for protection which was filed in a State which is not a party to the Agreement on the World Trade Organisation if Icelandic applications for patents enjoy comparable rights in that State and its legislation complies in general with the Paris Convention.

Article 7

The seventh sentence of the first paragraph of Section 11 shall become the second paragraph of Section 11.

The second paragraph shall become the third paragraph.

The third paragraph shall become the fourth paragraph.

Article 8

The third paragraph of Section 12 shall be deleted.

Article 9

The following changes shall be made to Section 21:

- a) The words "or from the day on which the application was deemed to be filed, cf. Section 14 of the Patent Act," in the first paragraph shall be deleted.
- b) The second sentence of the second paragraph shall be deleted.
- c) The words "to lay the application open to public inspection", in the third sentence of the second paragraph shall be replaced by: to grant a patent on the basis of the application.

Article 10

The second paragraph of Section 22 shall be deleted.

Article 11

The words "being laid open to public inspection", in the first paragraph of Section 25 shall be replaced by: a patent being awarded.

Article 12

The words "In accordance with Section 44", in the second sentence of the second paragraph of Section 25b shall be replaced with: In accordance with Section 49.

Article 13

The second paragraph of Section 26 shall read as follows:

A novelty search shall be carried out on the basis of patents, patent applications which have been laid open to public inspection or published patent applications from Iceland, Denmark, Sweden, Finland, Norway, Germany (formerly West Germany), the former German Reich, Great Britain, France, the United States of America and the European Patent Office, or abstracts thereof, published international applications or abstracts thereof and Icelandic patent applications which have been made available to the public. The search shall also be based on other available documents where this is considered necessary.

14. gr.

Section 30 shall read as follows:

Special rules regarding time limits and extensions of time limits relating to the processing of patent applications shall be set by the Patent Authority. Postponement of the awarding of a patent shall only be granted, however, if a decision on the award has been taken before the application is made available to the public in accordance with the second and third paragraphs of Section 22 of the Patent Act. Upon request from the applicant, a postponement may then be granted for the awarding of the patent until the application is made available to the public in accordance with the afore-mentioned rules.

Article 15

The chapter title "Laying open of patent applications to public inspection" preceding Section 31 shall be replaced by: **Granting of patents etc.**

Article 16

The first and second sentences of the first paragraph of Section 31 shall read as follows:

Preparation of the description, together with the drawings, patent claims and abstract, in accordance with Section 20 of the Patent Act (the patent document) for publication shall be effected by the Patent Authority out as soon as possible after the decision has been taken to award a patent and, if applicable, when suitable documents are available in Icelandic translation, in accordance with Section 3 of this Regulation and Sections 38 and 90 of the AICP. The patent document shall specify the date of publication and the following information:

Article 17

Section 32 shall read as follows:

The advertisement of the granting [of a patent] in accordance with Section 20 of the Patent Act shall contain the name of the invention together with the information to be provided in the patent document in accordance with Section 31, with the exception of the documents presented.

Article 18

Sections 33-36 are replaced by a new Part entitled: **Opposition.**

Article 19

Section 33 shall read as follows:

Oppositions shall be made in writing and shall include:

- 1) the name and address of the opponent,
- 2) the registration number (patent number) of the patent which is opposed, the name of the proprietor of the patent and the name of the invention,
- 3) the scope of the opposition and the grounds upon which it is based, in addition to an exhaustive account of the facts, the documentary evidence and the circumstances of the case,
- 4) if an agent is involved, his name and address.

The opposition and subsequent comments, together with their accompanying documents from the opponent and the proprietor of a patent, shall be submitted in two copies, unless the Patent Authority decides otherwise in special cases. If the opponent is the proprietor of the patent, his opposition and subsequent comments shall, however, only be submitted in one copy.

If an opponent has an agent, power of attorney shall be attested.

Article 20

Section 34 shall read as follows:

If the opposition does not fulfil the requirements of point 3 of the first paragraph of Section 33 within the time limit set for opposition, the opposition shall be dismissed. The same applies if the patent, which is opposed, is not specified in the opposition or if it is not possible to verify who is raising the opposition.

If the opposition does not comply in other respects with the provisions of points 1, 2 and 4 of the first paragraph of Section 33 upon the expiry of the time limit for opposition, the Patent Authority shall instruct the opponent to rectify the shortcomings within one month's time. If the opponent fails to comply with these instructions within this time limit, the opposition shall be dismissed.

The opposition shall be recorded in the Register of Patents. The opposition raised shall be advertised in accordance with the provisions of Section 40 after the expiry of the time limit for opposition, if the opposition has not been dismissed.

Article 21

Section 35 shall read as follows:

Upon the expiry of the time limit for opposition, a copy of the opposition and the accompanying documents shall be sent to the proprietor of the patent, who shall be given the opportunity of presenting his comments and, if appropriate, submit an altered description, claims or drawings.

If the proprietor of the patent files a response to the opposition, the Patent Authority shall decide whether further correspondence between the parties is necessary.

Article 22

Section 36 shall read as follows:

If the Patent Authority decides that a patent should be declared invalid the parties shall be notified thereof. The same shall apply if the Patent Authority decides that a patent shall remain valid without alteration..

Article 23

Section 37 shall read as follows:

If the Patent Authority feels that a patent may remain valid with alteration, the parties involved shall be notified thereof. The proprietor of the patent shall be given the opportunity to submit his comments within two months' time, if he cannot accept the proposed alterations to the text of the patent. If the proprietor of the patent agrees to the alterations the Patent Authority shall decide that the patent shall remain valid in this form. The opponent shall be notified of this decision.

If the proprietor of the patent cannot accept the alterations, the handling of the opposition may be continued if the Patent Authority sees reason to do so. Should no reason be seen for continuing the process, it shall be decided that the patent shall remain valid in the altered form. The parties involved shall be notified of this decision.

When a final decision has been taken to the effect that the patent shall remain valid in altered form, the proprietor of the patent shall be instructed to pay the required fee for the issue of a new patent document and, if necessary, to submit documents which are suitable for reproduction. The documents shall be in full accord with the documents which the Patent Authority has accepted and the proprietor of the patent shall provide a declaration to this effect. If the proprietor of the patent has paid the required publication fee he is considered, under all circumstances, to have agreed to the patent remaining valid in altered form. If he fails to pay the required publication fee, the patent shall be declared invalid.

A ruling to the effect that a patent shall continue to be valid in altered form shall include the altered text of the patent.

Article 24

Section 38 shall read as follows:

The issuance of a new patent document, containing the description, patent claims and drawings in altered form, in accordance with Section 23 of the Patent Act, shall be effected by the Patent Authority and be commenced as soon as possible upon payment of the publication fee. The patent document shall furthermore include the information specified in Section 31.

Article 25

Section 39 shall read as follows:

A ruling in an opposition case shall be advertised in accordance with the fifth paragraph of Section 23 of the Patent Act once the case has been finally concluded. The ruling shall also be recorded in the Register of Patents.

Article 26

Section 40 shall read as follows:

The advertisement as to the objection raised and of the ruling in the case shall include the name of the proprietor of the patent, date of filing and application number, registration number and international classifications of the patent, the name of the invention and the date of publication of the patent. The advertisement as to the objection raised shall also include the name of the opponent.

Article 27

Section 41 shall read as follows:

If the Patent Authority receives, while an application for patent is being processed, information in writing relevant to the assessment of the application, the applicant shall be notified of this fact. A person who has provided such information shall be instructed of the possibility of opposing the patent if it should be awarded. This shall not apply, however, if the information concerns better title to the invention.

Article 28

Section 37 shall become Section 42.

Section 38 shall become Section 43.

Article 29

Section 39 shall become Section 44 and the following changes shall be made:

- a) subpoint d of point 5 shall be deleted,
- b) subpoint e shall become subpoint d.

Article 30

Section 40 shall become Section 45 and shall read as follows:

An advertisement of the granting of a patent in accordance with Section 20 of the Patent Act shall include the name of the proprietor of a patent, the number of the application and of the patent together with its international classification, the name of the invention and the date of publication.

Article 31

Section 41 shall become Section 46.

Section 42 shall become Section 47.

Article 32

Section 43 shall become Section 48, and a new fourth paragraph is added which shall read as follows:

Requests for entries in the Register, made in accordance with the first and second paragraphs, shall be made in writing and shall be accompanied by suitable documents concerning the change.

Article 33

Section 44 shall become Section 49.
Section 45 shall become Section 50.
Section 46 shall become Section 51.
Section 47 shall become Section 52.
Section 48 shall become Section 53.
Section 49 shall become Section 54.
Section 50 shall become Section 55.
Section 51 shall become Section 56.

Article 34

Section 52 shall become Section 57 and shall read as follows:

If an international application is not in Danish, Norwegian, Swedish or English a translation into one of these languages shall be filed upon the transfer of the application in accordance with Section 31 of the Patent Act or upon reviewing a decision in accordance with the first paragraph of Section 38 of the Act. Furthermore, an Icelandic translation of the abstract and patent claims shall be provided, cf. the provisions of the first paragraph of Section 3, if the application is transferred after 18 months have elapsed from the international date of filing or date of priority. In other respects the provisions of Section 3 shall apply to translations of application documents.

The Patent Authority may lay down rules to limit the obligation to provide a translation if only part of an international application is transferred to this country.

Article 35

Section 53 shall become Section 58.
Section 54 shall become Section 59.
Section 55 shall become Section 60.
Section 56 shall become Section 61.
Section 57 shall become Section 62.

Article 36

Section 58 shall become Section 63 and the fourth paragraph shall be deleted.

Article 37

A new Section 64 shall be added following Section 58, which shall read as follows:

An application for a patent for a method for preparing pharmaceuticals, which was filed after 1 January 1995, may be altered so as to cover the product as well, cf. the second paragraph of Section 75 of the Patent Act. The change may not, however, cover any aspect which is not supported by the basic documents.

A request for change in accordance with the first paragraph must be filed with the Patent Authority before 1 January 1997.

CHAPTER II
Amendments to the Advertisement of Instructions
concerning Patent Applications, No. 575/1991, as subsequently amended.

Article 38

The following changes shall be made to Section 3:

- a) the words "provisions of Section 45-50 of the RCPA," shall be replaced by: provisions of Section 50-55 of the RCPA.
- b) Section 2 shall read as follows:

The Swedish Patent Office (PRV) or the European Patent Office (EPO) shall, at the option of the applicant, serve as the international novelty search or preliminary examination institutions for international applications received by the Patent Office. If a request is made that PRV perform a novelty search or preliminary investigation of an international application it must be filed in Danish, Norwegian, Swedish or English. If a request is made that EPO perform these searches of an international application it must be filed in English.

Article 39

The third paragraph of Section 4 shall read as follows:

The applicant or his agent must confirm applications sent by facsimile or comparable means by forwarding the signed originals within 14 days of the receipt of the facsimile.

Article 40

Following the words "to pharmaceuticals" in Section 14 shall be added: which were filed prior to 1 January 1995.

Article 41

The words "a particular copy of the description which is intended for laying open for public inspection", in the fourth paragraph of Section 26 shall be replaced by: a particular copy of the description, together with the claims and drawings, which is intended for the award of a patent.

Article 42

The second paragraph of Section 37 shall read as follows:

If a patent application is not in a language recognised by the international institution handling the novelty search (i.e. the Swedish Patent Office or the European Patent Office) a translation into a specified language shall accompany the claim for an international novelty search, cf. Section 3.

Article 43

The first paragraph of Section 38 shall read as follows:

Application documents shall be in Icelandic, Danish, Norwegian, Swedish or English. If the description, patent claims and abstract are not in Icelandic, an Icelandic translation of the abstract and patent claims shall be provided before the application is

made accessible to the public. If the application leads to the award of a patent, an Icelandic translation of the accepted version of the description, patent claims, abstract and text on the drawings, if applicable, shall be provided within four months of the date the applicant was notified that a patent could be awarded in accordance with the first paragraph of Section 19 of the Patent Act.

Article 44

Section 43 shall read as follows:
(No provisions under this Section.)

Article 45

Section 56 shall read as follows:
(No provisions under this Section.)

Article 46

Section 57 shall read as follows:
(No provisions under this Section.)

Article 47

Section 61 shall read as follows:
(No provisions under this Section.)

Article 48

The first sentence of Section 66 shall read as follows:

An 18 month period of secrecy, in accordance with the second paragraph of Section 22 of the Patent Act, shall commence on the filing date, or on the effective date if this is different from the filing date (i.e. in the case of division or excision), or on the priority date when priority is claimed in part or in full.

Article 49

The words “and section 14 PA”, in Section 70, shall be deleted.

Article 50

The chapter title “**Examination of description prior to the application being approved for laying open to public inspection**” shall be replaced by:
Examination of the application description prior to the approval of the awarding of a patent.

Article 51

The words “before the application is laid open to public inspection”, in the first sentence of Section 78 shall be replaced by: before notice is sent that a patent may be awarded.

Article 52

The words "from 1 January 1990 inclusive is as follows: „Alþj.fl.⁵“ ("Int. Cl.⁵")" in the third sentence of Section 79 shall be replaced by: from 1 January 1995 is as follows: „Alþj.fl.⁶“ ("Int. Cl.⁶")

Article 53

The words "Prior to the laying open to public inspection", in the first sentence of the first paragraph of Section 84 shall be replaced by: Prior to the awarding of a patent.

Article 54

The first paragraph of Section 87 shall read as follows:

When a patent is awarded the aforesaid record shall be printed in the patent document under the heading "Documents presented". If new documents of opposition are presented as the result of opposition after the awarding, they shall be added to the record if the patent is to remain valid in altered or unaltered form.

Article 55

The chapter title "Laying open of the application to public inspection" shall be replaced by: **Awarding of a patent.**

Article 56

Section 88 shall read as follows:

When the awarding of a patent has been approved documents relating to the application shall not be amended without prior notification to the applicant, except as regards obvious corrections of form in the description, claims or drawings or as regards information which is otherwise clearly unnecessary.

Article 57

Section 89 shall read as follows:

If the Patent Authority is of the opinion that a patent may be awarded, but the applicant has not yet indicated his approval of the text of the proposed patent, the provisions of the second and third paragraphs shall apply.

The Patent Authority shall give the applicant the opportunity to express himself, within two months' time, on the text of the proposed patent. If the applicant agrees to the text the provisions of Section 19 of the Patent Act shall apply.

If the applicant does not agree to the text, the processing of the application may continue. If the Patent Authority sees no reason to continue the processing the application shall be dismissed. Notification, cf. the first and second paragraphs, shall indicate that the application may be dismissed if the applicant does not agree with the text.

Article 58

Section 90 shall read as follows:

If documents suitable for purposes of reproduction are not available when notification in accordance with the first paragraph of Section 19 of the Patent Act is sent, the applicant shall provide such documents within two months of the notification. If the approved text of these documents has to be translated into Icelandic the four month time limit from the notification shall apply, cf. Section 38.

Article 59

Section 91 shall read as follows:

Opposition shall be immediately entered in the Register of Patents and include the following:

- 1) the name and address of the opponent,
- 2) the name and address of the agent if there is one.
- 3) the date the opposition was received,

Rulings in an opposition case shall be recorded in the Register of Patents, cf. Section 39 of RCPA. The entry shall include the result and the date the result was published.

Article 60

Section 92 shall read as follows:

If all opposition to a patent has been unequivocally withdrawn the Patent Authority shall investigate whether there is reason to proceed with the opposition case, cf. the second paragraph of Section 23 of the Patent Act. If the Patent Authority sees reason to make a substantial examination of the opposition, the proprietor of the patent shall be notified of the decision and the reasons explained. If such notification has not reached the proprietor of a patent within two months after the withdrawal of the final opposition the decision on the awarding of a patent shall remain unchanged.

Article 61

Section 93 shall read as follows:

(No provisions under this Section.)

Article 62

The word "applicant" in the first, second and third paragraphs of Section 94 shall be replaced by: proprietor of the patent.

Article 63

The word "applicant" in Section 95 shall be replaced by: proprietor of the patent.

Article 64

Section 96 shall read as follows:

(No provisions under this Section.)

Article 65

Section 97 shall read as follows:

If an opponent unequivocally withdraws his opposition or declares in writing that he no longer has any objection to the patent remaining unaltered, the said opponent shall be deemed to have forfeited his right to appeal any decision as to whether the patent shall remain unaltered.

Article 66

The words "in accordance with Section 36 RCPA" in the first paragraph of Section 98 shall be replaced by: in accordance with Section 41 of the RCPA.

Article 67

The words "before the laying open of his application to public inspection", in the first paragraph of Section 100 shall be replaced by: before notice is sent that a patent may be awarded.

Article 68

Point 1 of Section 101 shall be deleted, point 2 shall become point 1, point 3 shall become point 2, and point 4 shall become point 3.

Article 69

The first paragraph of Rule 2 in Appendix I shall read as follows:

The provisions of Section 26 RCPA, Sections 68 and 71-73 of AICP and instructions provided by the Patent Office to the Danish Patent Institution shall apply to the execution of the examination.

Article 70

The second paragraph of Rule 3 in Appendix I shall be deleted.

Article 71

The chapter title "*Temporary provisions regarding the processing of patent applications relating to pharmaceuticals*" in Appendix II shall be replaced by: *Special provisions regarding the processing of patent applications for pharmaceuticals which were filed, or are deemed to have been filed, prior to 1 January 1995.*

Article 72

The first rule in Appendix II shall read as follows:

In accordance with the second paragraph of Section 75 of the Patent Act, No. 17/1995, prior to its amendment by Act No. 36/1996, patents may only be granted for particular production processes and not for the product as such.

CHAPTER III
Entry into force

Article 73

This Regulation is set by authority of Act No. 17/1991, as subsequently amended, and shall enter into force 1 June 1996.

Article 74

This Regulation shall apply to patent applications covered by Act No. 17/1991, as subsequently amended, and are undergoing processing by the Patent Authority at the time of its entry into force, with the following exceptions:

- 1) If notification that the laying open of an application to the public has been agreed to has been sent before the entry into force of this Regulation, its processing shall be in accordance with the provisions of RCPA and AICP as they were prior to 1 June 1996.
- 2) Provisions concerning the change in effective date and time limit to file a divided application in RCPA or AICP, as they were prior to 1 June 1996, shall apply to applications filed before the entry into force of this Regulation.

Article 75

The provisions of Appendix II in Advertisement No. 575/1991 shall continue to apply to applications for pharmaceuticals which were filed or considered to have been filed before 1 January 1995.

Ministry of Industry, 31 May 1996.

Halldór Ásgrímsson

Steinunn Bjarmar