

PATENT REGULATIONS

Issued in Helsinki on 12 February 2019

The Finnish Patent and Registration Office has under section 74(4) (101/2013) of the Finnish Patents Act issued the following Patent Regulations:

1. GENERAL REGULATIONS

Section 1 The following abbreviation is used in the regulations:

WIPO World Intellectual Property Organization

“Patent Office” means the Finnish patent authority, i.e. the Finnish Patent and Registration Office. European Patent Office is specified separately.

Section 2 Special orders applicable to patent applications concerning foodstuffs or medicinal products that have been or are deemed to have been filed before 1 January 1995 are issued in Annex 1.

Special orders concerning electronic filing are issued in Annex 2.

2. PATENT APPLICATIONS AND PATENTS

Application document and accompanying documents

Section 3 The application document (application form), description, claims, abstract and drawing, if any, must be submitted to the Patent Office in one copy.

Description

Section 4 The description must begin with a brief and factual title of the invention. The description must comprise:

- 1) A general part, which illustrates the scope of application of the invention and the technique upon which the invention is based, i.e. the state of the art. The presentation of the state of the art must include references to literature, known to the applicant, which discloses the technique. It must also present the special features of the invention over the state of the art, as well as the means necessary for achieving them. The last-mentioned presentation must conform to the presentation given in the claims and it may consist of a reference to the claims. If the invention in itself does not disclose how it can be exploited industrially, this is to be stated in the description.
- 2) A specific part in which the invention is described in detail, primarily by giving examples or embodiments and possibly by referring to a drawing. The invention must be illustrated with examples in such a way that the claims can be considered as substantiated. If the description contains a drawing, generally a list of all the figures in the drawing must be presented as an introduction to the specific part of the description.

Section 5 If the claims contain several independent claims, the inventions corresponding to them are to be presented in the description in the way specified in section 4. Also the subject matter for which protection

is requested in a dependent claim (embodiment) must be presented in the description to such extent as is necessary for the claim to be understood. The inclusion of the last-mentioned in the specific part of the description is to be considered sufficient.

Section 6 Made-up titles may not be used in the description.

By way of exception, trademarks may nevertheless be used in the description when the article in question cannot be properly designated by any other well-established title. In such cases it must, however, be clearly indicated in the description that a trademark is concerned. If the trademark is registered in Finland, this must be indicated by using the symbol ®, or in some other manner. The kind of the article must always be indicated.

Section 7 No drawings are allowed in the textual part of the description. Tables as well as chemical and mathematical formulas may be inserted in the text.

Section 8 When references are made to literature, the instructions given in WIPO standard ST.14 must be observed.

Section 9 Biological material which has previously been described in a generally available publication can be identified in compliance with the established practice in the field, for example by means of its taxonomic designation, complemented, where necessary, with a reference to the literature in the field where a systematic description of the biological material is presented.

Biological material that has not been described previously must be identified in such a detail that it cannot be confused with other biological material. Biological material must normally be described in the same manner as it is described in the latest editions of the standard works and reports in the field concerned or in professional journals.

As regards generally available biological material, an indication of how it can be accessed must be given.

Section 10 Where the deposition of biological material forms part of the description of the invention, the applicant or their representative must give an assurance or in some other way confirm that the deposition has been made in compliance with the provisions of the Budapest Treaty.

If such biological material has been deposited which does not replicate itself (for example viruses or free DNA or RNA) but which must be reproduced in a biological system, information about the deposition must be given of such a biological system as well.

Section 11 If the application includes a sequence of at least ten nucleotides or an unbranched sequence containing at least four amino acids, the description part must contain a sequence listing of these, drafted in compliance with WIPO standard ST.25. The listing must be submitted also in machine-readable form. The applicant or their representative must assure that the listings conform to each other.

Claims

Section 12 A claim must contain a preamble presenting the title of the invention and the prior art, and a characterising part presenting the new and characteristic features of the invention. The characterising part must begin with the words "characterised in that" or with an equivalent expression. It is also allowed to draw up the claims in another form, if there is good reason for this.

Section 13 Each claim must disclose those special characteristics that are necessary for achieving the intended effect.

Section 14 Generally, a product or an apparatus must be defined by disclosing its composition or its structural details. If an invention cannot be properly disclosed in any other way, it is possible to proceed to a closer definition by presenting the workings or the functions of its details. A product, especially a chemical product, may also be described by disclosing its manufacturing process (“product-by-process”), when necessary together with other parameters concerning the product, if its definition otherwise is remarkably difficult.

Section 15 When applying for a patent for a substance or compound that as such is previously known, on the ground that the substance or compound will, for the first time, be used in surgery, therapy or diagnosis, the use must be disclosed in the claim.

Section 16 A process must be defined through information about operations or functions, and, when necessary, through information about products and devices used in the process.

Section 17 A claim relating to a use must disclose the special purpose for which the product or process will be used. When necessary, the claim must also contain more detailed information about the product or process.

Section 18 A single application may contain several independent claims belonging to different categories (such as claims on a product and a process), although the invention is defined in the claims by technical details with the same content.

Section 19 Several independent claims falling into the same category may be contained in a single application only if all of the following conditions are met: (1) the inventions are based on the same inventive idea; (2) the inventions are technically very closely connected; and (3) there is considerable difficulty in describing the inventions accurately enough, for example in the form of alternatives, if they were presented in the same claim and defined by shared elements. Also inventions of the type “transmitter-receiver” can be presented as separate independent claims.

Section 20 An independent claim may refer to another independent claim. This is the case for example when a claim refers to a claim falling into a different category (for example “A method for producing a product according to claim 1...” or “A device for carrying out a method according to claim 1...”). Similarly, in an application relating to elements that have a functional connection with each other (such as a socket and a contact plug) it is possible, in an independent claim that defines one element, to refer to another independent claim defining another element.

Section 21 A dependent claim may, either directly or through another dependent claim, refer back to one previous independent claim or several previous independent claims. Claims must be grouped together in the most appropriate way possible.

Section 22 Both in the preamble and in the characterising part of a claim there must be reference letters or numbers, preferably in parenthesis, which correspond to the drawing. The claim must, however, even without the references, clearly disclose the invention for which protection is sought. General remarks, such as “as explained” or “as shown in the drawing” cannot be accepted in the claims. Exceptionally, a claim may directly refer to diagrams, or the like, in the drawing.

Section 23 Trademarks are usually not accepted in the claims.

Section 24 Biological material which has not been described earlier may be identified in the claims by referring either directly or indirectly, where possible by using the taxonomic designation, to the characterisation of the biological material in the description.

Section 25 When the invention comprises depositions of biological material under section 8 a of the Patents Act or deposited biological material is used in the invention, the deposit numbers must be given in the claims.

Abstract

Section 26 The abstract must contain a brief summary of the contents of the description, claims and drawing. The summary must indicate the technical field to which the invention pertains. It must in an easily understandable manner disclose the technical problem to which the invention relates, the principle of the solution contained by the invention as well as the primary field or fields of use of the invention. The abstract must present the chemical formula that, from among the formulas given in the patent application, best characterises the invention. The abstract must not contain any arguments for the advantages or value, or other intended use, of the invention. The abstract should not contain more than 150 words.

Section 27 If a patent application contains a drawing, generally the figure that is chosen by the applicant is to be published together with the abstract. The Patent Office may override the applicant's choice of figure. If the applicant has not chosen any figure, the Patent Office may make the choice. Each special feature of the invention that is presented in the abstract and illustrated by a figure must be provided with a reference number or letter in parenthesis.

Drawing

Section 28 Drawings must be made on white A4 size paper or prepared as corresponding electronic documents. The minimum width of the margin is 2.5 cm at the top and left side, 1.5 cm at the right side, and 1.0 cm at the bottom.

Section 29 The details that are necessary for the understanding of the description must be included in the drawings, and they must be marked with the same numbers or letters both in the description and in the drawing. The drawing must not contain any other markings than those mentioned in the description, and there must not be more markings than is necessary for the description to be understood. Neither must the drawing contain any explanatory text, except for short expressions such as "water", "steam", "section A-B", or "closed". Block diagrams, flowcharts or electric circuit diagrams must be provided with explanatory texts that facilitate their immediate understanding.

Section 30 Figures and all writing on the drawing must be made in black, clear lines without colours. Section surfaces must be shown using diagonal lines or otherwise clearly indicated. Different shades of grey can be used only to facilitate the understanding of the figures, provided that the legibility and reproducibility are not affected.

All characters in the drawings must be clear and readable. Figures must not contain so many details that this might cause confusion. Individual figures must be at a suitable distance from each other. Irrespective of the number of pages of drawings, the figures must be marked with consecutive numbering, for example figure 1 or fig 1 or possibly, with letters attached to them, for example figure 1a or fig 1a, preferably in the order in which they appear in the drawing. The elements of an embodiment must be marked with corresponding references in all figures.

Further orders regarding description, claims, abstract, drawings and communications

Section 31 The description, claims and abstract must be executed in black colour by word processing on white A4 size paper or prepared as corresponding electronic documents. The text must be written in a single column using 1.5 line spacing. The font size must be chosen to allow upper case letters a size of at least 0.28 cm (for example Times New Roman 12, or Courier New 12). The margins must be 2.5–4 cm at the left side, 2–4 cm at the top, and 2–3 cm at the bottom and right side. The text may be written only on one side of the sheet of paper. The text must be even and letters must be sharp and easily readable. If the text matter contains hand-written marks or formulas, they must be in black colour.

The word “characterised” or the like in the claims must be spaced out or highlighted in some other suitable manner.

The pages of the description and claims must be numbered consecutively with Arabic numerals in a single series from the beginning of the description. The page numbers must be placed in the centre, at a minimum distance of 2 cm from the top of the page. Every fifth line of the description and of the claims should be numbered in Arabic numerals placed at a minimum distance of 2.5 cm from the left-hand side of the page.

The description, claims, abstract and drawing must begin on a new sheet of paper. This also applies to translations of the claims and abstract.

Section 32 Units of measurement must be expressed in compliance with the international system of units of measurement (SI). Generally, only such technical terms and signs are to be used as are generally approved in the field concerned.

Section 33 Communications, and accompanying documents, to be submitted to the Patent Office must be drawn up on white A4 size paper or prepared as corresponding electronic documents. The serial number of the application or of the patent must be marked on the first page of the communication.

Authorisation

Section 34 If the applicant wishes to appoint a representative, the applicant must submit a written power of attorney. To authorise a representative, the applicant must either give the name, domicile and complete postal address of the representative in the application document, signed by the applicant, or submit a special power of attorney, signed by the applicant, which, besides the above details, also contains the title of the invention or the serial number of the patent application. For possible opposition proceedings, the patent applicant may beforehand, in a power of attorney, grant their representative an authorisation to act on their behalf in the course of the opposition proceedings. The authorisation can also be given in a separate power of attorney once an opposition is lodged against a patent.

A general power of attorney may also be invoked in a case relating to a patent application or a patent.

A copy of a power of attorney, or a power of attorney sent by fax, or any other document by which the representative shows their authorisation is also accepted. The Patent Office is entitled to require the submission of the original power of attorney, if necessary.

Statement on the right to an invention

Section 35 If the applicant is not the inventor or they have not made the invention on their own, the applicant must give a statement on what they consider to be the basis for their right to the invention. The statement may contain an announcement that the invention has been transferred to the applicant for

example as an employee invention, or by agreement or inheritance. The statement must be given in the application form or be enclosed with the application.

3. PROCESSING OF PATENT APPLICATIONS

Uniformity

Section 36 If the application is lacking unity, i.e. the claims include inventions that are independent of one another (section 10 of the Patents Act; section 16 of the Patents Decree), the invention which is first mentioned in the claims is made the subject of the novelty search. The applicant is informed that the application lacks unity.

Once the Patent Office has conducted a novelty search of the invention first mentioned in the claims, the applicant is no longer allowed to limit their application to relate to an invention which is independent of the first invention.

When the applicant, after having been notified of lack of unity by the Patent Office, has limited the claims, they are deemed to have finally renounced, in the same application, the inventions which through limitation have been removed from the claims.

Section 37 If the applicant wishes to protect an independent invention contained in a pursued international application, the application must be divided (section 22 of the Patents Decree), and a new application fee must be paid even if the additional fee referred to in section 36 of the Patents Act has been paid.

Amendments to applications

Section 38 Numerical data and other definitions used in the factual determination of the invention may be added later to the claims only if they can be deemed to have a counterpart in the basic document. Changes that are corrections of obvious spelling and translation errors may, however, be made in the claims. In such case, however, it must be obvious that the change expresses the original meaning. When assessing this, the wording of the original text, or the contents of a possible priority document can be consulted.

Section 39 As regards the description and drawing, the applicant may make only such amendments and additions as are necessary clarifications or corrections, or amendments that are needed when adjusting the description to comply with new or amended claims. The amendments and additions may not be of the kind that gives a broader or different content to the claims than is justified by the basic document.

Section 40 When the applicant submits a new description, they must also give an assurance indicating to what extent the description is not literally consistent with a previously submitted description, and in what respect the amendment made means that something that is new and has an effect on the matter has been included in the new description.

Division and separation

Section 41 In connection with division or separation, the applicant must specify which parts of the parent application form the basis for the claims of a divisional or separated application.

The applicant must indicate in the parent application that a division or separation of the application has taken place.

Section 42 If the parent application has been rejected and no communication under section 19(1) of the Patents Act has been given, division and separation may take place as long as the period for appeal runs, irrespective of whether or not any appeals have been lodged.

If the parent application has been dismissed under section 15(2) of the Patents Act, and no communication under section 19(1) of the Patents Act has been given, division and separation may take place during the time limit within which the application may be taken up for further processing, irrespective of whether or not the application is taken up for further processing.

Withdrawal of application

Section 43 The applicant may withdraw their application by a written request, if there is no obstacle, as referred to in section 18 of the Patents Act, to the withdrawal. The withdrawal becomes effective on the day the request arrives to the Patent Office, if the request can be accepted by the office. The applicant will be informed whether the request has been accepted or rejected.

The barring effect on novelty of a previous application that will become available to the public at a later date

Section 44 Field of application:

For the purposes of section 2(2) of the Patents Act, an invention that is the subject of a patent application must be novel compared to what is presented in the following, previously filed applications covering Finland, even though they have not become available to the public before the date of priority or date of filing of the subsequent application:

- 1) Finnish patent or utility model applications which have become available to the public under section 22 of the Patents Act, or section 18 of the Act on Utility Model Rights;
- 2) European patent applications converted into Finnish patent or utility model applications which have become available to the public under section 22 of the Patents Act or section 18 of the Act on Utility Model Rights;
- 3) international applications which have been pursued in Finland in compliance with section 31 of the Patents Act or section 45 d of the Act on Utility Model Rights, or which have been taken up for processing in compliance with section 38 of the Patents Act, and which have become available to the public under section 22 of the Patents Act or section 18 of the Act on Utility Model Rights;
- 4) applications for a European patent, published in compliance with the European Patent Convention; and
- 5) international applications when they have been pursued in the European Patent Office and have been published in compliance with Article 153 of the European Patent Convention.

If an application referred to in paragraph 4 or 5 above has been filed before 13 December 2007, Finland must be designated in the application for a European patent or in an international application through an application for a European patent, and the designation of Finland must then have been confirmed or it will have to be confirmed.

Anticipatory effect:

The contents of an application according to subsection 1 are considered to have become known in the following cases:

- 1) For the purposes of section 2(2), second sentence, of the Patents Act, the basic document (section 21 of the Patents Decree) of a patent application according to paragraphs 1 to 3 are deemed to form a novelty bar as from the date of priority (section 6 of the Patents Act) to the extent they correspond with the priority document. Otherwise they form a novelty bar as from the filing date of the application.

- 2) When the novelty bar is formed by an earlier utility model application in compliance with paragraphs 1 to 3, the contents of the utility model application have, for the purposes of applying these regulations, the same effect as the contents of a patent application.
- 3) The description with drawings, and the claims as filed of a European patent application, or those of an international application as pursued in the European Patent Office, according to paragraphs 4 and 5, are juxtaposed with the basic document of a patent application when assessing the extent to which the contents of the application are considered to have become known as from the date of priority or date of filing.
- 4) The abstract and other documents, such as additions made in the description, written replies, and the priority document, constitute a novelty bar from the date on which the documents become available to the public.

Postponement of processing:

If the invention, for which patent is applied for, is not new in relation to what is presented in a previous, not yet public patent or utility model application under subsection 1(1 or 2), and if there are no other reasons for refusing the application, the final decision must generally be postponed until the previous application becomes available to the public or is decided on finally. This is the procedure to be followed also when the previous application is an international application under subsection 1(3) where Finland is designated and the contents of which are familiar to the Patent Office. The final decision to be taken on the subsequent application is postponed until the international application pursued in Finland has become available to the public or is deemed withdrawn.

Priority and its consequences

Section 45 If priority is claimed after the filing of the application, or if the applicant files a new priority claim or corrects a previously filed priority claim in compliance with section 10 of the Patents Decree, this must be done in a separate communication and within the time limit laid down in section 10 of the Patents Decree.

Section 46 Withdrawal of a priority claim must be made in a special communication, or in a communication referred to in section 45.

Section 47 Priority concerns all details appearing in the priority document.

The priority document may not be invoked for the purpose of including new contents into a patent application beyond the contents appearing from the basic document. Obvious mistakes or spelling errors may, however, be corrected with the support of the priority document.

Section 48 If there exists a valid priority claim when an application is made available to the public in compliance with section 22 of the Patents Act, the contents of the application must be regarded as known (section 2(2) of the Patents Act) from the date of priority onwards for those parts which correspond to the priority document.

Communication of approval

Section 49 Once the description, claims, abstract and possible drawings are acceptable as such or with changes so simple that it is obviously unnecessary to inform the applicant of them in advance, the Patent Office issues an office action, i.e. a communication of approval, enclosing the documents that show the form in which the Patent Office intends to grant the patent (section 29 a of the Patents Decree). If the application still contains deficiencies regarding the formal requirements, the applicant is invited to correct them.

The applicant must within the time limit given in the communication of approval submit their statement as to whether they accept the form in which the Patent Office intends to grant the patent, and remove the deficiencies indicated in the approval. The applicant need not return the documents which the Patent Office has submitted with the communication of approval.

If the applicant wishes to have a print-out of the letters patent, they must request for it when they reply to the communication of approval.

Communication to the applicant that the application is acceptable

Section 50 The communication under section 19(1) of the Patents Act that the application is acceptable is not given before the application conforms to the relevant provisions and the applicant has approved the form in which the patent is to be granted.

The communication under section 19(1) of the Patents Act is not binding upon the Patent Office. If an obstacle appears, the processing of the application will be continued. If the application is acceptable in the amended form and also the applicant accepts the form in which the Patent Office intends to grant the patent, a new communication under section 19(1) of the Patents Act is given to replace the earlier one.

Postponing grant of patent

Section 51 For a request for postponing the grant of a patent (section 30 of the Patents Decree) to be accepted, the applicant must request it and pay a publication fee to the Patent Office within the time limit laid down in section 19 of the Patents Act. The request must be made in a separate communication.

4. OPPOSITION

Section 52 The opposition document (opposition together with a statement of the grounds) must be submitted in Finnish or in Swedish.

Section 53 The opposition and accompanying documents as well as the patent holder's and the opponent's later communications and accompanying documents must be submitted in one copy, unless otherwise requested by the Patent Office.

Section 54 When one or more oppositions complying with the provisions have been lodged against a patent, the patent holder is sent an accompanying letter on account of the opposition, and a time limit is set for their response. The documents relating to the opposition that have not previously been delivered to the patent holder are enclosed with the accompanying letter.

If the patent holder replies on account of the opposition, the opponent who lodged the opposition complying with the provisions is notified of the patent holder's response. A time limit is set for the opponent to respond. If the opponent responds, the patent holder is notified of it, and a time limit is set for the patent holder to respond. If the patent holder responds, the opponent is notified of it.

Before a decision is made in an opposition case, both of the parties may submit a written request for an oral hearing. The Patent Office decides on the necessity of an oral hearing and summons all parties to it. An oral hearing can be held although one of the parties does not take part in it. The parties may engage own experts for the oral hearing. The Patent Office draws up a memorandum about the hearing. The main points revealed at the hearing are recorded in the memorandum. The memorandum is made known to all parties. The Patent Office decides on any correspondence after the oral hearing.

Section 55 If an action for better right to a patent, against which an opposition has been lodged, has been brought before the Market Court, the opposition procedure is not begun or it is interrupted until a final decision on the claim for better right has been taken.

5. LIMITATION AND TERMINATION OF A PATENT

Section 56 When a request for limitation is made, the description, claims and drawings, accompanying the request, must be filed in one copy.

Section 57 The patent holder must give an assurance indicating that the description complies with the description of the patent granted, or, if the description has been amended, to what extent it is not literally consistent with the latest filed description, and in what respect the amendment means that something that is new and relevant to the matter has been included in the new description.

Section 58 If the request for termination under section 54 of the Patents Act is deficient, the patent holder is invited to remedy the deficiencies within the time limit laid down in section 63.

6. TRANSLATION OF DOCUMENTS FILED IN A PATENT MATTER

Section 59 A translation of the priority document need not be submitted, unless the Office considers that the legality of the priority claim has significance in determining whether the invention concerned is patentable.

Section 60 A translation referred to in section 31 of the Patents Act must contain the description, claims, abstract and possible drawings.

Unless the Patent Office specifically requires it, the translation does not have to contain such part of the application which the International Searching Authority has considered to form an independent invention and for which the applicant has not paid an additional fee to the International Authority (Article 17(3)(a) of the Patent Cooperation Treaty), and it may also be limited to comprise only that part of the application with which the applicant proceeds after having made an amendment before the WIPO International Bureau (Article 19(1) and 19(2) of the Patent Cooperation Treaty). Neither needs the translation contain that part of the international application with which the applicant does not proceed after having made an amendment before the International Preliminary Examining Authority (Rule 66 of the Patent Cooperation Treaty), or because of the special provision under section 1(2–4) of the Patents Act.

If the applicant wishes to make use of the opportunity, under subsection 2, to leave out a specific part of the application, they must give an assurance which clearly indicates which part of the application is not contained in the translation, and also give the reason for leaving it out.

Section 61 The requirements as to form issued in sections 28 to 31 apply, where applicable, to translations filed with the Patent Office, and to corrections of them.

Section 62 The applicant, patent holder, their representative or the translator in question must give a written assurance that the translation of documents filed in a patent matter corresponds to the original documents. The Patent Office may order, for special reasons, that a translation must be certified in some other manner.

7. TIME LIMITS

Section 63 The time limits specified by the Patent Office are computed from the dates of taking the decisions:

Processing of patent applications

- invitation under section 8 b, 8 c, or 8 d of the Patents Act	2 months
- office action on formal deficiencies	2–3 months
- technical office action on account of a novelty search or a new obstacle	4 months
- other technical office action	2–3 months
- communication of approval (section 29 a of the Patents Decree)	3 months

Opposition

- remedying of deficiencies (section 34(2) of the Patents Decree)	2 months
- accompanying letter on account of an opposition (section 24(4) of the Patents Act)	4 months
- submission of a response (section 54 of the Patent Regulations)	2–3 months
- submission of a translation (section 24(2) of the Patents Act)	2 months

Limitation of a patent

- remedying of deficiencies (section 53a(2) of the Patents Act)	2 months
- submission of a response (section 53d(1) of the Patents Act)	2 months

Termination of a patent

- remedying of deficiencies (section 58 of the Patent Regulations)	2 months
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Complying with time limits

- submission of a response under section 71a(4) of the Patents Act	2 months
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Proper title to an invention

- institution of proceedings before a court (section 17 of the Patents Act)	2 months
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Section 64 The Patent Office may extend the time limits stated in section 63 for special reasons.

The Patent Office may also, at the request of the applicant, extend the time limits stated in section 63 for special reasons. The request, together with a statement of the reasons, must be filed before the time limit the request concerns expires. However, reasons need not be given for requests for extending, by two months, the time limit for replies to technical office actions on account of a novelty search or a new obstacle referred to in section 63.

Section 65 The applicants may on their own initiative correct any deficiencies referred to in section 8c of the Patents Act within two months of the date of receipt of the application or, at the Patent Office's request, within the time limit provided in section 63.

8. ENTRY INTO FORCE, PUBLICATION AND INFORMATION

Section 66 The regulations enter into force on 1 March 2019 and remain in force indefinitely.

These regulations repeal the Patent Regulations adopted by the Finnish Patent and Registration Office on 1 December 2014.

Section 67 The regulations are included in the Series of Regulations issued by the Finnish Patent and Registration Office, and they can be obtained from its Customer Service:

Street address Sörnäisten rantatie 13 C, Helsinki, Finland
Postal address FI-00091 PRH, Finland
Telephone +358 29 509 5000
Fax +358 29 509 5328
Website www.prh.fi

Helsinki 12 February 2019

Director General

Mr Antti Riivari

Director

Mr Jorma Hanski

**Annex 1 SPECIAL ORDERS FOR THE PROCESSING OF SUCH PATENT APPLICATIONS RELATING TO
FOODSTUFFS OR MEDICINAL PRODUCTS AS HAVE BEEN OR ARE DEEMED TO HAVE BEEN
FILED BEFORE 1 JANUARY 1995**

Annex 2 SPECIAL ORDERS CONCERNING ELECTRONIC FILING

Annex 1. SPECIAL ORDERS FOR THE PROCESSING OF SUCH PATENT APPLICATIONS RELATING TO FOODSTUFFS OR MEDICINAL PRODUCTS AS HAVE BEEN OR ARE DEEMED TO HAVE BEEN FILED BEFORE 1 JANUARY 1995

Section 1 On the basis of the transitional provisions and entry into force of the Patents Act, by way of derogation from the provisions of section 1 of the Patents Act, patent is not granted for the product itself, but for the method of producing it, when the invention relates to foodstuffs or medicinal products and the patent application has been or is deemed to have been filed before 1 January 1995.

Section 2 A patent application may relate either to a novel method to produce foodstuffs or medicinal products or to one or more analogy methods referred to in section 3 for the manufacture of a new chemical component or group of chemical components. Before carrying out a novelty search, the applicant must make clear whether they are seeking protection for a new method or for an analogy method.

Section 3 A patent can be granted to a method for manufacturing a product, even though the method as such does not contain any new patentable matter (analogy method), if the novelty in the invention is purported to be contained in the product. It must appear from the claim that the product is a foodstuff or a medicinal product. A patent is granted only if the product is new and it has unexpected and valuable characteristics, which fact must appear at least from the description.

Section 4 It is possible to include in the first independent claim analogy methods for the production of one and the same foodstuff or medicinal product that differ from each other. The product presented may be a chemical composition or a group of chemical compounds with closely resembling (similar) chemical structure, which have the same general chemical structural formula and the same unexpected and valuable characteristics.

Section 5 It is only possible to include in the claim such analogy methods as have been presented with examples in the description.

Section 6 Additional reactions, which may be polyphasic, may be connected with the main reaction. The additional reactions can be protected by means of the same patent as the main reaction, if the following conditions are met:

- 1) the structures of the end products obtained by means of the additional reaction and the main reaction are closely related and they can be expressed by the same general chemical structural formula;
- 2) the end products from both the additional reaction and the main reaction possess the same unexpected and valuable characteristics;
- 3) the additional reaction is customary as a method.

Section 7 Notwithstanding the provisions in sections 2 and 3 above, an earlier application which in compliance with the provisions of section 22 of the Patents Act becomes available to the public and from which the chemical compound and its characteristics have become known does not form an obstacle to the granting of such later patent application whose date of filing or date of priority is earlier than the date on which the earlier application became available to the public, and in which patent is applied for for such analogy method for the preparation of the compound in question as does not clearly appear from the previous application.

Annex 2. SPECIAL ORDERS CONCERNING ELECTRONIC FILING

Section 1 Electronic filing is governed by the currently applicable Act on Electronic Services and Communication in the Public Sector (Statutes of Finland: 13/2003 as amended).

Section 2 Annex F (Standard for the Filing and Processing in Electronic Form of International Applications) of the Administrative Instructions under the WIPO Patent Cooperation Treaty (PCT) is applicable in electronic filing.

Section 3 Documents must be filed in the manner specified on the www.prh.fi website of the Finnish Patent and Registration Office, for use in electronic filing in national patent matters and in matters relating to validation of European patents.

Section 4 Electronic identity cards (Finnish Identity Card Act 663/2016), other filing cards or certificates, or other identification techniques which ensure data security and verifiability, recognised by the Finnish Patent and Registration Office, are used in electronic filing. The communication certificates recognised by the Finnish Patent and Registration Office, and the bodies issuing them, is found on the website www.prh.fi.

Section 5 The description, claims and drawings may also be attached to the application in their original data file form. Obvious mistakes or typing errors may be rectified at the applicant's request in compliance with the original data file form.

Section 6 The sender's email address, or their representative's email address, must be indicated in the document.

Section 7 The sender delivers the documents on their own responsibility.

Section 8 Documents can be submitted to the Finnish Patent and Registration Office electronically every day and around the clock.

Section 9 The application is accorded a filing date which is the day when the application has been delivered and when the Finnish Patent and Registration Office has access to the application documents.

Section 10 The Finnish Patent and Registration Office confirms the receipt of the documents.