Public Disclosure Grace Periods Around the World

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

Sterne Kessler’s Global Patent Prosecution Newsletter is designed to help meet the needs of biotech/pharmaceutical companies regarding global patent prosecution strategies. For more information, please contact Matthew A. Smith, Ph.D. or Paul A. Calvo, Ph.D. If you wish to unsubscribe from this and other newsletters, please click on the unsubscribe link below.

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

By: Jeremiah B. Frueauf and Matthew A. Smith, Ph.D.

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

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

Patent Grace Periods and Public Disclosures - May 2017

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

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By: Matthew A. Smith, Ph.D. and Jeremiah B. Frueauf


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


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Worldwide Public Disclosure Grace Periods - May 2017

By: Matthew A. Smith, Ph.D. and Andrea Yates

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