



The Questionnaire - for an Intellectual Property Guide in the Tempus IP-Med Project

For your country please answer the following questions, please be as thorough as possible. For our purposes in particular we would ask you to enter them at: www.etc....

For each of the subject matter areas below, please

1. Identify the national legislation; and provide a link or a pdf of the legislation;
2. Provide the title of the national treatise on the topic. If one is not available, please provide the one that is in common use as a treatise, even if from another jurisdiction;
3. Provide the title and leading cases, especially on the sub-topics identified. Please provide a first draft at a summary of the basis, reasoning and ruling of the case.

If there is no data or document on the issue, please do note this as well.

a. Copyright

- i. National legislation
- ii. Leading National Treatise
- iii. Leading cases (especially on the topics below)
 1. Originality
 2. Work-for-hire
 3. Fair use/exceptions and limitations

b. Designs

- i. National legislation
- ii. Leading National Treatise
- iii. Leading cases (especially on the topics below)
 1. Functionality limits
 2. Spares and repairs

c. Patents

- i. National legislation
- ii. Leading National Treatise
- iii. Leading cases (especially on the topics below)

1. Subject Matter
 - a. Computer programs and business methods
 - b. Genes, plants and animals
 - c. Diagnostic and therapeutic methods
 2. Equivalents/scope of protection
- d. Utility Models/petty Patents
- i. National legislation
 - ii. Leading National Treatise
 - iii. Leading cases (especially on the topics below)
 1. Border between patents and utility models
- e. Trademarks
- i. National legislation
 - ii. Leading National Treatise
 - iii. Leading cases (especially on the topics below)
 1. Non-traditional Subject matter
 2. Grounds for refusal - Technical and shape limits
 3. Famous marks – protection beyond confusion to damage to reputation, distinctiveness, taking unfair advantage.
- f. Geographical Indications
- i. National legislation
 - ii. Leading National Treatise
 - iii. Leading cases (especially on the topics below)
 1. Prior use
- g. Trade Secrets
- i. National legislation
 - ii. Leading National Treatise
 - iii. Leading cases (especially on the topics below)
- h. Unfair competition
- i. National legislation
 - ii. Leading National Treatise
 - iii. Leading cases (especially on the topics below)
 1. Scope of protection – below confusion? Above imitation?
- i. Databases
- i. National legislation

1. With annotations
 2. Specific areas
- ii. Leading National Treatise
 - iii. Leading cases (especially on the topics below)



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