

# A Guide to Grace Periods for Patents, Designs, and Utility Models

## What is a Grace Period?

In most countries, when obtaining protection for a valid patent, utility model, or design, the subject matter must have novelty over the relative prior art, which refers to any materials that were publicly available before the filing date. In general, this is an 'absolute novelty' requirement. However, some countries operate a 'grace period' in relation to the novelty requirement. The grace period is whereby publication of the invention or design for a limited period before filing the application for a patent, utility model or registered design does not invalidate the resulting rights. Usually, such publications are limited to:

- Publication by the inventor/designer or with their authorisation; and
- Publication of the invention or design made in breach of confidence

## What's the Difference Between a Patent, Utility Model and Registered Design?

**Patents** grant rights over a new technical solution that addresses a specific technical problem, provided such a solution demonstrates an inventive concept. The scope of protection is determined by the wording of the claims of the patent. Typically, patents have a maximum duration of 20 years from filing. Requirements for obtaining patents are that the invention has (1) novelty, meaning it cannot have been disclosed anywhere in the world before the earliest effective filing date, known as the priority date (including publications, public use, or sales), (2) involves an inventive step, meaning it is not obvious to a person skilled in the relevant technical field, and (3) must be capable of being made or used in some kind of industry. Most countries have a patent system.

**Utility Models** (also known as short term, or petty patents) protect the technical solutions in much the same way as an invention. In all respects a utility model is very similar to a patent, except the term is usually shorter, typically 10 years from filing. The requirements are either 'novelty only', or 'novelty and inventive merit' or 'inventive character', depending on the country. Typically, utility models are easier to obtain than patents because there is either no requirement to show a full inventive step, or the requirement to show inventive merit is much lower than that required for a full patent. Utility model rights are not uniformly recognised worldwide; many countries do not have a utility model system.

**Registered Designs** generally protect the appearance of a product (its aesthetic aspects) rather than technical functionality. The period for registered designs varies from state to state, with a maximum term typically being between 10 or 25 years from filing, depending on the territory. There is generally a novelty only requirement for registration. Protection is by line drawing or photographic representations. In the UK, the registration of a design gives the registered

proprietor the exclusive right to use the design and any design which does not produce on the informed user a different overall impression. In determining whether a design produces a different overall impression on the informed user, the degree of freedom of the author in creating his design shall be taken into consideration (ref Section 7 of the United Kingdom's Registered Designs Act 1949). Other countries have different local novelty requirements.

While they offer a vital second chance, grace periods are far from universal, varying significantly between patents, designs, and utility models, and across different international jurisdictions. To help navigate these differences, in the following pages we have put together a handy look-up table listed by jurisdiction. We have made best endeavours to ensure that the grace periods listed are correct at the time of writing. Grace periods may have changed since this article was created. Please consult us for up-to-date information on any particular country.

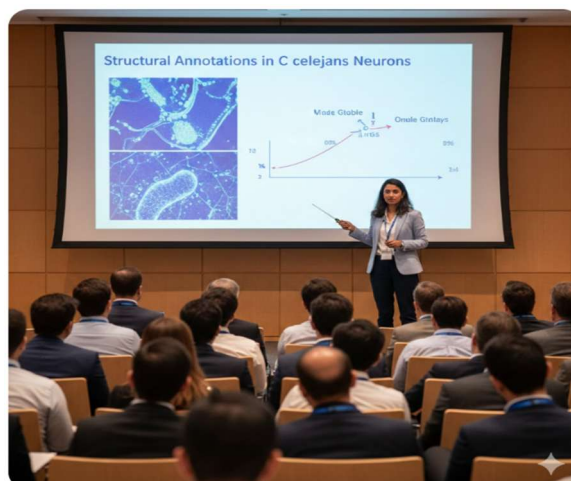
## Public Disclosure

A public disclosure can be made either:

- By the inventor / designer or with the inventor's or designers or right holder's permission; or
- In breach of confidence
- At an exhibition or in a research paper.

The grace periods shown in the table following relate to general public disclosures with the inventor's, designer's or right holder's permission. If a public disclosure is made in breach of an obligation of confidentiality, then some states also allow for valid patent or design rights to be filed by the person entitled to the right, for a short period after public disclosure. These periods are not shown in the following tables.

If you have situation where a public disclosure has been made in breach of an obligation of confidence, please contact us for specific advice. Similarly, where the disclosure was made at a conference, in a research paper, by a patent application of the applicant, or at a qualifying exhibition. In some cases, these types of public disclosures are especially exempted, and specific advice needs to be sought in each country of interest.



The presentation of a research paper at an exhibition or conference would be classed as public disclosure

## Grace Periods for Patents, Utility Models and Designs in States Party to the PCT, Paris Convention or Members of the World Trade Organization

States/Members	Patents	Utility Models	Designs
<b>Afghanistan (AF)</b>	Corresponding law difficult to interpret	NONE	No corresponding law access
<b>Albania (AL)</b>	6 months	6 months	12 months
<b>Algeria (DZ)</b>	12 months	N/A	NONE
<b>Andorra (AD)</b>	6 months	N/A	No corresponding law access
<b>Angola (AO)</b>	6 months	Novelty requirement is not clear	NONE
<b>Antigua and Barbuda (AG)</b>	12 months	12 months	12 months
<b>Argentina (AR)</b>	12 months	12 months	6 months
<b>Armenia (AM)</b>	12 months	12 months	12 months
<b>Australia (AU)</b>	12 months	12 months	Grace period is mentioned but not specified
<b>Austria (AT)</b>	6 months	6 months	12 months
<b>Azerbaijan (AZ)</b>	12 months	12 months	12 months
<b>Bahamas (BS)</b>	12 months	N/A	No corresponding law access
<b>Bahrain (BH)</b>	12 months	N/A	6 months
<b>Bangladesh (BD)</b>	Corresponding law difficult to interpret	N/A	Corresponding law difficult to interpret
<b>Barbados (BB)</b>	12 months	N/A	6 months
<b>Belarus (BY)</b>	12 months	12 months	6 months
<b>Belgium (BE)</b>	6 months / EP	N/A	12 months
<b>Belize (BZ)</b>	12 months	12 months	12 months
<b>Benin (BJ)</b>	6 months*	6 months*	No corresponding law access
<b>Bhutan (BT)</b>	12 months	N/A	12 months
<b>Bolivia (Plurinational State of) (BO)</b>	12 months	N/A	No corresponding law access
<b>Bosnia and Herzegovina (BA)</b>	6 months	N/A	12 months
<b>Botswana (BW)</b>	12 months / 6 months**	12 months / 6 months**	12 months in accordance with the provisions to the national law**
<b>Brazil (BR)</b>	12 months	12 months	180 days
<b>Brunei Darussalam (BN)</b>	12 months	N/A	12 months
<b>Bulgaria (BG)</b>	6 months	6 months	12 months
<b>Burkina Faso (BF)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Burundi (BI)</b>	12 months	12 months	NONE
<b>Cambodia (KH)</b>	12 months	12 months	12 months
<b>Cameroon (CM)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Canada (CA)</b>	12 months	N/A	12 months
<b>Cabo Verde (CV)</b>	12 months / 6 months**	12 months / 6 months**	12 months in accordance with the provisions to the national law**
<b>Central African Republic (CF)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Chad (TD)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Chile (CL)</b>	12 months	12 months	NONE
<b>China (CN)</b>	6 months	6 months	6 months
<b>Colombia (CO)</b>	12 months	12 months	NONE
<b>Comoros (KM)</b>	6 months* Grace period is not mentioned in the national law	6 months* Utility models are not mentioned in the national law	Grace period is mentioned but not specified
<b>Congo (CG)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Costa Rica (CR)</b>	12 months	12 months	NONE
<b>Côte d'Ivoire (CI)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Croatia (HR)</b>	6 months	6 months	12 months
<b>Cuba (CU)</b>	Grace period is mentioned but not specified	Grace period is mentioned but not specified	Grace period is mentioned but not specified
<b>Cyprus (CY)</b>	6 months EP	N/A	12 months
<b>Czechia (CZ)</b>	6 months	6 months	NONE
<b>DPR of Korea (KP)</b>	6 months	6 months	NONE
<b>DR Congo (CD)</b>	6 months	N/A	6 months
<b>Denmark (DK)</b>	6 months	6 months	12 months
<b>Djibouti (DJ)</b>	12 months	N/A	12 months
<b>Dominica (DM)</b>	12 months	12 months	12 months

<b>Dominican Republic (DO)</b>	12 months	12 months	12 months
<b>Ecuador (EC)</b>	12 months	12 months	NONE
<b>Egypt (EG)</b>	6 months	6 months	6 months
<b>El Salvador (SV)</b>	12 months	12 months	24 months
<b>Equatorial Guinea (GQ)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Estonia (EE)</b>	12 months	12 months	12 months
<b>Ethiopia (ET)</b>	12 months	6 months	12 months
<b>Eurasian Patent Organisation</b>	6 months	N/A	N/A
<b>European Patent / Unitary Patent Protection / Community Design</b>	6 months	N/A	N/A
<b>Fiji (FJ)</b>	12 months	N/A	6 months
<b>Finland (FI)</b>	6 months	6 months	12 months
<b>France (FR)</b>	6 months / EP	6 months	12 months
<b>Gabon (GA)</b>	6 months* No corresponding national law access	6 months* No corresponding national law access	No corresponding law access
<b>Gambia (GM)</b>	6 months / 6 months** / GB patent extension	6 months / 6 months**	NONE **
<b>Georgia (GE)</b>	12 months	12 months	12 months
<b>Germany (DE)</b>	6 months	6 months	12 months
<b>Ghana (GH)</b>	12 months / 6 months**	12 months / 6 months**	12 months in accordance with the provisions to the national law**
<b>Greece (GR)</b>	6 months / EP	6 months	12 months
<b>Grenada (GD)</b>	12 months	12 months	N/A
<b>Guatemala (GT)</b>	12 months	12 months	6 months
<b>Guinea (GN)</b>	6 months* / No corresponding national law access	6 months* / No corresponding national law access	No corresponding law access
<b>Guinea-Bissau (GW)</b>	6 months* / No corresponding national law access	6 months* / No corresponding national law access	No corresponding law access
<b>Guyana (GY)</b>	6 months	N/A	6 months
<b>Haiti (HT)</b>	No corresponding law access	N/A	No corresponding law access
<b>Holy See (VA)</b>	6 months	6 months	12 months
<b>Honduras (HN)</b>	12 months	12 months	N/A
<b>Hong Kong, China (HK)</b>	Not a WIPO member	Not a WIPO member	Not a WIPO member
<b>Hungary (HU)</b>	6 months	6 months	12 months
<b>Iceland (IS)</b>	6 months	N/A	12 months
<b>India (IN)</b>	12 months	N/A	6 months
<b>Indonesia (ID)</b>	6 months	N/A	N/A
<b>Iran (Islamic Republic of) (IR)</b>	6 months	N/A	NONE
<b>Iraq (IQ)</b>	NONE	N/A	NONE
<b>Ireland (IE)</b>	6 months / EP	N/A	12 months
<b>Israel (IL)</b>	6 months	N/A	12 months
<b>Italy (IT)</b>	6 months	6 months	12 months
<b>Jamaica (JM)</b>	12 months	12 months	12 months
<b>Japan (JP)</b>	12 months	12 months	12 months
<b>Jordan (JO)</b>	12 months	N/A	12 months
<b>Kazakhstan (KZ)</b>	6 months	6 months	6 months
<b>Kenya (KE)</b>	12 months / 6 months**	12 months / 6 months**	12 months in accordance with the provisions to the national law**
<b>Kuwait (KW)</b>	Law is difficult to interpret	Law is difficult to interpret	Law is difficult to interpret
<b>Kyrgyzstan (KG)</b>	12 months	6 months	6 months
<b>Lao PDR (LA)</b>	NONE	12 months	NONE
<b>Latvia (LV)</b>	6 months / EP	N/A	12 months
<b>Lebanon (LB)</b>	NONE	N/A	NONE
<b>Lesotho (LS)</b>	6 months / 6 months**	6 months / 6 months**	6 months in accordance with the provisions to the national law**
<b>Liberia (LR)</b>	12 months / 6 months**	12 months / 6 months**	12 months in accordance with the provisions to the national law**
<b>Libya (LY)</b>	NONE	N/A	NONE
<b>Liechtenstein (LI)</b>	6 months / EP	N/A	12 months
<b>Lithuania (LT)</b>	6 months / EP	N/A	12 months
<b>Luxembourg (LU)</b>	6 months	N/A	12 months
<b>Macao, China (MO)</b>	6 months	6 months	6 months
<b>Republic of North Macedonia (MK)</b>	6 months	N/A	12 months
<b>Madagascar (MG)</b>	6 months	N/A	6 months

<b>Malawi (MW)</b>	Grace period is mentioned but not specified / 6 months**	N/A / 6 months**	Grace period not specified. In accordance with the provisions to the national law**
<b>Malaysia (MY)</b>	12 months	12 months	6 months
<b>Maldives (MV)</b>	No corresponding IP law	N/A	No corresponding IP law
<b>Mali (ML)</b>	6 months* / No Grace Period mentioned in national law	6 months* / No utility models mentioned in national law	No corresponding IP law
<b>Malta (MT)</b>	6 months / EP	N/A	12 months
<b>Mauritania (MR)</b>	6 months*	6 months*	No corresponding IP law
<b>Mauritius (MU)</b>	12 months	12 months	12 months
<b>Mexico (MX)</b>	12 months	NONE	NONE
<b>Monaco (MC)</b>	NONE / EP	N/A	10 years
<b>Mongolia (MN)</b>	12 months	12 months	6 months
<b>Montenegro (ME)</b>	6 months / EP	N/A	12 months
<b>Morocco (MA)</b>	Law is difficult to interpret	Law is difficult to interpret	Law is difficult to interpret
<b>Mozambique (MZ)</b>	12 months / 6 months**	12 months / 6 months**	NONE / NONE**
<b>Myanmar (MM)</b>	NONE	NONE	NONE
<b>Namibia (NA)</b>	6 months / 6 months**	6 months / 6 months**	12 months in accordance with the provisions to the national law**
<b>Nepal (NP)</b>	NONE	N/A	NONE
<b>Netherlands (NL)</b>	6 months / EP	N/A	12 months
<b>New Zealand (NZ)</b>	12 months	N/A	6 months
<b>Nicaragua (NI)</b>	12 months	12 months	12 months
<b>Niger (NE)</b>	6 months*	6 months*	No access to corresponding law
<b>Nigeria (NG)</b>	6 months	N/A	6 months
<b>Norway (NO)</b>	6 months	N/A	12 months
<b>Oman (OM)</b>	12 months	12 months	12 months
<b>Pakistan (PK)</b>	12 months	N/A	12 months
<b>Panama (PA)</b>	12 months	12 months	12 months
<b>Papua New Guinea (PG)</b>	12 months	N/A	12 months
<b>Paraguay (PY)</b>	12 months	12 months	6 months
<b>Peru (PE)</b>	12 months	12 months	NONE
<b>Philippines (PH)</b>	12 months	12 months	12 months
<b>Poland (PL)</b>	6 months	6 months	12 months
<b>Portugal (PT)</b>	6 months	Grace period is not mentioned	12 months
<b>Qatar (QA)</b>	NONE	N/A	Law is difficult to interpret
<b>Romania (RO)</b>	6 months	6 months	12 months
<b>Russian Federation (RU)</b>	12 months	6 months	12 months
<b>Rwanda (RW)</b>	12 months / 6 months**	12 months / 6 months**	6 months in accordance with the provisions to the national law **
<b>Saint Kitts and Nevis (KN)</b>	12 months	NONE	No access to corresponding law
<b>Saint Lucia (LC)</b>	No access to corresponding law	N/A	12 months
<b>Saint Vincent and the Grenadines (VC)</b>	12 months	12 months	12 months
<b>Samoa (WS)</b>	12 months	12 months	NONE
<b>San Marino (SM)</b>	6 months / EP	N/A	12 months
<b>Sao Tome and Principe (ST)</b>	12 months / 6 months**	12 months / 6 months**	12 months in accordance with the provisions to the national law**
<b>Saudi Arabia (SA)</b>	12 months	N/A	6 months
<b>Senegal (SN)</b>	6 months* No access to corresponding law	6 months* No access to corresponding law	No access to corresponding law
<b>Serbia (RS)</b>	6 months	6 months	12 months
<b>Seychelles (SC)</b>	12 months / 6 months**	12 months / 6 months**	6 months in accordance with the provisions to the national law**
<b>Sierra Leone (SL)</b>	12 months / GB patent extension with 6m grace period / 6 months**	NONE 6 months**	Grace period not mentioned. In accordance with the provisions to the national law**
<b>Singapore (SG)</b>	12 months	N/A	12 months
<b>Slovakia (SK)</b>	6 months	6 months	12 months
<b>Slovenia (SI)</b>	6 months / EP	6 months	12 months
<b>South Africa (ZA)</b>	Grace period is mentioned but not specified	N/A	Grace period is mentioned but not specified
<b>Spain (ES)</b>	6 months	6 months	12 months
<b>Eswatini (SZ)</b>	6 months / 6 months**	No access to corresponding law 6 months**	No access to corresponding law
<b>Sweden (SE)</b>	6 months	N/A	12 months
<b>Sudan (SD)</b>	6 months / 6 months**	N/A / 6 months**	6 months in accordance with the provisions to the national law**
<b>Suriname (SR)</b>	No access to corresponding law	No access to corresponding law	No access to corresponding law

<b>Sri Lanka (LK)</b>	12 months	N/A	6 months
<b>Switzerland (CH)</b>	6 months	N/A	12 months
<b>Syrian Arab Republic (SY)</b>	NONE	NONE	6 months
<b>Taiwan, Province of China (TW)</b>	Not a WIPO member	Not a WIPO member	Not a WIPO member
<b>Tajikistan (TJ)</b>	6 months	6 months	6 months
<b>Thailand (TH)</b>	12 months	12 months	NONE
<b>Timor Leste (TL)</b>	No mention of grace period	NONE	No access to corresponding law
<b>Togo (TG)</b>	6 months* No access to corresponding law	6 months* No access to corresponding law	No access to corresponding law
<b>Tonga (TO)</b>	12 months	12 months	12 months
<b>Trinidad and Tobago (TT)</b>	12 months	12 months	12 months
<b>Tunisia (TN)</b>	12 months	N/A	NONE
<b>Turkey (TR)</b>	12 months	12 months	12 months
<b>Turkmenistan (TM)</b>	6 months	N/A	6 months
<b>Uganda (UG)</b>	12 months / 6 months**	12 months / 6 months**	NONE. In accordance with the provisions to the national law **
<b>Ukraine (UA)</b>	6 months	6 months	12 months
<b>United Arab Emirates (AE)</b>	12 months	12 months	12 months
<b>United Kingdom (GB)</b>	6 months @	N/A	12 months
<b>United Republic of Tanzania (TZ)</b>	6 months**. Grace period is mentioned but not specified	12 months / 6 months**	In accordance with the provisions to the national law. Grace period not specified **
<b>United States of America (US)</b>	12 months	NONE	12 months
<b>Uruguay (UY)</b>	12 months	12 months	6 months
<b>Uzbekistan (UZ)</b>	6 months	6 months	6 months
<b>Venezuela (Bolivarian Republic of) (VE)</b>	NONE	N/A	NONE
<b>Vietnam (VN)</b>	6 months	6 months	6 months
<b>Yemen (YE)</b>	12 months	12 month – although not clearly mentioned	6 months
<b>Zambia (ZM)</b>	12 months / 6 months**	12 months / 6 months**	6 months in accordance with the provisions to the national law **
<b>Zimbabwe (ZW)</b>	6 months / 6 months**	12 months / 6 months**	6 months in accordance with the provisions to the national law **

## Notes

\* Via OAPI patent application. No national filing

\*\* Via ARIPO patent application. In addition to filing a national patent application

EP Closed national route for PCT applications. Filing a patent application via EP route or directly to IB only

@ applies to breach of confidence only

## Extension of Existing UK Patents Abroad

Granted UK patents can be extended to countries listed in the table below. This means that each of these countries accepts UK patents as being protected in that country after completing local formalities.

Country	Time Limit
<b>Anguilla</b>	3 years from date of grant of UK patent
<b>Antigua and Barbuda</b>	Independent registration only
<b>Bahamas</b>	Independent registration only
<b>Bermuda</b>	3 years from date of grant of UK patent
<b>British Indian Ocean Territory</b>	UK patents are extended automatically
<b>British Virgin Islands</b>	3 years from date of grant of UK patent
<b>Brunei Darussalam</b>	Re-registration is not available for a GB or EP(GB) patent with filing date on or after 01 Jan 2012
<b>Turks and Caicos Islands</b>	5 years from date of grant of UK patent
<b>Cayman Islands</b>	Any time after date of grant of UK patent (no time limit)
<b>Falkland Islands</b>	3 years from date of grant of UK patent
<b>Fiji</b>	3 years from date of grant of UK patent
<b>Gambia</b>	3 years from date of grant of UK patent
<b>Gibraltar <sup>1</sup></b>	3 years from date of grant of UK patent
<b>Grenada</b>	3 years from date of grant of UK patent
<b>Guernsey</b>	Any time after date of issue of UK patent (no time limit)

<b>Guyana</b>	3 years from date of grant of UK patent
<b>Isle of Man</b>	UK patent included automatically
<b>Jersey</b>	3 years from date of grant of UK patent
<b>Kiribati</b>	3 years from date of grant of UK patent
<b>Montserrat</b>	3 years from date of grant of UK patent
<b>Nauru</b>	3 years from date of grant of UK patent
<b>Saint Helena</b>	3 years from date of grant of UK patent
<b>Saint Lucia</b>	3 years from date of grant of UK patent
<b>Saint Vincent</b>	3 years from date of grant of UK patent
<b>Seychelles</b>	3 years from date of grant of UK patent
<b>Siera Leone</b>	3 years from date of grant of UK patent
<b>Solomon Islands</b>	3 years from date of grant of UK patent
<b>Tuvalu</b>	3 years from date of grant of UK patent
<b>Vanuatu</b>	3 years from date of grant of UK patent
<b>Zanzibar</b>	3 years from date of grant of UK patent

<sup>1</sup> PCT applications filed from 1 January 2021, which are subsequently granted in the UK, will automatically provide patent protection in Gibraltar. Gibraltar has own IP-laws, is a member of the Paris Convention and not a WIPO member. There is no national route to obtain a patent.

## Changing Laws and the Need to Obtain Local Advice

The above grace periods are believed to be correct at the time of writing. However, local laws change on an ongoing basis, therefore the information provided is not to be relied on as definitive legal advice and always needs to be checked with a qualified patent attorney in each country of interest.

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