Appendix C-21

Calculation of Term of a U.S. Patent

I. A patent which issues based on an application filed prior to June 8, 1995 will have a term that is the longer of 17 years from the date of issue or 20 years from the filing date of the application.

II. A patent which issues based on an application filed on or after June 8, 1995 will have a mandatory term of 20 years from the filing date.

III. A patent which issues based on an application filed on or after June 8, 1995, which application is a continuation or divisional of an application(s) filed prior to June 8, 1995, will have a mandatory term of 20 years from the first application filed in U.S.1

IV. A patent which issues based on a PCT application filed on or after June 8, 1995 will have a term of 20 years from the PCT filing date, regardless of whether the continuation route or national stage entry is selected.

V. A patent which issues from a national stage application based on a PCT application filed prior to June 8, 1995, designating the United States (filed under 371 (c) in the U.S.), will have a term that is the longer of 17 years from the date of issue or 20 years from the filing date of the PCT application.

VI. A patent which issues from a U.S. application filed on or after June 8, 1995, which is a continuation of a PCT application filed prior to June 8, 1995, will have a mandatory term of 20 years from the PCT filing date.

35 U.S.C. 154 (a–c); 35 U.S.C. 365 (a–c); 37 C.F.R. 1.129 (a).