**Portuguese Industrial Property Code**

Article 50

1 - New inventions involving an inventive step may be patented if they are susceptible to industrial application, even when they concern a product composed of biological material, or containing biological material, or a process that makes it possible to produce, treat or use biological material.

2 - Patents may be obtained for any inventions, whether products or processes, in all fields of technology, provided that these inventions comply with the provisions of the previous paragraph.

3 - New processes for obtaining products, substances or compositions that are already known may also be patented.

4 - The protection of an invention that complies with the conditions set out in paragraph 1 may be granted, at the option of the applicant, as a patent or utility model.

5 - The same invention may be the subject of a patent application and a utility model application.

6 - The applications referred to in the previous paragraph may only be filed within a period of one year from the date of filing of the first application.

7 - In the cases provided for in paragraph 5, the utility model shall expire once a patent has been granted for the same invention.

Article 51

1 - The provisions of the previous article are excepted:

a) Discoveries, as well as scientific theories and mathematical methods;

b) Materials or substances already existing in nature and nuclear materials;

c) Aesthetic creations;

d) Designs, principles and methods of carrying out intellectual activities in the field of gambling or economic activities, as well as computer programs, as such, without any technical input;

e) Information presentations.

2 - The provisions of the previous paragraph shall only exclude patentability when the subject matter for which the patent is sought is limited to the elements mentioned therein.

Article 52

1 - Inventions whose commercial exploitation is contrary to the law, public order, public health or morality are excluded from patentability, and exploitation cannot be considered as such simply because it is prohibited by a legal or regulatory provision.

2 - Under the terms of the previous paragraph, the following in particular are not patentable:

a) Processes for cloning human beings;

b) Processes for modifying the germline genetic identity of human beings;

c) The use of human embryos for industrial or commercial purposes;

d) Processes for modifying the genetic identity of animals which may cause them suffering without any substantial medical benefit to man or animal, as well as animals obtained by such processes.

3 - The following may not be patented

a) The human body, in the various stages of its constitution and development, as well as the simple discovery of one of its elements, including the sequence or partial sequence of a gene, without prejudice to the provisions of paragraph 1 c) of the following article;

b) Plant varieties or animal breeds, as well as essentially biological processes for obtaining plants or animals and plants or animals obtained exclusively by such processes;

c) Methods of surgical or therapeutic treatment of the human or animal body and diagnostic methods applied to the human or animal body, and the products, substances or compositions used in any of these methods may be patented.

Article 54

1 - An invention is considered new when it is not included in the state of the art.

2 - An invention shall be considered to involve inventive step if, for an expert in the field, it does not result in an obvious way from the state of the art.

3 - In order to assess the inventive step referred to in the previous paragraph, the documents referred to in paragraph 2 of the following article shall not be taken into account.

4 - An invention is considered to be susceptible of industrial application if its object can be manufactured or used in any kind of industry or in agriculture.

Article 55

1 - The state of the art consists of everything that, inside or outside the country, was made accessible to the public before the date of the patent application, by description, use or any other means.

2 - The state of the art shall also include the content of patent and utility model applications filed prior to the date of the patent application, to take effect in Portugal and not yet published, provided that they are published on the same date or on a date after the date of the patent application.

3 - The priority date granted under the terms of article 12 shall count as the application date for the purposes of this article.

Article 100

The patent lasts for 20 years from the date of application.