

SLOVAKIA

Status as of May 2005

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
Types of protection for inventions	<ul style="list-style-type: none"> • Patents • Utility models • Supplementary protection certificates for medicines and plant protection products 	N.A
Term of protection	<ul style="list-style-type: none"> • Patents: 20 years from the filing date • Utility models: 4 years from the filing date (can be extended twice, 3 years each) • Supplementary protection certificates: 5 years maximum from the date on which the certificate takes effect. • Extension of patent term is not possible. 	<p>July 1, 2002 – Introduction of the Supplementary protection certificates for medicines and plant protection products.</p> <p>September 24, 1992 – Introduction of utility models protection.</p> <p>January 1, 1991 – Before that date, the patent term of protection was 15 years.</p>
Subject matters excluded from patentability or not considered as inventions	<ul style="list-style-type: none"> • The following subject matters are excluded from patentability: <ul style="list-style-type: none"> - Plant and animal varieties - Diagnostic, therapeutic and surgical methods for the treatment of humans and animals - Inventions contrary to morality/public order • The following subject matters are not considered to be inventions: <ul style="list-style-type: none"> - Discoveries - Scientific theories/mathematical methods - Aesthetic creations - Mental acts - Presentation of information - Computer programs - Business methods 	<p>January 1, 1991 – Before that date, substances obtained by means of nuclear transformation, inventions relating to obtaining or using nuclear energy, pharmaceutical products, chemically produced substances, eatables and biological reproductive materials could not be protected by patents.</p>
Filing language	<ul style="list-style-type: none"> • Filing an application in languages other than an official language is possible (only the description of the invention; the application form must be in Slovak). The time limit to provide translation into an official language is 2 months (although the Office may extend that time limit.). 	<p>November 1, 2001 – Before that date, it was not possible to file an application in languages other than an official language.</p>

Certain requirements relating to filing	<ul style="list-style-type: none"> • The inventor rarely waives his right to be mentioned in the patent. 	No
	<ul style="list-style-type: none"> • It is not possible to file provisional applications. 	
	<ul style="list-style-type: none"> • The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty). 	
Link between different inventions in the same application	<ul style="list-style-type: none"> • The applicable law allows that the claims in a patent application relate to a group of inventions so linked as to form a single general inventive concept. 	No
Publication	<ul style="list-style-type: none"> • The information related to the application is published or open for public access 18 months from the date of filing or from the priority date and when the patent is granted. PCT applications are published immediately after they enter the national phase. 	January 1, 1991 – Before that date, the information related to the application was published or open for public access after the grant of the patent.
Classification system	<ul style="list-style-type: none"> • The patent classification system used is the International Patent Classification (IPC) system. 	No
Search and examination	<ul style="list-style-type: none"> • The applicable law establishes a substantive search and examination system only for patents. • Search and examination are combined. The applicant is required to request the search and examination through a combined request. The request for examination has to be filed within 36 months from the filing date. If the applicant fails to do so within the time limit, the application proceedings are suspended. • During the examination procedure, the following criteria are examined: <ul style="list-style-type: none"> - Novelty - Inventive step/non obviousness - Industrial applicability/utility 	N.A
Specific legal provision regarding ownership of patents derived from public (government) research funding	<ul style="list-style-type: none"> • No 	No

Exceptions to exclusive rights conferred by a patent	<ul style="list-style-type: none"> • There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> - Private use - Compulsory licenses - Research and/or experimental exception - Preparation of medicines in accordance with medical prescriptions by physicians - Prior user's right - Exceptions of Article 5ter of the Paris Convention. 	November 1, 2001 – Before that date, private use and use for experimental purposes were not considered as exceptions to the exclusive rights conferred by a patent.
Options to challenge a patent	<ul style="list-style-type: none"> • There are the following options to challenge: <ul style="list-style-type: none"> - Patents <ul style="list-style-type: none"> Pre-grant administrative procedure (opposition): within not time limit after the publication of the application but not after the end of the substantive examination process. Post-grant administrative/quasi judicial procedure (revocation) within no time limit. - Utility models <ul style="list-style-type: none"> Post-grant administrative/quasi judicial procedure (revocation) after the registration of the utility model. - Supplementary protection certificates <ul style="list-style-type: none"> Post-grant administrative/quasi judicial procedure (revocation) after the grant of the supplementary protection certificate. 	N.A