

## **WIPO Circular 7992**

### **The opposition system in Finland**

#### **Opposition:**

According to the Patents Act in Finland any person can file an opposition against a granted patent. Also the proprietor of the patent can file an opposition. The opposition must be filed in writing within nine months of the date of the grant of the patent and it must specify the grounds on which it is made. The proprietor of the patent will be notified thereof and he will be given an opportunity to make observations on the opposition.

The patent shall be revoked on the following grounds (Section 25, Patents Act):

- the innovation lacks novelty, inventive step or industrial applicability
- the patent relates to an invention the description of which is not sufficiently clear to enable a person skilled in the art to carry out the invention
- the patent contains subject matter not included in the application as filed.

At the moment there is no opposition fee. However, this will change and an opposition fee must be paid when the opposition is filed against a patent which will be granted on or after 1 November 2011.

#### **Limitation:**

According to the Patents Act, only the proprietor of the patent may apply for the limitation of the patent (Section 53 a, Patents Act). The limitation can be made at any time after the grant of the patent. If the opposition procedure has not been completed, the request will not be admitted. If an opposition is filed after a request for limitation but before the decision concerning the limitation gains legal force, the limitation procedure is terminated. The number of requests for limitation is not limited.

The request must contain the limited patent claims, as well as the description and drawings, if they have been amended. The handling fee must be paid.

The patent to be limited in accordance with the request must meet the following conditions:

- the patent refers to an invention which is presented with sufficient clarity for a person skilled in the art to use the invention
- the patent does not involve anything that does not appear from the application when it was filed
- the scope of protection of the patent has not been extended from the scope of protection of the patent granted or from the previously taken decision of the scope of protection.

#### **Third party observation:**

Third party may file a communication which is of importance for the examination of the application with the Patent Office. There is no fee and no particular grounds are to be specified. The Office shall notify the party that submitted the communication of the possibility of filing an opposition if a patent is granted (Section 26 a, Patents Decree).

## Statistical data on oppositions (Finland)

Number of granted patents against which an opposition has been filed in 2006-2010

Year	Number of opposed patents	Number of oppositions filed
2006	29	31
2007	20	21
2008	18	21
2009	24	26
2010	20	23

Decisions taken in oppositions filed in 2006 - 2010

Year*	Rejection of the opposition	Maintenance in amended form	Revocation of the patent
2006	13	3	10
2007	9	4	5
2008	8	1	6
2009	5	2	4
2010	1	1	0

\* Refers to the year in which the opposition has been filed, not to the year in which the decision has been taken