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<p>Komu/To: Ms. Tomoko Miyamoto</p> <p>Firma/Company: WIPO</p> <p>Číslo faxu/Fax No.: +421223388830</p>	<p>Od/From: Secretariat of President, IPO SR</p> <p>Dátum/Date: 28 July 2011</p> <p>Počet strán/Number of pages: 3</p>
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Dear Ms. Miyamoto

in reference to the letter of WIPO DG Mr Francis Gurry from June 10, 2011, I am sending you requested information about the **opposition system in Slovakia**.

Slovakia provides pre-grant as well post-grant opposition system, both governed by the Act No. 435/2001 Coll. on Patents, Supplementary Protection Certificates and on Amendment of Some Acts as Amended (thereinafter "The Patent Act"; see http://www.upv.sk/swift_data/source/pdf/legislation/pravo_01435.pdf).

Pre-grant opposition:

According to the Article 42 (1) of The Patent Act any person may file oppositions on patentability of a subject-matter of an application with the Office after publication of an application; the Office shall take them into consideration during substantive examination of an application.

According to the Article 42 (2) of The Patent Act persons who have filed oppositions pursuant to paragraph 1 shall not become parties to application proceedings. However, an applicant shall be notified about oppositions and shall have right to respond to them.

Post-grant opposition:

According to the Article 46 (1) of The Patent Act the Office shall revoke a patent if during proceedings started on third party request or *ex officio* it is proved that

- a) requirements for its granting pursuant to Articles 5 to 9 have not been met,
- b) invention has not been disclosed and described in a patent so clearly and fully so that it could be carried out by a person skilled in the art,
- c) subject-matter of a patent exceeds content of an application as filed. This shall also apply in case if subject-matter of a patent granted on basis of a divisional application exceeds contents of an application as filed,
- d) scope of protection following from patent was exceeded,
- e) owner shall not be entitled to a solution pursuant to Article 10 (1) and (3), Article 11 (1) or Article 12 (1).
- f) requirements for its granting pursuant to regulations valid in time of its granting have not been met.

According to the Article 46 (2) of The Patent Act if reasons for revocation are concerning a patent partially, a patent shall be revoked only to extent adequate to ascertained reasons, by amendment of patent claims, description or drawings.

According to the Article 46 (3) of The Patent Act if a patent has been revoked, it shall apply that it has never been granted within the scope affected by revocation.

According to the Article 46 (4) of The Patent Act the Office shall be entitled to revoke a patent also after its lapse, if a requesting person proves his legal interest.

According to the Article 46 (5) of The Patent Act the Office shall be entitled to revoke a patent partially pursuant to paragraph 2 and also on request of its owner notwithstanding existence of grounds pursuant to paragraph 1.

According to the Article 46 (6) of The Patent Act the Office shall notify a decision on revocation or partial revocation of a patent in the Journal.

According to the Article 46 (7) of The Patent Act requesting person shall be obliged to pay an administrative fee (Article 79 (9)) with filing a request pursuant to paragraphs 1 and 5.

According to the Article 47 (1) of The Patent Act if a request for revocation or partial revocation of a patent (hereinafter referred to as "revocation request") fails to contain requirements stipulated by a generally binding regulation (Article 80) or if a person requesting revocation is not being represented by an authorised representative pursuant to Article 79 (1) or if an administrative fee has not been paid (Article 79 (9)), the Office shall invite a requesting person to correct ascertained irregularities within a prescribed time limit. If a requesting person fails to comply with an invitation within a prescribed time limit, the Office shall suspend proceedings on revocation request. Requesting person shall be notified about this consequence in an invitation.

According to the Article 47 (2) of The Patent Act if proceedings have not been suspended pursuant to paragraph 1, the Office shall deliver revocation request to a patent owner and shall invite him at the same time to respond to request within a prescribed time limit and also to indicate proofs and supplement documents.

According to the Article 47 (3) of The Patent Act if a patent owner fails to respond within the time limit specified in an invitation, the Office shall continue in proceedings and shall be entitled to make a decision on basis of contents of a file.

According to the Article 47 (4) of The Patent Act the Office shall proceed pursuant to paragraph 3 also in the case if a patent owner is not being represented by an authorised representative pursuant to Article 79(1). If an owner fails to comply with an invitation to submit an authorisation within a prescribed time limit, he shall be deemed not to have responded to a revocation request.

According to the Article 47 (5) of The Patent Act if it is impossible to decide on a basis of written filings of parties, the Office shall determine a date for oral proceedings. The Office shall at the same time deliver to a requesting person a statement of an owner to his request.

According to the Article 47 (6) of The Patent Act the Office may continue in proceedings and decide on the merit also in case if a duly summoned party fails to participate in the oral proceedings.

According to the Article 47 (7) of The Patent Act extension or supplementing a revocation request, as well as extension or supplementing a statement of a patent owner in proceedings pursuant to Article 46(1) shall be inadmissible; such extension or supplementing shall not be taken into consideration by the Office within proceedings and deciding.

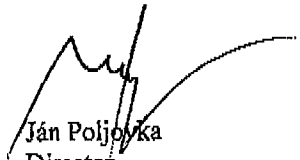
According to the Article 47 (8) of The Patent Act at the time of proceedings on patent revocation pursuant to Article 46 (1), proceedings on a request of an owner pursuant to Article 46 (5) shall be interrupted.

Statistical data:

Year	2006	2007	2008	2009	2010
Number of published applications	231	167	181	179	153
Number of filed pre-grant opposition	2	3	3	4	5
Number of filed post-grant opposition (revocation request)	2	3	9	3	5
Number of decided post-grant opposition (revocation request)	2	3	3	3	6

Should you have any questions, please contact Mr. Elemír Murček (tel.: +421 48 43 00 246; e-mail: elemir.murcek@indprop.gov.sk) or Ms. Lukrécia Marčoková (tel. +421 48 43 00 100; e-mail: lukrecia.marcokova@indprop.gov.sk).

Yours sincerely,



Ján Poljovka
Director
Secretariat of President and External Relations Department
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