

C.7992

Information regarding the opposition system in Sweden

Section 24 and 25 in the Swedish Patent Act state that anyone except the patent owner, can file an opposition regarding a granted patent in Sweden within 9 months from the day the patent was granted. If the Swedish Patent and Registration Office (PRV) receives such an opposition, the patent owner will have a possibility to comment on that opposition. If the opposition is withdrawn, the PRV can examine the opposition anyway, if there are certain reasons for it. (Section 24.)

If the PRV finds that the patent has been granted despite the fact that the invention lacked novelty or lacked inventive step, or the patent does not disclose the invention in a manner clear and complete for it to be carried out by a person skilled in the art, or the subject-matter of the patent extends beyond the content of the application as filed, the patent will be revoked. If the patent owner during the opposition procedures makes amendments so that there are no hindrances against the patent, the patent is maintained as amended.

Oppositions filed to the PRV

2005: 57
2006: 42
2007: 30
2008: 26
2009: 31
2010: 33

Statistics regarding decisions in opposition cases:

Objection revoked:

2005: 16
2006: 13
2007: 17
2008: 17
2009: 16
2010: 15

Patents maintained as amended:

2005: 9
2006: 6
2007: 11
2008: 13
2009: 12
2010: 9

Revoked patents:

2005: 6
2006: 20

2007: 20
2008: 11
2009: 17
2010: 8