

SK – SLOVAKIA

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1. Requirements for Deposit

The deposit of a sample of the biological material with a recognized depositary institution is required if a subject matter of an invention is biological material or its utilization, which is not available to the public and which cannot be described in the application in such a manner as to enable the invention to be performed by a person skilled in the art.

(Act No. 435/2001 Coll. on Patents, Supplementary Protection Certificates and on Amendment of Some Acts (The Patent Act) as Amended, Article 38(1))

The application as filed must contain information as it is available to the applicant on the characteristics of deposited biological material and must state the name and the seat of the recognized depositary institution, as well as the accession number of the deposited sample.

(The Patent Act, Article 38(1)(b) and Article 38(1)(c))

In case of doubts about accessibility of the biological material to the public or about sufficiency of description pursuant to Article 38(1), it shall be deemed that the accessibility condition or the sufficiency of description condition is not met unless proved otherwise. In accordance with the practice followed, the applicant must on the basis of the notice of the Office submit a copy of the receipt of the deposit of the biological material.

(The Patent Act, Article 38(6))

2. Time of Deposit

The deposit of the biological material in a recognized depositary institution must be made not later than on the date of filing the patent application.

(The Patent Act, Article 38(1)(a))

3. Duration of Storage

No provision.

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

A deposited biological material shall be available by providing a sample upon request from the publication day of a patent application up to granting a patent.

(The Patent Act, Article 38(2))

A deposited biological material shall be available by providing a sample upon request after granting a patent irrespective of its cancellation or lapse.

(The Patent Act, Article 38(3))

(ii) Restrictions for the Furnishing of Samples

A deposited sample may be provided only if a requesting person or independent expert shall bind himself that during the term of a patent

(a) he shall provide neither sample nor material derived from it to third party,

(b) he shall utilize sample and material derived from it only for experimental purposes, unless an applicant or a patent owner explicitly repeals this obligation for him.

(The Patent Act, Article 38(4))

An applicant shall be entitled upon request filed with the Office before publication of a patent application to limit an access to deposited biological material for time limit of 20 years from the day of filing an application only for independent experts for case that an application would be refused or proceedings on application would be suspended.

(The Patent Act, Article 38(2) and Article 38(5))