

SI – SLOVENIA

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1. Requirements for Deposit

If an invention relates to biological material which is not available to the public and cannot be described in a manner to be carried out by a person skilled in the art, the description of the invention shall be supplemented by a certificate of the deposit of biological material with an international depository authority under the Budapest Treaty.

(Industrial Property Act, 2001, as last amended in 2020, Article 87(3))

The patent application must include all information on biological material that are known to the applicant, and should state the name and address of the international depository authority, the accession number given to the deposit by that authority and the date of deposit.

(Regulations Concerning the Contents of Patent Applications and the Procedure for Divisional Patents, 2001, Article 10(b), (c))

2. Time of Deposit

A sample of biological material must be deposited no later than the date of filing of the patent application.

(Regulations Concerning the Contents of Patent Applications and the Procedure for Divisional Patents, 2001, Article 10(a))

3. Duration of Storage

No specific provision. However, as ensues from Article 12 of Regulations Concerning the Contents of Patent Applications and the Procedure for Divisional Patents, and Article 112(1)(b) of Industrial Property Act, the term of deposit shall not expire prior to the term of the patent.

4. Conditions for the Furnishing of Samples

(i) Time of availability of Samples

A deposited sample of biological material is available upon request from the date of publication of the patent application to any person fulfilling the conditions for handling biological material.

(Regulations Concerning the Contents of Patent Applications and the Procedure for Divisional Patents, Article 11(1))

(ii) Restrictions Concerning the Furnishing of Samples

Biological material is available to any person under the following conditions:

(a) that the request is submitted to the Office in two copies;

(b) that the Office has certified on the request that the patent application referring to the deposit of the biological material has been published, and that the requesting party is entitled to the issue of a sample of that material;

(c) that the person making the request has undertaken vis-à-vis the owner of the patent not to make the requested sample of deposited biological material available to any third party and to use that sample, before the expiry of the patent, for experimental purposes only.

The Office transmits a copy of the request, with the certification attesting to the publication of the patent application referring to the deposit of the biological material and the entitlement of the requesting party to the issuance of a sample of biological material, to the international depository authority and to the owner of the patent.

(Regulations Concerning the Contents of Patent Applications and the Procedure for Divisional Patents, Article 11(2), (3))