

Slovakia

(Industrial Property Office of the Slovak Republic)

Following the Circular C.8893 I am sending you, on behalf of the Industrial Property Office of the Slovak Republic, information on patent law provisions aimed at supporting effective transfer of technology.

Pursuant to Article 25 and 26 of Act No. 435/2001 Coll. on patents, supplementary protection certificates and on amendment of some acts as amended (hereinafter "Patent Act") applicant or patent holder may file a statement with the Industrial Property Office of the Slovak Republic (hereinafter "Office") to the effect that he/she is prepared to allow any person to use the invention as a licensee in return for appropriate consideration. Based on the filing of the applicant or patent holder the Office enters licence offer into the Patent Register and publishes the offer on its webpage (see <https://www.indprop.gov.sk/?licence-offers>).

As regards requirement of sufficiency of disclosure of the invention in the patent application, this requirement is laid down by Article 37(4) of the Patent Act.

Please, see below an unofficial translation of the provisions of Article 25, 26 and 37(4) into English (Act No 435/2001 Coll. in original, i.e. Slovak language is available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/435/>).

Article 25

- (1) If a patent applicant or a patent holder (hereinafter referred to as "licensor") files a written statement with the Office to the effect that he or she grants right to exploit an invention to any person in return for appropriate consideration (hereinafter "licence offer"), the Office shall enter a licence offer into the Patent Register.
- (2) Licence offer may be withdrawn until a written statement about acceptance of a licence offer is delivered to the licensor.
- (3) If a licence offer is not withdrawn by a licensor, entry of an exclusive licence into the Patent Register shall not be allowed.
- (4) Statement on a licence offer shall not be filed if an exclusive licence has been entered into the Patent Register.
- (5) As from the date of entry of the transfer of the patent pursuant to Article 48 into the Patent Register the licence offer deems to be withdrawn unless new patent holder files, within 30 days from the entry of the transfer into the Patent Register, the request for maintenance of the licence offer.

Article 26

- (1) Person, who accepts a licence offer and communicates it in writing to a licensor and at the same time to the Office, shall obtain right to exploit an invention.
- (2) A licence obtained pursuant to paragraph 1 shall be considered contractual, nonexclusive, concluded for indefinite time and valid within the territory of the Slovak Republic.

(3) If no agreement on consideration for granted licence has been concluded among parties to licence agreement, notwithstanding negotiations relating thereto, amount of an appropriate consideration as well as terms of payment shall be determined by a court, on proposal of one of parties to licence agreement, taking into consideration importance of an invention and usual licence prices in particular field. In case of a substantial change of circumstances decisive for determining an appropriate consideration, the court shall be entitled on proposal of one of parties to licence agreement to change amount of a consideration or terms of payment originally negotiated or settled by a court, if no agreement has been concluded among parties, notwithstanding negotiations relating thereto.

Article 37

(4) The patent application shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.