

## Opposition systems

### Costa Rica

Article 12 of the Law on Patents, Industrial Designs and Utility Models of Costa Rica,<sup>1</sup> states that any person may oppose to a patent within three months, beginning from the third publication of the application in the Official Journal (*La Gaceta*), on the grounds that the substantive requirements prescribed by the law are not fulfilled. The opposition shall be duly substantiated, and accompanied by the relevant proof or the offer thereof, and proof of payment of the opposition fee. The proof or means for better provision thereof shall be presented within the two months following the opposition, subject to inadmissibility.<sup>2</sup> Similarly, Section 18 of the Regulations under the above Law<sup>3</sup> states that the opposition shall contain *inter alia* the basic grounds and right of opposition, the proof that it is relevant in support of the grounds for opposition, and the proof of payment of the opposition fee. In the case of opposition, the Industrial Property Registry shall communicate details thereof to the applicant and shall advise him to submit a response within the following month. Once this period is complete, the substantive examination provided for in Article 13 of the Patent Law shall be conducted. Once the pre-grant opposition period has lapsed without any form of opposition, the substantive examination provided for in Article 13 shall be conducted.

Following the preparation of the examination report, a reasoned decision as to whether to grant a patent or not is made, and the decision will be notified both to the applicant and the person raising the opposition, who may present grounds for revocation and/or appeal within the period of three and five days respectively. The appeal shall be heard by the Administrative Registration Tribunal.

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<sup>1</sup> The Law on Patents, Industrial Designs and Utility Models, No. 6867.

<sup>2</sup> Paragraph 1 of this Article has been reformed through Law No. 8632 of March 28, 2008. *La Gaceta* No. 80 of April 25, 2008.

<sup>3</sup> Executive Decree No. 15222 MIEM J.