

# 517/2007 Coll. of Laws of the Slovak Rep.

## ACT

of October 19, 2007

### on utility models and on alterations of and additions to certain laws

Amendment: 495/2008 Coll. of Laws of the Slovak Rep.  
Amendment: 125/2016 Coll. of Laws of the Slovak Rep.  
Amendment: 242/2017 Coll. of Laws of the Slovak Rep.  
Amendment: 242/2017 Coll. of Laws of the Slovak Rep.  
Amendment: 291/2018 Coll. of Laws of the Slovak Rep.  
Amendment: 55/2023 Coll. of Laws of the Slovak Rep.

The National Council of the Slovak Republic has adopted the following Act:

Art. I

#### PART ONE

#### BASIC PROVISIONS

§ 1

##### Subject-matter of regulation

This Act shall govern legal relations arising in relation to the creation, legal protection and application of a technical solution which is the subject-matter of a utility model application or of a utility model.

§ 2

##### Definition of some terms

For purposes of this Act

- (a) biological material shall mean any material containing genetic information capable of reproducing itself or being reproduced in a biological system;
- (b) an essentially biological process for the production of plants or animals shall mean a process consisting entirely of natural phenomena, such as crossing or selection;
- (c) a chemical substance shall mean any chemical element or any compound of chemical elements including any stabilization additives and including all impurities arisen in a manufacturing process;
- (d) a pharmaceutical substance shall mean any substance or composition of substances which indicates curative or prophylactic effects in relation to human or animal affections, as well as any substance or composition of substances which can be administered to a human or animal to determine a diagnose or to regenerate, improve or modify physiological functions of a human or animal;
- (e) medical utilization of a substance or composition of substances shall mean utilization for surgical or therapeutic methods for treating a human or animal body and diagnostic methods and disease prevention methods used on a human or animal body;
- (f) an international application shall mean an application filed pursuant to the Patent Cooperation Treaty;<sup>1)</sup>

§ 3

The Industrial Property Office of the Slovak Republic (hereinafter referred to as the "Office") enters utility models into the register of utility models (hereinafter referred to as the "Register").

##### Conditions of Protection

§ 4

A technical solution is eligible to be protected by a utility model, if it is new, involves an inventive step and is susceptible of industrial application.

§ 5

- (1) The following, in particular, shall not be regarded as a technical invention within the meaning of this Act
- (a) discoveries, scientific theories and mathematical methods,
  - (b) aesthetic creations,
  - (c) schemes, rules and methods for performing mental acts, playing games or doing business,
  - (d) programs for computers,
  - (e) presentations of information.

(2) Subject-matters or activities stated in subsection 1 shall be excluded from utility model protection only to the extent to which an application of a utility model (hereinafter referred to as "application") relates to these subject-matters or activities as such.

§ 6

##### Exceptions to protection

The following cannot be protected by a utility model:

- (a) technical solutions the commercial exploitation of which would be contrary to "ordre public" or morality; the mere prohibition of the exploitation of a technical solution by law shall not be considered to be contrary to "ordre public" or morality within the meaning of this provision;
- (b) plant varieties and animal varieties;
- (c) essentially biological processes for the creation of plants or animals;
- (d) methods for treatment of the human or animal body by surgery or therapy and diagnostic methods and disease prevention methods practiced on the human or animal body,
- (e) technical solutions concerning products consisting of biological material or containing biological material or a process by means of which the biological material is produced, processed or used;
- (f) processes for producing chemical substances;
- (g) processes for producing pharmaceutical substances; and
- (h) the medical utilization of substances and compositions of substances.

## § 7

### **Novelty**

(1) A technical solution shall be considered to be new if it does not form part of the state of the art under subsections 2 and 4.

(2) For the purposes of this Act, the state of the art shall be held to comprise everything made available to the public anywhere in any way before the date from which the applicant of a utility model (hereinafter referred to as "applicant") enjoys a priority right pursuant to section 34(1).

(3) The contents of patent applications and patent applications filed in the Slovak Republic with an earlier priority right shall also be considered state of the art, if they are published in the Official Gazette of the Industrial Property Office of the Slovak Republic (hereinafter referred to as "Official Gazette") on or after the day from which the applicant enjoys the priority right. This shall also apply to international applications<sup>1)</sup> with designation for the Slovak Republic; the publication of the international application shall mean publication in the Official Gazette, and to European patent applications<sup>2)</sup> with designation for the Slovak Republic (hereinafter referred to as "European patent application"); the publication of the European patent application shall mean publication pursuant to Art. 93 or Art. 153 of the European Patent Convention.<sup>2)</sup> A classified patent application<sup>3)</sup> shall be considered published after the expiry of 18 months from the date of the creation of the priority right.

(4) A disclosure of the results of the applicant's work shall not be considered state of the art if it occurred not earlier than six months preceding the filing of the application.

## § 8

### **Inventive step**

(1) A technical solution shall be considered as involving an inventive step if it does not follow from the state of the art in an obvious way for a person skilled in the art.

(2) When assessing the inventive step, the contents of applications, patent applications, international applications and European patent applications that have not been published as of the date from which the applicant enjoys the right of priority shall not be taken into account.

## § 9

### **Industrial application**

A technical solution shall be considered as susceptible of industrial application if it can be made or used in any industry, especially in the industrial industry or in agriculture.

### **Heading repealed as of January 1, 2018**

## § 10

(1) The right to a solution, including the right to file an application (hereinafter referred to as the "right to a solution"), shall belong to the author of a technical solution (hereinafter referred to as the "author"), unless section 11 provides otherwise.

(2) The author is the one who created the technical solution through his own creative activity.

(3) Co-authors of the technical solution (hereinafter referred to as "co-authors") shall have the right to a solution to the extent that they have participated in the creation of the technical solution. Unless the co-authors agree otherwise or unless the court decides otherwise, it holds that the share of the co-authors in the creation of the technical solution is identical.

## § 11

### **Employee solution**

(1) If the author has created a technical solution as part of the performance of tasks resulting from a labor law relationship, a similar work-related relationship or a membership relationship (hereinafter referred to as "employee solution"), the right to a solution belongs to the employer, unless the participants of this relationship have agreed otherwise. This does not affect the right to authorship.

(2) An author having created an employee solution is obliged to notify the employer of this fact in writing without delay, and at the same time to hand over to him all the documents necessary for the assessment of the technical solution. In the notification, the author shall describe the technical problem and its solution, as well as the origin and essence of the employee solution so that a person skilled in the art can implement the technical solution.

(3) The employer may exercise the right to a solution against the author in writing within a period of three months from the notification by the author pursuant to subsection 2. The filing of an application, a European patent application or an international patent application, the subject-matter of which is an employee solution and in which the author who created the employee solution is listed as the author shall be also considered an exercise of the right to a solution pursuant to the preceding

sentence. If the employer exercises the right to a solution, he is obliged to immediately inform the author in writing about the chosen method of protection of the employee solution, in particular about the filed application, European patent application or international patent application.

(4) If the employer does not exercise the right to a solution in the manner referred to in subsection 3 within the period pursuant to subsection 3 or notifies the author in writing within this period that he does not exercise the right to a solution, this right shall be transferred to the author.

(5) Until the expiry of the deadline for exercising the right to a solution pursuant to subsection 3 or until exercise of the right to a solution pursuant to subsection 3 or until the transfer of the right to a solution to the author pursuant to subsection 4, whichever occurs first, the employer and the author are obliged to maintain confidentiality towards third parties about the employee solution. If the employer has exercised the right to a solution within the period pursuant to subsection 3, the author is obliged to maintain confidentiality about the employee solution towards third parties until it is made available to the public in accordance with this Act, the European Patent Convention, the Patent Cooperation Treaty or until it is made available to the public with the employer's consent, whichever occurs first. If the right to a solution has been transferred to the author in accordance with subsection 4, the employer is obliged to maintain confidentiality about the employee solution towards third parties until it is made available to the public in accordance with the previous sentence.

(6) The author, against whom the employer has exercised the right to a solution pursuant to subsection 3, has the right to an adequate remuneration in relation to the employer. When determining the amount of remuneration, the technical and economic significance of the employee solution and the benefit that can be achieved through its exploitation or other application are decisive, taking into account the employer's material share in the creation of the employee solution and the scope and contents of the author's work tasks. The remuneration shall be payable within one month from the exercise of the right to a solution.

(7) If the remuneration under subsection 6 does not correspond to the benefit achieved by the later exploitation or another application of the employee solution, or if the remuneration has been determined by the employer as a lump sum without taking into account the conditions under subsection 6, the author has the right to an additional settlement. After the expiration of three years from the exercise of the right to a solution, the employer, based on the author's written request, is obliged to provide the author with the source documents necessary to determine the amount of the additional settlement. If the employer provides the author with information marked by the employer as confidential, the author is obliged to keep it confidential towards third parties and must not use it for himself contrary to the purpose for which the employer provided it to him. The author can exercise the right to additional settlement at the earliest after three years have passed since the employer exercised the right to a solution. The right to additional settlement does not expire before the protection of the employee solution lasts.

(8) The rights and obligations under subsections 1 to 7 remain unaffected after the termination of the legal relationship between the author and the employer.

(9) Co-authors have the right to an adequate remuneration pursuant to subsection 6 and the right to additional settlement pursuant to subsection 7 to the extent that they have participated in the creation of the employee solution. Unless the co-authors have agreed otherwise or unless a court has decided otherwise, it holds that the share of the co-authors in the creation of the employee solution is identical.

(10) Provisions of the Civil Code shall apply to legal relations arising from an employee solution, unless otherwise provided in subsections 1 to 9.

## § 12

### **Transfer and assignment of the right to a solution**

(1) The right to a solution, with the exception of the right to authorship, also belongs to the legal successors of the persons specified in section 10(1) and (3) and in section 11(1) and (4).

(2) The contract for the assignment of the right to a solution must be in writing, otherwise it is invalid.

(3) The right to a solution is transferred to another person in cases established by special pieces of legislation.<sup>4)</sup>

(4) The assignment or transfer of the rights resulting from the application occurs simultaneously with the assignment or transfer of the right to a solution, which takes place after the application has been filed.

## **PART TWO**

### **EFFECTS OF A UTILITY MODEL**

## § 13

### **Rights resulting from the entry**

(1) A utility model owner shall have the exclusive right to exploit a technical solution protected by the utility model, to prevent third parties from exploitation of a technical solution protected by the utility model without his consent, to provide his consent to the exploitation of a technical solution protected by the utility model, to assign the utility model to another person or to establish a right of pledge with respect to the utility model.

(2) A utility model shall be effective from the day of notification of the entry of the utility model into the Register in the Official Gazette (section 43(2)).

(3) The applicant shall receive a reasonable compensation from the person who has used the subject-matter of an application after publication of the application. The right to a reasonable compensation shall be exercised only from the date on which the effects of the utility model begin.

## § 14

### **Scope of protection**

(1) The scope of protection resulting from a utility model is determined by the wording of the protection claims. In case of uncertainties, the description of the technical solution or, where applicable, drawings shall be used for the interpretation of terms used in the protection claims.

(2) The scope of protection resulting from an application is preliminarily determined by the wording of the protection claims published pursuant to section 38(4) or 38a(2). The scope of such preliminary protection is retroactively determined by the

claims for utility model protection; this does not apply if broader protection results from the utility model than from the published application.

#### § 15

##### **Exploitation of a utility model**

The exploiter of a utility model is the person who:

- (a) produces, uses, offers or places on the market, or for this purpose stores or imports, a product that is protected by the utility model,
- (b) uses a process protected by the utility model (hereinafter referred to as the "protected process") or offers such a protected process for use to another person,
- (c) produces, uses, offers or places on the market, or for this purpose stores or imports, a product directly obtained in a protected process, with identical products being considered produced through a protected process, unless the contrary is proved,
- (d) delivers or offers for delivery to a person who is not authorized to exploit the utility model the means used for the implementation of the technical solution protected by the utility model, if he knows or, taking into account the circumstances, should know that these means are intended or suitable for the implementation of the technical solution; this does not apply if these means are available on the market and the supplier did not instigate the person, unauthorized to exploit the utility model, to act contrary to paragraphs (a) to (c).

#### § 16

##### **Exhaustion of rights**

The utility model owner does not have the right to prohibit third parties from disposals of the product protected by the utility model after this product has been placed on the market by the utility model owner or with his express consent in a member state of the European Union or a state that is a party to the Agreement on the European Economic Area.

##### **Limitation of the effects of a utility model**

#### § 17

(1) The right of a utility model owner cannot be exercised against a person who, prior to the emergence of the priority right, exploited the technical solution protected by the utility model or carried out demonstrable preparations directly aiming at the exploitation of the technical solution protected by the utility model independently of the utility model author or owner (hereinafter referred to as "prior user") in the territory of the Slovak Republic.

(2) The assignment or transfer of the prior user's right to exploit the technical solution under subsection 1 shall be possible exclusively as part of the transfer or passage of the business enterprise or its part within which the technical solution is being exploited.

#### § 18

(1) The rights of the utility model owner are not violated if the technical solution is exploited

- (a) on vessels of other countries that are contracting parties to an international convention<sup>5)</sup> or members of the World Trade Organization<sup>6)</sup>, in the vessel's hull, in the machinery, in the vessel's equipment, in the devices and other accessories, if those vessels temporarily or accidentally enter the territory of the Slovak Republic and the technical solution is used exclusively for the needs of the vessel,
- (b) in the construction or operation of aircraft or vehicles of countries being contracting parties to an international convention<sup>5)</sup> or members of the World Trade Organization<sup>6)</sup> or in the case of parts or other accessories of these aircraft or vehicles, if they temporarily or accidentally enter the territory of the Slovak Republic,
- (c) when carrying out activities pursuant to an international contract,<sup>7)</sup> if these activities concern the aircraft of the state that enjoys the advantages of this contract,
- (d) in individual preparation of a medicine in a pharmacy on the basis of a medical prescription or during activities related to the medicine prepared in this way,
- (e) in activities carried out privately and for non-commercial purposes,
- (f) in activities carried out for experimental purposes,

(2) Persons using the technical solution under subsection 1(d) to (f) are not considered to be persons exploiting the technical solution under section 15(d).

#### § 18a

##### **Utility model owner**

Utility model owner shall mean the legal entity or natural person registered as the owner in the Register, unless a court decides otherwise.

#### § 19

##### **Co-ownership of a utility model**

(1) The co-ownership share in a utility model is derived from the extent of the right to a solution, unless the co-owners of the utility model agree otherwise.

(2) On the basis of a request documented by a written agreement concluded between the utility model owner or all co-owners of the utility model and the person who has the right to a solution under section 10 to 12, the Office will enter such a person in the Register as a co-owner of the utility model.

(3) Each of the co-owners of the utility model has the right to exploit a utility model, unless the co-owners of the utility model agree otherwise. In case of unauthorized interference with the exclusive rights pursuant to section 13, each of the co-owners

of the utility model can assert claims pursuant to section 28 by a court action in accordance with the Code of Contentious Civil Procedure or by a motion according to a special piece of legislation.<sup>7a)</sup> As soon as the proceedings according to the previous sentence started or have been finally ended, court actions in accordance with the Code of Contentious Civil Procedure or motions according to a special piece of legislation<sup>7a)</sup> of other co-owners of the utility model for the same claims from the same unauthorized interference are not permissible; this is without prejudice to the right of those co-owners of the utility model to intervene in the initiated proceedings as the plaintiff. Final decisions on claims pursuant to section 28(1) issued on the basis of a court action of even one co-owner of the utility model are also binding for other co-owners of the utility model; this does not affect the right of co-owners of the utility model to assert claims in accordance with section 28(2).

(4) Granting the right to exploit a utility model to a third party requires the consent of all co-owners of the utility model, unless the co-owners of the utility model agree otherwise; this does not affect the right of a co-owner of the utility model to disposals of their co-ownership share in accordance with section 20 to 22.

(5) The agreement on cancellation of co-ownership of the utility model and mutual settlement must be in writing, otherwise it is invalid. The agreement according to the first sentence shall acquire legal effects vis-à-vis third parties on the day of entry into the Register.

(6) If the co-owner of the utility model has no legal successor, after the death or cessation of the existence of the co-owner of the utility model, his share shall be transferred to the other co-owners of the utility model in a proportion corresponding to their co-owner shares; this also applies if the utility model co-owner gives up his share.

(7) Subsections 1 to 6 shall be applied mutatis mutandis to legal relationships between co-applicants.

(8) The provisions of the Civil Code on ownership in common<sup>8)</sup> shall be applied mutatis mutandis to the legal relationships between the co-owners of the utility model, unless subsections 1 to 7 provide otherwise.

## § 20

### Utility model assignment

(1) A contract for the assignment of a utility model must be in writing, otherwise it is invalid. A partial assignment of a utility model is not permissible.

(2) The assignment of a utility model shall acquire legal effects vis-à-vis third parties on the date of entry of the assignment of the utility model in the Register. The rights of third parties acquired prior to the date of the entry of the assignment of the utility model in the Register shall remain preserved.

(3) The entry of the assignment of a utility model in the Register shall be carried out by the Office on the basis of a request for the entry of the assignment of a utility model, which any of the parties to the contract on the assignment of the utility model is authorized to file. The Office shall refuse a request for the entry of the assignment of a utility model unless the requester attaches documents proving the assignment of the utility model to the request; before deciding on the refusal of the request for the entry of the assignment of the utility model, the Office shall allow the requester to comment on the established reasons on the basis of which the request for the entry of the assignment of the utility model is supposed to be refused.

(4) The acquirer of the utility model may perform acts towards the Office only after receiving the request for the entry of the assignment of the utility model; this does not apply to filing a request pursuant to subsection 3 and filing a request for the extension of the validity of a utility model pursuant to section 26(2).

(5) Subsections 1 to 4 shall also be applied mutatis mutandis to the assignment of rights resulting from the application.

## § 21

### Utility model transfer

(1) A utility model is transferred to a new owner by registration in another person's name pursuant to section 47 and in cases stipulated by special pieces of legislation.<sup>4)</sup>

(2) The transfer of the utility model shall acquire legal effects vis-à-vis third parties on the date of the entry of the transfer of the utility model in the Register. The rights of third parties acquired prior to the date of transfer of the utility model shall remain preserved; this does not apply in the case of a registration in another person's name pursuant to section 47.

(3) The entering of the transfer of a utility model in the Register shall be carried out by the Office on the basis of a request of the original utility model owner or on the basis of a request of the new utility model owner. The Office shall refuse the request for entry of the transfer of the utility model unless the requester attaches to the request the documents proving the transfer of the utility model; before deciding on the refusal of the request for the entry of the transfer of the utility model, the Office shall allow the requester to comment on the established reasons on the basis of which the request for the entry of the transfer of the utility model is supposed to be refused.

(4) The new utility model owner may perform acts towards the Office only after the request for the entry of the transfer of the utility model has been delivered; this does not apply to request filings under subsection 3 and to the filing of a request for extension of the validity of a utility model pursuant to section 26(2).

(5) Subsection 1 to 4 shall also be applied mutatis mutandis to the transfer of rights resulting from the application.

## § 22

### Right of pledge

(1) A right of pledge may be established for a utility model. The establishment of a right of pledge with respect to a part of the utility model is not permissible.

(2) The contract on the establishment of a right of pledge with respect to a utility model must be in writing, otherwise it is invalid.

(3) At the request of the pledgee or at the request of the pledgor, the Office shall enter the right of pledge in the Register. The Office shall refuse the entry of the right of pledge with respect to the utility model unless the requester attaches to the request the documents proving the transfer of the utility model; before deciding on the refusal of the request for the entry of the right of pledge with respect to the utility model, the Office shall allow the requester to comment on the established reasons on the basis of which the request for the entry of the right of pledge with respect to the utility model is supposed to be refused.

(4) Subsections 1 to 3 shall also apply mutatis mutandis to the right of pledge with respect to the application and to the right of pledge with respect to the utility model that will be granted in the future<sup>8a)</sup> (hereinafter referred to as "right of pledge with respect to the application"). The entry of a utility model does not affect the entry of the right of pledge with respect to an application

and is considered to be an entry of a right of pledge with respect to the utility model, unless otherwise agreed in the contract for the establishment of the right of pledge or if it does not follow otherwise from the decision by which the right of pledge has been established. A modification or division of the application (section 39) does not affect the entry of the right of pledge with respect to the application; in the case of a division of the application (section 39(2)), the Office shall enter a right of pledge also with respect to divisional applications.

(5) Provisions of the Civil Code shall apply to the creation, termination and exercise of a right of pledge with respect to a utility model,<sup>9)</sup> unless otherwise provided in subsections 1 to 4.

## § 23

### License contract

(1) The utility model owner may grant another person the right to exploit a utility model (hereinafter referred to as the "license") by means of a license contract.

(2) The license shall acquire legal effects vis-à-vis third parties on the date of entry into the Register. The entry of the license shall be carried out by the Office based on a request for the entry of the license, which any of the parties to the license contract is authorized to file. The Office shall refuse the entry of the license unless the requester attaches to the request the documents proving the license; before deciding on the refusal of the request for the entry of license, the Office shall allow the requester to comment on the established reasons on the basis of which the request for the entry of the license is supposed to be refused.

(3) The utility model owner may grant an exclusive license or a non-exclusive license by means of a license contract. Unless it has been agreed in the license contract that the utility model owner has granted an exclusive license, it holds that he has granted a non-exclusive license.

(4) If the utility model owner has granted an exclusive license, he must not grant the license to a third party and is obliged, unless otherwise agreed in the license contract, to refrain from using the utility model himself.

(5) If the utility model owner has granted a non-exclusive license, his right to exploit the utility model (section 13) and his right to grant a license to a third party are not affected.

(6) A license contract by which the utility model owner granted a license to a third party is invalid if the licensee of the previously granted exclusive license has not given prior written consent to conclude such license contract.

(7) The assignment or transfer of the right of the licensee is possible exclusively as part of an assignment or transfer of a business enterprise or its part within which the utility model is used on the basis of a license, unless the license contract stipulates otherwise.

(8) Unless otherwise agreed, in the event of unauthorized interference with exclusive rights pursuant to section 13, the licensee of a non-exclusive license, on his own behalf and on his own account, can assert claims pursuant to section 28 by means of a court action pursuant to the Code of Contentious Civil Procedure or a motion pursuant to a special piece of legislation<sup>7a)</sup> only with the consent of the utility model owner; the licensee of an exclusive license can do so if the utility model owner, after a written notification, does not assert claims pursuant the Code of Contentious Civil Procedure pursuant to section 28(1). The provisions of the previous sentence do not affect the rights and obligations of the utility model owner and licensee under the Commercial Code<sup>9a)</sup> nor the right of the licensee to intervene in proceedings initiated by the utility model owner as an intervener.

(9) Subsections 1 to 8 shall also apply mutatis mutandis to the license contract by which the applicant grants authorization to exploit the technical solution being the subject-matter of the application (hereinafter referred to as the "license for the application"). The entry of a utility model does not affect the entry of a license for the application, unless otherwise agreed in the license contract. A modification or division of the application (section 39) does not affect the entry of the license for the application; in the case of a division of the application (section 39(2)), the Office shall also enter a license for the divisional applications.

(10) Provisions of the Commercial Code<sup>10)</sup> shall apply to the creation, termination and exercise of the rights resulting from a license contract, unless otherwise provided in subsections 1 to 9.

### Compulsory license

## § 24

(1) Upon motion, a court may grant a compulsory license to anyone who demonstrates the ability to use the technical solution protected by the utility model, on the territory of the Slovak Republic, provided that

(a) four years have passed since the filing of the application, or three years since the entry of the utility model in the Register, whichever expires later,

(b) the movant for the granting of the compulsory license gave the utility model owner, prior to filing the motion, a proper offer to conclude a license contract and this offer was not accepted by the utility model owner within three months of its filing, and

(c) the technical solution is not used on the territory of the Slovak Republic without adequate reason on the part of the utility model owner or is exploited insufficiently, and the subject-matter of the protected utility model is not supplied as a product to the market in the Slovak Republic in sufficient quantities by the utility model owner. Absence of a reasonable cause is presumed until proven otherwise.

(2) A compulsory license can only be granted as a non-exclusive license and its duration and scope shall be limited to the purpose for which it is granted, with the condition of preferential satisfaction of the needs of the domestic market.

(3) In the event of a threat to an important public interest, a compulsory license may be granted regardless of subsection 1(a) and (b). The utility model owner must be informed of this fact.

(4) The assignment or transfer of the right of the licensee of the compulsory license is possible only as part of the assignment or transfer of the business enterprise or its part within which the technical solution is exploited on the basis of the compulsory license.

(5) The licensee of a compulsory license may waive the rights resulting from the compulsory license by a written notification delivered to the Office. The waiver of the right shall take effect as from the date of delivery of the notification to the Office or the later date specified in the notification as the date on which the licensee of the compulsory license waives his rights.

## § 25

(1) The granting of a compulsory license does not affect the utility model owner's right to an adequate compensation therefor.

(2) In the event of a substantial change in the circumstances that led to the granting of the compulsory license, a court may, upon motion of one of the participants of the licensing relationship, cancel the decision on the granting of the compulsory

license, provided that the re-occurrence of the reasons for the granting of a compulsory license is unlikely or that the rights resulting from the compulsory license have not been used during one year.

(3) The Office shall enter the valid decision on the granting and cancellation of the compulsory license in the Register without undue delay.

## § 26

### **Validity and term of protection of a utility model**

(1) A utility model shall be valid four years from the date of filing an application.

(2) Upon a request filed by the utility model owner, pledgee or another person which proves a legal interest, the Office shall extend the utility model validity not more than twice, each time for another three years up to a total term of protection of ten years from the day of filing the application.

(3) If a utility model has been entered into the Register after the period pursuant to subsection 1 expired, the Office shall extend the utility model validity without request.

(4) A request for an extension of the utility model validity can be filed at the earliest during the last year of its validity. If the request for an extension of the utility model validity has not been filed during the last year of its validity at the latest on the day which is identical, in terms of its designation, with the date of filing an application, it shall hold that the request for an extension of the utility model validity has not been filed; subsection 5 remains unaffected by this.

(5) If a request for an extension of the utility model validity has not been filed within the time limit under subsection 4, the request for an extension of the utility model validity can be filed within a sufficient additional period of six months which begins on the day subsequent to the day on which, pursuant to subsection 4, the request for an extension of the utility model validity was supposed to be filed at the latest. If the request for an extension of the utility model validity has not been filed not even during the additional period, the utility model shall terminate on the day on which, pursuant to subsection 4, the request for an extension of the utility model validity was supposed to be filed at the latest.

(6) Rights of third parties who, after the time limit for filing the request for an extension of the utility model validity pursuant to subsection 4 expired to no effect, started to exploit the technical solution in good faith or have made demonstrable preparations for such exploitation, shall remain unaffected by the extension of the validity performed on the basis of a request for an extension of the utility model validity filed within the additional period. In case of doubts, action of a third party shall be considered action in good faith, until the contrary is proved.

(7) Since the date of delivery of the request for the entry of a litigation regarding the right to a solution into the Register (section 49(4)), the running of the time limit period for the filing of a request for an extension of the validity of a utility model shall be interrupted until the expiry of six months from the date of the finality of the decision of the court.

## § 27

### **Termination of the utility model**

(1) A utility model shall terminate

- (a) on the date of the end of its period of validity,
- (b) on the effective date of a utility model surrender.

(2) The surrender of a utility model under subsection 1(b) becomes effective on the date of delivery of the notification of the surrender to the Office or the date which is indicated in the notification as the date on which the utility model owner surrenders the utility model. A partial surrender of a utility model is not permissible.

(3) The surrender of a utility model, to which the rights of third parties entered in the Register are attached, becomes effective only upon submission of the written consent of the person whose rights and legitimate interests may be affected by the termination of the utility model. The same applies in the case of the existence of a litigation entered in the Register, the subject-matter of which is the right to a solution, until the expiration of six months of the date of finality of the court's decision.

### **Enforcement of rights**

## § 28

### **Heading repealed as of January 1, 2018**

(1) In the case of unauthorized interference with exclusive rights pursuant to section 13, the utility model owner may demand, in particular, that the violation of the right or the endangering of the right be prohibited and the consequences of this interference be removed.

(2) If damage has been caused by interference with the rights pursuant to subsection 1, the utility model owner has the right to compensation for the damage, including lost profit. If non-proprietary damage has been caused by interference with the rights pursuant to subsection 1, the utility model owner has the right to adequate satisfaction, which may also monetary performance.<sup>11)</sup> The right to the recovery of property obtained as a result of unjust enrichment as a result of interference with the rights under subsection 1 is not affected by this.

(3) The right to compensation for damages or the right to adequate satisfaction in money pursuant to subsection 2 shall expire three years from the date the utility model owner becomes aware of the damage or non-proprietary damage and of who is responsible for it; when exercising the rights pursuant to section 13(3) there will be no time bar earlier than three years of the date on which the effects of the utility model begin. At the latest, the right to compensation for damages or the right to adequate satisfaction in money pursuant to subsection 2 shall be time-barred five years, and in the case of damage or non-proprietary damage caused intentionally, ten years from the day when the rights pursuant to subsection 1 were interfered with, or from the date from which the effects of the utility model take effect, whichever of these facts occurs later.

(4) The right to the recovery of property obtained as a result of unjust enrichment pursuant to subsection 2 expires three years after the utility model owner learns that unjust enrichment has occurred and who has enriched himself at his expense; when exercising the rights pursuant to section 13(3) the time bar shall not occur earlier than three years from the date on which the effects of the utility model begin. At the latest, the right to the recovery of property obtained as a result of unjust enrichment pursuant to subsection 2 shall be time-barred five years, and in the case of intentional unjust enrichment, ten years from the date when the rights pursuant to subsection 1 have been interfered with or from the date from which the effects of the utility model begin, whichever of

these facts occurs later.

(5) Provisions of the Civil Code shall apply to legal relations that have arisen as a result of the interference with rights pursuant to subsection 1, unless otherwise provided in subsections 1 to 4.

## § 29

### Right to information

(1) In the case of unauthorized interference with the rights protected by this Act, the utility model owner may request that the person who violates or endangers his rights provide him with information regarding the origin of the product or services and the circumstances of their placing on the market.

(2) The information pursuant to subsection 1 shall contain in particular

(a) the first and last name or business name or name and place of permanent residence or place of business or registered office of the manufacturer, processor, storer, distributor, supplier, seller, intended seller and other previous holders of the product or service provider,

(b) data on the produced, processed, delivered or ordered quantity and the price of the respective products or services.

(3) A person who

(a) possesses products that violate rights pursuant to this Act,

(b) uses services that violate rights pursuant to this Act,

(c) provides services used in activities related to a violation of rights pursuant to this Act, or

(d) has been designated by a person mentioned in paragraphs (a) to (c) as a person involved in the production, processing or distribution of products or the provision of services violating rights pursuant to this Act, is also obliged to provide information pursuant to subsections 1 and 2.

(4) The court shall not grant the right to provide information if the possible consequences of its exercise would be disproportionate to the seriousness of the consequences resulting from the fulfillment of the imposed obligation.

## § 30

### Judicial protection of rights

(1) Disputes about rights under this Act shall be discussed and decided by courts<sup>11a</sup>, unless this Act provides otherwise.

(2) A court may even without a motion

(a) call upon the plaintiff to submit the result of a search for the state of the art under section 38(4) or 39(2) (hereinafter referred to as the "search report") or a report on an international-type search pursuant to 38a for the subject-matter protected by the utility model,

(b) call upon the defendant to file a motion for a deletion of the utility model pursuant to section 44 and section 45 within the time limit determined by the court,

(c) even in another way, produce evidence about whether the conditions of protection under this Act are met.

(3) Upon motion, a court shall order that products, materials or instruments through which a violation of the law or endangering of the law directly occurs be in particular

(a) recalled from the channels of commerce,

(b) definitively removed from the channels of commerce,

(c) otherwise secured in a manner preventing further violations or endangering of the law,

(d) destroyed in an appropriate manner.

(4) Measures pursuant to subsection 3 shall be carried out at the expense of the person violating or endangering the rights protected by this Act, unless special circumstances justify a different procedure.

(5) The motion pursuant to subsection 3(d), in the part concerning the method of destruction, it is not binding on the court.

(6) Upon motion, a court may request from the Office an expert opinion<sup>11b</sup> on questions related to the scope of protection resulting from the specific utility model.

## § 31

### Special provisions on preliminary injunctions

(1) Prior to ordering a preliminary injunction<sup>12</sup>, a court may, even without a motion, call upon the movant to submit a search report or a report on an international-type search pursuant to section 38a for the subject-matter protected by the utility model. If the movant does not comply with the call or the court reaches the conclusion that the conditions of protection under this Act have not been met, it shall refuse the motion for an order for a preliminary injunction.<sup>12a</sup>

(2) In the resolution ordering a preliminary injunction,<sup>12</sup> a court may, even without a motion, impose on the movant the obligation to post monetary security in an adequate amount or make the enforceability of the preliminary injunction conditional on the posting of a monetary security. When deciding on the amount of the monetary security, the court shall take into account the extent of the damage or other loss that may be incurred by the other party, as well as the movant's possibilities in terms of property, providing that the imposition of the obligation to post security must not be a significant obstacle to an effective application of the law.

(3) A final legally awarded compensation for damages or other loss shall be satisfied from the posted security pursuant to subsection 2.<sup>12b</sup> The obligation to compensate for damage or other loss that has not been satisfied from this security shall not be affected by this.

(4) The court shall return the posted security pursuant to subsection 2 or its proportional part to the movant, if

(a) the injured party does not assert a claim for compensation for damages or other loss<sup>12b</sup> in court within six months from the date on which the injured party became aware of the occurrence of the damage or other loss, but no later than three years from the order of the preliminary injunction,

(b) an agreement of the parties on the use of monetary security has been presented to the court or

(c) the movant has succeeded, wholly or partially, in rem.

## PART THREE

### PROCEEDINGS BEFORE THE OFFICE



## § 32

### Application

- (1) The entry of a utility model may be requested by an application filed at the Office.
- (2) The application may be filed by a person or persons who have the right to a solution pursuant to section 10(1) and (3), section 11(1) and (4) or section 12(1).
- (3) If the right to a solution belongs to several persons, it is allowed that one or several of these persons file(s) the application on its (their) own behalf. On the basis of a request documented by a written agreement concluded between the applicant or applicants and a person who has the right to file an application pursuant to subsection 2, the Office will enter such a person in the Register as a co-applicant.
- (4) The subject-matter of the application may be only one technical solution or a group of technical solutions that are connected to each other in such a way that they form a single technical idea.
- (5) The technical solution must be described and explained in the application so clearly and completely that an expert can implement it.
- (6) The application must contain:
  - (a) a request for an entry in the register of utility models with an indication of the name of the technical solution,
  - (b) a description of the technical solution, abstract and, where applicable, drawings,
  - (c) at least one protection claim,
  - (d) identification data of the applicant or co-applicants,
  - (e) identification data of the author or co-authors,
  - (f) a proof of the acquisition of the right to a solution, if the applicant is not the author, or information that the subject-matter of the application is an employee solution.

## § 33

### Application filing date

- (1) The application filing date shall be deemed to be the date of delivery or of supplementing of the filing which contains at least
  - (a) data from which the intention of the applicant to file the application is obvious,
  - (b) data enabling the identification of the applicant and contact with the applicant, and
  - (c) the part that appears as a description.
- (2) The applicant's obligation to perform the filing in the state language<sup>13)</sup> pursuant to section 58(10) does not apply to the purpose of the determination of the application filing date with respect to the part of the filing pursuant to subsection 1(c).

## § 34

### Priority right

- (1) The priority right shall arise for the applicant
  - (a) on the application filing date or
  - (b) on the date of the priority right pursuant to the conditions specified in an international convention,<sup>13a)</sup> which results from the first application, patent application, inventor's certificate or utility certificate with an identical subject-matter.
- (2) The priority right pursuant to subsection 1(b) can be exercised from the first application, patent application, inventor's certificate or utility certificate with an identical subject-matter filed in a state or in relation to a state that is a party to an international convention<sup>5)</sup> or that is a member of the World Trade Organization.<sup>6)</sup> Otherwise, this right can only be exercised if the condition of reciprocity has been met.
- (3) The priority right pursuant to subsection 1(b) must be exercised by the applicant as early as in the application and to prove this right by a document of the priority right within three months from its filing.
- (4) If the applicant does not prove the priority right properly and in time pursuant to subsection 3, the Office shall grant the priority right on the basis of a justified request for subsequent granting of a document of the priority right, provided that
  - (a) a request for the issuance of a document of the priority right has been filed to the competent authority no later than on the date of filing the application in the Slovak Republic pursuant to section 33 and,
  - (b) a request for subsequent recognition of the document of the priority right together with the document of the priority right was filed not later than 30 days after the date of delivery of the document of the priority right to the applicant.
- (5) The Office may call upon the applicant to submit a translation of the document of the priority right to the state language.
- (6) In the proceedings, the Office does not take into account the exercise of the priority right and a proof of the priority right that does not meet the conditions pursuant to this provision. The Office shall notify the applicant of this fact.
- (7) At the request of the applicant or utility model owner, the Office shall issue a document certifying the priority right resulting from the application.

## § 35

### Deflection from the patent application or from the European patent applicant

- (1) If the applicant has applied for the granting of a patent in the Slovak Republic<sup>14)</sup> for an identical subject-matter prior to filing an application, he can request the granting of the date of filing, or where applicable also the priority right from this patent application or European patent application, when filing the application. The Office shall grant to the application the filing date, and possibly also the priority right from this patent application or European patent application, if the application is filed within two months from the finality of the decision on this patent application or European patent application, but not later than within 10 years from the filing of this patent application or the European patent application.
- (2) The applicant exercising the right pursuant to subsection 1 is obliged to submit, within three months from the filing of the application, a counterpart of the European patent application, whose date of filing or, where applicable, priority right he invokes, otherwise it is not taken into account.

## § 36

### **Conversion of a European patent application**

(1) Based on a request of an applicant of a European patent application for conversion of a European Patent Application to an application (hereinafter referred to as "conversion") filed pursuant to Art. 135 of the European Patent Convention, the Office shall start proceedings on the application pursuant to part three of this Act.

(2) The applicant is obliged to submit a translation of the European patent application into the state language within three months upon a call of the Office.

(3) If the request for conversion is not filed within three months from the day when the European patent application was withdrawn or when a notification that the European patent application is considered withdrawn, or a decision on the refusal of the European patent application or on revocation of a European patent was delivered, the applicant shall lose the priority right resulting from the originally filed European patent application.

(4) If the request for conversion has been filed in violation of Art. 135 and 137 of the European Patent Convention,<sup>2)</sup> the Office shall refuse the request for conversion.

### **§ 37**

### **Suspension of the application proceedings**

(1) If there are court proceedings, the subject-matter of which is the right to a solution, the Office shall suspend the application proceedings at the request of one of the parties to the litigation; the publication of the application shall remain unaffected by this. The applicant shall attach a counterpart of the court action, certified by the court, to the request for suspension of the application proceedings.

(2) During the suspension of the proceedings, the running of the prescribed time periods under this Act shall stop.

(3) Upon the finality of the decision by which the litigation regarding the right to a solution was decided and a possible registration in another person's name, the Office shall continue the proceedings suspended pursuant to subsection 1.

### **§ 38**

### **Examination and publication of the application**

(1) If an application fails to meet conditions pursuant to section 32(2) and (6) or section 39(1) or fails to meet requirements pursuant to a generally binding piece of legislation issued under section 59, the Office shall call upon the applicant to remove the deficiencies within a specified time limit. If the applicant fails to remove the deficiencies within the set time limit, the Office shall discontinue the application proceedings.

(2) If an application contains a subject-matter which is not considered a technical solution pursuant to section 5 or is excluded from protection pursuant to section 6, or if the subject-matter of the application apparently fails to meet the condition pursuant to section 9, or the application fails to meet the condition pursuant to section 32(5), the Office shall refuse the application. Prior to the decision on the refusal of the application, the Office shall enable the applicant to comment on the reasons on the basis of which the application is supposed to be refused.

(3) In case of doubt, the Office may call upon the applicant to demonstrate the usability of the subject-matter of the application by presenting it or in another appropriate way. If the applicant fails to demonstrate the usability or to comply with the call, the subject-matter of the application is not usable.

(4) If the application proceedings have not been discontinued pursuant to subsection 1 or if an application has not been refused pursuant to subsection 2, the Office shall perform a search for the state of the art with respect to the application subject-matter, notify the search report to the applicant, publish the application together with the search report and shall notify the publication in the Official Gazette. This does not apply, if the Office has already published the application together with a report on an international-type search and has notified the publication in the Official Gazette pursuant to section 38a(2).

(5) At the applicant's request filed within three months from the date of filing the application, the Office shall postpone the publication of the application, but not for more than 15 months from the date of filing the application. When filing the application, the applicant can waive, in writing, the right to request a postponement of the publication of the application.

### **§ 38a**

### **International-type search**

(1) Upon the applicant's request, the Office shall enable the international search authority<sup>14a)</sup> to conduct an international-type search regarding the subject-matter of the application.

(2) If the application pursuant to subsection 1 was filed within three months from the creation of the priority right and if in the application proceedings a report on an international-type search was filed, which was carried out by the Office as a branch of the Visegrad Patent Institute in accordance with an international contract,<sup>14b)</sup> the Office shall publish the report on the international-type search together with the application and it shall notify the publication in the Official Gazette; this does not apply if the Office has already published the application together with the search report and has notified the publication in the Official Gazette pursuant to section 38(4).

### **§ 39**

### **Modification and division of the application**

(1) The applicant may modify the application during the application proceedings; modifications and alterations made to the application may not go beyond its original filing.

(2) Until the moment of the entry of the utility model in the Register pursuant to section 43, the applicant may divide the

application. The Office shall grant the divisional applications a filing date, or even the priority right from the original application, if they do not exceed its scope. If the division of the application occurs after its publication pursuant to section 38(4) or section 38a(2), the Office shall carry out a search for the state of the art with respect to the subject-matter of each divisional application, notify the applicant of the search report, publishes the divisional application together with the search report and notifies the publication in the Official Gazette; this does not apply if the Office has already published the divisional application together with the report on an international-type search and has notified the publication in the Official Gazette pursuant to section 38a(2). Section 14(2) shall remain unaffected by the division of the application.

### **Oppositions against the entry into the Register**

#### **§ 40**

(1) After the publication of the application, anyone can submit oppositions to the entry of the utility model into the Register within three months from the publication of the application on the grounds that the subject-matter of the application does not meet the conditions for protection pursuant to section 4 to 6 or the application does not meet the conditions pursuant to section 32(5). Oppositions must contain a legal and factual justification. Simultaneously with the oppositions, the opposing party must submit evidence or designate the evidence that he will submit. After the expiration of the period according to the first sentence, supplements to and extensions of oppositions or evidence that was not designated in the oppositions shall not be taken into account.

(2) It is also possible to refer in the oppositions to the documents listed in the search report published together with the application pursuant to section 38(4) or section 39(2), or in the report on an international-type search published with the application pursuant to section 38a; these documents do not need to be submitted.

#### **§ 41**

(1) If the oppositions were not filed properly and in time pursuant to section 40 or the opposing party does not submit the designated evidence upon a call on the part of the Office within the specified period, the Office shall discontinue the opposition proceedings. The Office shall deliver the decision to discontinue the opposition proceedings to the opposing party.

(2) The Office shall inform the applicant of the oppositions filed pursuant to section 40, for which the proceedings have not been discontinued pursuant to paragraph 1, and shall call upon him to comment on them within the specified period.

(3) If the applicant does not comment on the oppositions within the specified period pursuant to subsection 2, the Office shall discontinue the application proceedings; the Office shall notify the applicant of this consequence in the call for comments. The Office will deliver the decision to discontinue the application proceedings to the applicant and the opposing party.

(4) The Office shall discontinue the opposition proceedings if the reason for which the opposition had been filed has ceased to exist. The Office shall deliver the decision to discontinue the opposition proceedings to the applicant and the opposing party.

#### **§ 42**

(1) On the basis of oppositions on which the applicant has commented, the Office shall examine, to the extent of the filed oppositions, whether the subject-matter of the application meets the conditions for protection pursuant to sections 4 to 6 or the application meets the condition pursuant to section 32(5).

(2) If, in the opposition proceedings the Office, on the basis of the evidence carried out at the request of the participants, finds out that

(a) the subject-matter of the application, fully or partially, fails to meet the conditions for protection pursuant to sections 4 to 6 or the application does not meet the conditions pursuant to section 32(5), it shall grant the oppositions to the relevant extent and shall refuse the application fully or partially, or

(b) conditions pursuant to sections 4 to 6 and section 32(5) have been met, it shall refuse the oppositions.

(3) The Office shall deliver the decision pursuant to subsection 2 to the applicant and the opposing party.

#### **§ 43**

### **Entry of the utility model in the Register**

(1) If the application proceedings were not discontinued pursuant to section 38(1) or the application was not refused pursuant to section 38(2), no oppositions were filed against the entry of the utility model into the register pursuant to section 40 or oppositions against the entry of the utility model into the Register were refused pursuant to section 42(2)(b), or the proceedings on oppositions were discontinued, the Office shall enter the utility model in the Register and the applicant shall become the utility model owner.

(2) The Office shall issue to the utility model owner a certificate of the entry of the utility model in the Register and shall notify the entry of the utility model in the Official Gazette.

(3) If several applications with an identical subject-matter and priority right have been filed by the same applicant, only one utility model may be entered for this applicant. The Office shall discontinue the proceedings for other applications.

### **Expungement of the utility model**

#### **§ 44**

(1) Upon motion of a third party, the Office shall expunge a utility model from the Register (hereinafter referred to as "expungement") if

(a) the subject-matter of the utility model is not eligible for protection pursuant to sections 4 to 6,

(b) the applicant was a person who did not have the right to a solution pursuant to section 10(1) and (3), section 11(1) and (4) or section 12(1),

- (c) the application fails to meet the condition pursuant to section 32(5),
- (d) the subject-matter of the utility model goes beyond the scope of the original filing of the application,
- (e) several utility models with the same subject matter have been entered for the same applicant,
- (f) the conditions for the entry of the utility model into the Register pursuant to legislation valid at the time of its entry have not been met.

(2) The Office may delete a utility model from the Register pursuant to subsection 1(c) to (e) or if the subject-matter of the application is clearly not eligible for protection according to sections 5, 6 and 9 or the application failed to meet the condition pursuant to section 32(5), also *ex officio*.

(3) An expungement has the same effects as if the utility model had not been entered in the Register.

(4) An expungement can be carried out even after the end of the existence of the utility model pursuant to section 27, if the applicant proves a legal interest.

(5) If the reasons for the expungement relate to the utility model partially, the utility model shall be expunged from the Register only to the extent adequate to the ascertained reasons, namely by a change of the protection claims and possible also of the description.

(6) The Office may, fully or partially, expunge a utility model from the Register also at the request of its owner irrespective of the existence of reasons pursuant to subsection 1; in the case of a partial expungement at the request of the utility model owner, subsection 5 shall be used *mutatis mutandis*. The Office shall not take into account the utility owner's request for a partial expungement of the utility model, if the utility model expungement proceedings are ongoing. If rights of third parties registered in the Register are attached to the utility model, the Office shall act on the utility model owner's request for the expungement of the utility model only after the written consent of the person, whose rights and legitimate interests may be affected by the expungement of the utility model, is filed; the Office shall proceed in the same way even in the case of a litigation entered in the Register, the subject-matter of which is the right to a solution, until the expiry of six months from the date of the finality of the court's decision.

(7) The Office shall discontinue the utility model expungement proceedings if the decision by which the same utility model was expunged has become final.

#### § 45

(1) The request for the expungement of a utility model must contain a legal and factual justification. Simultaneously with the request for the expungement of the utility model, the requester must submit evidence or designate evidence that he will file. In the request, it is possible to refer to documents specified in the search report published together with the application pursuant to section 38(4) or section 39(2) or in the report on an international-type search published with the application pursuant to section 38a; those documents do not have to be translated.

(2) If the request for the expungement of the utility model does not contain the requirements pursuant to subsection 1 or the requirements established by the generally binding piece of legislation issued pursuant to section 59 or the requester fails to file the designated proofs or the requester is not represented pursuant to section 58(2), the Office shall call upon the applicant to eliminate the detected deficiencies within the specified period. If the requester does not comply with the call within the specified period, the Office shall discontinue the utility model expungement request proceedings; the Office shall notify the requester of this consequence in the call.

(3) If the proceedings have not been discontinued pursuant to subsection 2, the Office shall call upon the utility model owner to comment on the request for the expungement of the utility model within the specified time limit and, where applicable, change the protection claims, description or drawings with regard to the reasons and proofs applied and presented by the requester, and the changes made must meet the conditions pursuant to the generally binding piece of legislation issued pursuant to section 59 and must not go beyond the scope of protection resulting from the utility model. If the utility model owner proposes changes limiting the extent of protection, these are the basis for further proceedings.

(4) The utility model owner's statement and his possible request for changes pursuant to subsection 3, shall be delivered by the Office to the requester, and if it deems it expedient, it shall also call upon him to comment on them within the specified period.

(5) In the course of the utility model expungement request proceedings, the Office may

(a) call upon the participant to comment on the filing of the other participant or on the facts that the Office considers decisive in the utility model expungement proceedings, within the specified period, or

(b) determine a joint deadline for the participants for final comments; the Office shall not take into account comments received after this deadline and the Office shall notify of this the participants.

(6) If the utility model owner does not comment on the request for the expungement of a utility model within the time limit specified in the call pursuant to subsection 3, or, within the same time limit, fails to request changes limiting the scope of protection pursuant to subsection 3, the Office shall carry out the expungement of the utility model from the Register within the scope of the filed request. If the requester fails to comment within the period pursuant to subsection 4 or if the participant in the utility model expungement request proceedings fails to comment within the period pursuant to subsection 5(a), the Office shall continue the proceedings and may make a decision based on the file.

(7) If it is not possible to make a decision based on the written filings of the participants in the utility model expungement request proceedings, the Office shall determine the date of an oral hearing. Simultaneously with the summons for the oral hearing, the Office shall deliver to the participant in the utility model expungement request proceedings all the comments of the other party, if it has not already done so earlier.

(8) The Office may continue the proceedings and decide on the matter even if the duly summoned participant in the utility model expungement request proceedings fails to participate in the oral hearing. The Office may grant a request to postpone the oral hearing only for important reasons and only if the request was delivered to the Office without delay after the summoned participant in the utility model expungement request proceedings learned about the reason for which the hearing is requested to be postponed; otherwise, the Office shall not take into account the request to postpone the oral hearing.

(9) Extending or supplementing a request for the expungement of a utility model by a new reason pursuant to section 44(1) or by a new proof of non-fulfillment of the protection conditions pursuant to section 4 to 6 or pursuant to section 32(5) is not permissible in utility model expungement proceedings; the Office shall not take into account such an extension or supplementing within these proceedings and this decision-making in the matter.

(10) Subsections 3 and 5 to 8 shall also be applied *mutatis mutandis* to utility model expungement proceedings initiated *ex officio*.

#### § 46

Together with the request for the expungement of a utility model, the requester is obliged to provide a security deposit of 100 euros. The Office shall return the security deposit if it does not fully grant the request for the expungement of the utility model.

#### § 47

##### **Request for registration in another person's name**

- (1) The Office shall enter the person of the requester as the utility model owner, if
- (a) it finds out from a final decision of a court that the person originally entered as the utility model owner did not have the right to a solution pursuant to section 10(1) and (3), section 11(1) and (4) or section 12(1),
  - (b) the request for registration in another person's name has been submitted by a person who, pursuant to the final court decision, has the right to a solution, or its legal successor, and
  - (c) the request for registration in another person's name has been filed within six months from the date of finality of the court decision.
- (2) The final decision of the court pursuant to subsection 1(a) shall constitute an annex to the request for registration in another person's name.
- (3) If the request for registration in another person's name fails to meet the requirements pursuant to subsection 1 or subsection 2, the Office shall refuse the request for registration in another person's name; before deciding on the refusal of the request for registration in another person's name, the Office shall allow the requester to comment on the detected reasons on the basis of which the request for registration in another person's name is to be refused.
- (4) If the person which, pursuant to the final decision of the court, has the right to a solution, or its legal successor, fails to file a request for registration in another person's name within the deadline pursuant to subsection 1(c), the Office shall expunge the utility model ex officio.
- (5) Subsections 1 to 4 shall be used mutatis mutandis for registering the rights resulting from the application in another person's name. If the rights resulting from the application are not registered in another person's name for reasons pursuant to subsection 3, the Office shall refuse the application.

#### § 48

##### **Determination proceedings**

- (1) Upon request, the Office shall determine whether a subject-matter specified and described in the request falls within the scope of protection of a specific utility model (hereinafter referred to as "determination request"). The description of the subject-matter of determination must be clear and complete, and the determination request must meet the requirements established by the generally binding piece of legislation issued pursuant to section 59.
- (2) Only the person who filed the determination request shall be a participant in the determination proceedings.
- (3) Upon initiation of utility model expungement request proceedings or initiation of utility model expungement proceedings ex officio or upon delivery of a request of a court for an expert opinion (section 30(6)), if the requester is a party to a litigation, the determination proceedings shall be suspended. The Office will notify the requester of the suspension of the determination proceedings. After the decision to expunge the utility model becomes final, the Office shall discontinue the determination proceedings.
- (4) If the description of the subject-matter of determination or the determination request does not meet the requirements pursuant to subsection 1, the Office shall call upon the requester to eliminate the identified deficiencies within the specified period. If the requester does not comply with the Office's call within the specified period, the Office shall discontinue the determination procedure; the Office shall notify the requester of this consequence in the call.

#### § 49

##### **Entry of a license, right of pledge, utility model assignment, utility model transfer, execution or litigation in the Register**

- (1) If a request for the entry of a license, right of pledge, utility model assignment, utility model transfer, execution or litigation in the Register does not contain the requirements established by a generally binding piece of legislation issued pursuant to section 59, the Office shall call upon the requester to remove the identified deficiencies within the specified period. If the requester fails to eliminate the identified deficiencies within the specified period, the Office shall discontinue the request proceedings. The Office will notify the requester of this consequence in the call.
- (2) Subsection 1 shall not apply to a compulsory license that the Office enters into the Register ex officio after delivery of a valid court decision on its granting.
- (3) On the basis of a writ of execution<sup>14c)</sup> supported by a notification of the initiation of an execution and a list of rights which also includes the specific application or the specific utility model, the Office shall enter in the Register the fact that this application or utility model is affected by an execution with effect from the date of delivery of the writ of execution to the Office. The entry of the utility model in the Register does not affect the entry of the execution by affecting the rights resulting from the application and is considered to be an entry of execution by affecting the rights resulting from the utility model. A modification or division of the application (section 39) does not affect the entry of the execution by affecting the rights resulting from the application; in the case of a division of the application (section 39(2)), the Office shall also enter an execution by affecting the rights from divisional applications.
- (4) If there is a court proceeding, the subject-matter of which is a dispute over the right to a solution, the Office, at the request of one of the parties to the litigation, shall enter in the Register the fact that the litigation is ongoing, as well as the subject-matter of the proceeding, with the entry being effective on the day the request is delivered to the Office. The requester shall attach a copy of the court action certified by the court to the request for the entry of the litigation. The entry of a utility model in the Register does not affect the entry of a litigation in relation to the application and it is considered to be an entry of a litigation in relation to the utility model. A modification or division of the application (section 39) does not affect the entry of the litigation in relation to the application; in the case of a division of the application (section 39(2)), the Office shall enter a litigation also in relation to divisional applications.

#### § 50

##### **Extension of the time limit and continuation of proceedings**

- (1) On the basis of a request of a party in the proceedings for an extension of the time limit, determined by the Office, for the performance of an act, filed before the expiration of this time limit, the Office may extend the time limit.

(2) If the party in the proceedings has missed the time limit, set by the Office, for the performance of an act, after the expiration of this time limit, it may request the Office to continue the proceedings and perform the missed act, no later than two months from the delivery of the decision of the Office issued as a result of the missed time limit.

(3) The request pursuant to subsection 1 cannot be granted in the case of a time limit pursuant to section 41(1) and 45(5)(b).

(4) The request pursuant to subsection 2 cannot be granted in the case of the missing of a time limit pursuant to section 41(1) and (2) and section 45(2), (3) and (5).

(5) The Office shall refuse a request for an extension of the time limit or a request for the continuation of proceedings that does not meet the conditions pursuant to subsection 1 or subsection 2, or cannot be granted pursuant to subsection 3 or subsection 4; before the decision to refuse the request, the Office shall allow the requester to comment on the detected facts justifying the refusal of the request.

(6) If the Office grants the request for the continuation of the proceedings, the legal effects of the decision issued as a result of missing the time limit shall cease or not occur.

(7) If the Office does not decide to refuse a request for an extension of the time limit that meets the conditions pursuant to subsection 1, within two months of its delivery, the request is deemed to have been granted.

## § 51

### Restitutio in integrum

(1) If, despite the due care required by the circumstances, a participant in the proceedings missed a legal time limit or a time limit set by the Office for performing an act, and the consequence of the failure to perform this act is a stopping of the proceedings or the loss of another right, he may request from the Office a restitutio in integrum and perform the missed act within 2 months from the disappearance of the obstacle for which he could not perform the act, but no later than 12 months from the expiry of the missed time limit, and in the case of the missed time limit for the filing of a request for an extension of the validity of the utility model not later than 12 months from the expiry of the missed additional time limit under section 26(5).

(2) A participant in the proceedings is obliged to justify the request pursuant to subsection 1 and to state the facts that have prevented the performance of the act and the date of the disappearance of the obstacle, due to which he could not perform the act. Allegations submitted after the expiry of the time limits pursuant to subsection 1 shall not be taken into account by the Office when deciding on the request.

(3) If there are justified doubts about the truth of the justification pursuant to subsection 2, the Office may call on the requester to prove his allegations.

(4) Requests for a restitutio in integrum cannot be granted in cases of missed time limits for

(a) the filing of a request for continuation of proceedings pursuant to section 50(2) and a request for a restitutio in integrum pursuant to subsection 1,

(b) the exercise and proving of the priority right pursuant to section 34,

(c) the filing of a request for

(d)

(e) the filing of a remonstrance in the proceedings before the Office pursuant to section 53(1) and the filing of the reasoning for the remonstrance pursuant to section 53(3),

(f) the performance of acts pursuant to section 41(1) and (2), section 45(2), (3) and (5).

(5) The Office shall refuse a request for a restitutio in integrum which does not meet the conditions pursuant to subsections 1 and 2, or which cannot be granted pursuant to subsection 4 or the applicant does not prove his allegations pursuant to subsection 3, before deciding on the refusal of the request, the Office will enable the requester to comment on the reasons on the basis of which the request is supposed to be refused.

(6) If the Office complies with the request for a restitutio in integrum, the legal effects of the decision issued as a result of the missed time limit shall cease or not occur.

(7) A third person who, in the territory of the Slovak Republic, in good faith, from the finality of the decision issued as a result of missing the time limit until the expiry of the legal effects of this decision pursuant to subsection 6, exploited the technical solution that was the subject-matter of an application or utility model, or made demonstrable preparations directly aimed at the exploitation of this technical solution, can use the technical solution within its business activities without the obligation to pay for the exploitation of the technical solution. In case of doubts, action of a third party shall be considered action in good faith, until the contrary is proved.

(8) The assignment and transfer of the right of the authorized user pursuant to subsection 7 is possible exclusively as part of the assignment or transfer of the business enterprise or its part in which the technical solution is being exploited.

## § 52

### Source documents for a decision

(1) The participant in the proceedings before the Office is obliged to present or propose evidence to prove his allegations.

(2) The Office shall produce evidence and evaluate evidence at its discretion, each evidence individually and all evidence in their mutual relations.

(3) The Office shall make decisions on the basis of facts ascertained from the produced evidence presented or proposed by the participants in proceedings.

## § 53

### Remonstrance

(1) A remonstrance against a decision of the Office may be filed within 30 days from the delivery of the decision, unless otherwise stated in subsections 4 and 5. A remonstrance filed in time has a suspensory effect.

(2) When deciding on a remonstrance, the Office is bound by its scope; this does not apply to matters

(a) in which proceedings can be initiated ex officio,

(b) of joint rights or obligations concerning several participants in the proceedings on one side.

(3) The reasoning for the remonstrance must be filed within two months from the date of filing the remonstrance, otherwise the Office will discontinue the remonstrance proceedings. The Office shall discontinue the proceedings even if the remonstrance

has been filed with a delay or if the filing of the remonstrance is not permissible pursuant to subsection 4 or 5.

- (4) It is not allowed to file a remonstrance against the decision by which the Office  
(a) granted a request for the continuation of the proceedings or a request for a restitutio in integrum,  
(b) discontinued the proceedings pursuant to section 44(7) or section 58(8), or suspended the proceedings pursuant to section 37(1) or section 58(9),  
(c) discontinued the proceedings pursuant to subsection 3,  
(d) decided in the determination proceedings pursuant to section 48.
- (5) It is not allowed to file a remonstrance only against the reasoning of a decision.

#### § 54

##### **Inspection of the file and making data accessible**

- (1) Participants in proceedings have the right to inspect the files and to make extracts from and duplicates of them.
- (2) Before publication of the application pursuant to section 38(4), section 38a(2) or section 39(2), the Office shall be authorized, without the consent of the applicant, to notify third parties only of the piece of data saying who is the author, who is the applicant, the name of the utility model, the file number of the application, and data on the priority right.
- (3) Before publication of the application pursuant to section 38(4), section 38a(2) or section 39(2), the Office shall, upon request, enable the utility model owner, patent owner, applicant or patent application applicant to inspect the file relating to the application, if the application refers to a utility model or patent of that owner or the application or patent application of that applicant.
- (4) After the publication of the application pursuant to section 38(4), section 38a(2) or section 39(2), the Office shall, upon request, allow a third party to inspect the file relating to the application or the utility model.
- (5) The right to inspect the file also includes the right to make copies for a reimbursement of the material costs associated with making the copies and with their sending.
- (6) Based on a written request of the author mentioned in the application pursuant to section 32(6), the Office shall not make his identification data accessible to third parties, in particular during the publication of an application, notification of the entry of the utility model, issuance of a certificate of the entry of the utility model into the Register and during the inspection of the file.
- (7) At a request and upon evidence of a legal interest, the Office shall notify the requester whether the person designated by him is or is not listed as the author in the application.
- (8) The following is excluded from the right of inspection:
  - (a) parts of the file containing information of confidential nature, the disclosure of which is not indispensable to ensure the right to information of third parties, including participants in the proceedings,
  - (b) on the basis of a written request of the applicant or utility model owner, parts of the file containing a trade secret, and
  - (c) the voting minutes and parts of the file containing auxiliary notes or drafts of decisions, assessments or opinions.

#### § 55

##### **Register**

- (1) The Office shall keep the Register in which it records decisive data about applications and utility models. Everyone has the right to inspect the Register.
- (2) The data entered in the Register is considered valid until a decision of the competent authority determines otherwise.
- (3) A change of data entered in the Register, resulting from a final and enforceable decision of a competent authority, shall be entered in the Register by the Office after delivery of the decision provided with a finality clause without undue delay.
- (4) Entering data and facts resulting from a law or from a decision of a competent authority pursuant to subsection 3 is not considered a decision issued in proceedings pursuant to a general piece of legislation on administrative proceedings. 15)

#### § 56

##### **Official Gazette**

The Office publishes the Official Gazette in which it publishes and notifies facts related to applications and utility models, as well as official notices and decisions of a fundamental nature.

#### § 57

##### **International application**

- (1) The applicant of an international application,<sup>1)</sup> which requests the entry of a utility model in the Register in the Slovak Republic, is obliged to submit this international application to the Office within 31 months from the creation of the priority right and submit its translation in the state language.<sup>13)</sup>
- (2) At the request of the applicant, provided that the conditions pursuant to subsection 1 are met, the Office may start the international application proceedings even before the expiration of the deadlines specified in subsection 1.

#### **PART FOUR**

##### **COMMON, AUTHORISING, TRANSITIONAL AND REPEALING PROVISIONS**

#### § 58

##### **Common provisions**

- (1) Persons who have a permanent residence, registered office or business enterprise in the territory of a state that is a party to an international convention,<sup>5)</sup> or in the territory of a state that is a member of the World Trade Organization,<sup>6)</sup> or are nationals of that state, have the same rights and obligations as citizens of the Slovak Republic without prejudice to the provision of subsection 2. If the state of which the person is a national, or the state in whose territory the person has a permanent residence, registered office or business enterprise, is not a state that is a party to an international convention<sup>5)</sup> or a member of the World Trade

Organization,<sup>6)</sup> rights pursuant to this Act may be granted only under the condition of reciprocity.

(2) Persons not having a permanent residence or registered office in the territory of the Slovak Republic must be represented by a lawyer<sup>16)</sup> or a patent attorney<sup>17)</sup> in proceedings before the Office. The mandatory representation according to the previous sentence does not apply to participants in the proceedings, who are citizens of a contracting state of the Agreement on the European Economic Area, have a registered office or business enterprise in the territory of a contracting state of the Agreement on the European Economic Area; such participants in the proceedings are obliged to notify the Office of the address for delivery in the territory of the Slovak Republic.

(3) The provision of subsection 2 on mandatory representation does not apply to acts

- (a) preceding and connected with the determination of the filing date pursuant to section 33,
- (b) associated with the payment of fees,
- (c) associated with proving the priority right pursuant to section 34.

(4) A representative of a participant in the proceedings is obliged to notify the Office of the address for delivery on the territory of the Slovak Republic.

(5) Proceedings before the Office pursuant to this Act are subject-matter to a general piece of legislation on administrative proceedings<sup>15)</sup> except section 19, section 23, section 28, section 29, section 30(1)(b) and (d), section 32 to 34, section 39, section 49, section 50, section 59(1) and section 60.

(6) If the attachment to the filing is a copy of a document, about the authenticity of which the Office has doubts, it may request the filing of the original document or its certified copy.

(7) If the party to the proceedings fails to comply with a call of the Office within the specified period, the Office may discontinue the proceedings. The Office shall notify the participant in the proceedings of this consequence in the call.

(8) The Office shall also discontinue the proceedings at the request of the person who filed the request for its initiation; it is not obliged to do so, in the case of proceedings that the Office can initiate ex officio. A request to discontinue proceedings cannot be withdrawn. In the case of a request to discontinue the proceedings on an application, to which a litigation entered in the Register is related, the Office can discontinue the proceedings only after the submission of the written consent of the person who has filed the request to enter the litigation in the Register.

(9) If proceedings have been initiated on a preliminary issue that the Office is not authorized to resolve, the Office shall suspend the proceedings; this does not affect section 37. As soon as the obstacle for which the proceedings have been suspended disappears, the Office shall continue the proceedings even without a motion. During the suspension of the proceedings, the time limits pursuant to this Act do not expire; this does not apply to time limits pursuant to section 26(4) and (5).

(10) The filing at the Office shall be in writing, in paper form or in electronic form, and in the state language,<sup>13)</sup> unless otherwise provided for in the third part of this Act. The filing shall be judged by its content. It must be clear from the filing who is filing it, what matter it concerns and what it proposes. Each filing must be signed by the person filing it. A filing in electronic form authorized pursuant to a special piece of legislation<sup>18)</sup> must contain an identifier of the person of the participant in the proceedings and an identifier of the person of the representative pursuant to a special piece of legislation,<sup>17a)</sup> if the participant in the proceedings is represented.

(11) Unless otherwise provided for in subsection 12, a filing at the Office made in electronic form without authorization pursuant to a special piece of legislation<sup>18)</sup> must be additionally delivered in paper form or in electronic form, authorized pursuant to a special piece of legislation;<sup>18)</sup> if it is not additionally delivered to the Office within one month, the filing shall not be taken into account. The Office shall not call for additional delivery of the filing.

(12) Subsection 11 does not apply to a filing made through closed information systems.<sup>19)</sup>

(13) A fee pursuant to a special piece of legislation shall be paid for acts under this Act.<sup>20)</sup>

## § 59

### Authorizing provision

A generally binding piece of legislation issued by the Office shall stipulate the details of

- (a) the requirements of the application,
- (b) the method and requirements for exercising and proving the priority right,
- (c) the translation of the international application, 1)
- (d) the requirements of the request for postponing the publication of the application,
- (e) the requirements of oppositions against the entry of the utility model into the register,
- (f) the requirements of the request for an extension of the validity of the utility model,
- (g) the requirements of a motion for expungement, request for registration in another person's name, request for determination, request for continuation of proceedings and request for restitutio in integrum,
- (h) the method of filing and the requirements of a request for the entry of a right, a request for the entry of a litigation in the Register and a request for the assignment and transfer of rights resulting from the application in the Register,
- (i) the method of filing and the requirements of the request to conduct an international-type search,
- (j) the form of filing, the number of counterparts of the filing with attachments and the delivery to the Office,
- (k) data entered in the Register and published in the Official Gazette.

## § 60

### Transitional provisions

(1) Application proceedings and proceedings in matters of utility models, which were not legally terminated before the date of entry into effect of this Act, shall be terminated pursuant to this Act.

(2) Rights and relationships resulting from utility models entered in the Register before the date of entry into effect of this Act are governed by the provisions of this Act. The creation of these rights and relationships, as well as the claims arising from them before the date of entry into effect of this Act, shall be assessed according to the legislation in force at the time of their creation.

## § 60a

### Transitional provisions for adjustments effective from January 1, 2018



(1) Proceedings initiated and not finally completed by December 31, 2017, shall be completed pursuant to this Act in the version effective from January 1, 2018, unless otherwise provided in subsection 2.

(2) Determination proceedings initiated and not finally completed by December 31, 2017, shall be completed pursuant to this Act, in the version effective until December 31, 2017.

(3) The periods that began to run until December 31, 2017, shall run pursuant to this Act in the version effective until December 31, 2017, and their legal effects shall remain preserved.

(4) Rights and legal relationships resulting from utility models entered in the Register until December 31, 2017 shall be assessed in accordance with this Act in the version effective as from January 1, 2018. The creation, change and termination of rights and legal relationships, as well as claims arising from them until December 31, 2017 shall be assessed in accordance with the legislation effective at the time of their creation.

#### § 60b

#### **Transitional provisions for adjustments effective from January 14, 2019**

(1) Proceedings initiated and not finally completed by January 13, 2019 shall be completed pursuant to this Act in the version effective as from January 14, 2019.

(2) Rights and legal relationships resulting from utility models entered in the Register until January 13, 2019 shall be assessed pursuant to this Act in the version effective as from January 14, 2019. The creation, change and termination of rights and legal relations, as well as claims arising from them until January 13, 2019 shall be assessed in accordance with the legislation effective at the time of their creation.

#### § 61

The legal acts of the European Communities and the European Union listed in the annex are being transposed by this Act.

#### §62

#### **Repealing provisions**

The following shall be repealed:

Act No. 478/1992 Coll. of Laws of the Slovak Rep. on utility models as amended by Art. VI of the Act of National Council of the Slovak Republic No. 90/1993 Coll. of Laws of the Slovak Rep. and Art. III of the Act No. 435/2001 Coll. of Laws of the Slovak Rep.

#### Art. II

The Act of the National Council of the Slovak Republic No. 145/1995 Coll. of Laws of the Slovak Rep. on administrative fees as amended by Act of the National Council of the Slovak Republic No. 123/1996 Coll. of Laws of the Slovak Rep., Act of the National Council of the Slovak Republic No. 224/1996 Coll. of Laws of the Slovak Rep., Act No. 70/1997 Coll. of Laws of the Slovak Rep., Act No. 1/1998 Coll. of Laws of the Slovak Rep., Act No. 232/1999 Coll. of Laws of the Slovak Rep., Act No. 3/2000 Coll. of Laws of the Slovak Rep., Act No. 142/2000 Coll. of Laws of the Slovak Rep., Act No. 211/2000 Coll. of Laws of the Slovak Rep., Act No. 468/2000 Coll. of Laws of the Slovak Rep., Act No. 553/2001 Coll. of Laws of the Slovak Rep., Act No. 96/2002 Coll. of Laws of the Slovak Rep., Act No. 118/2002 Coll. of Laws of the Slovak Rep., Act No. 215/2002 Coll. of Laws of the Slovak Rep., Act No. 237/2002 Coll. of Laws of the Slovak Rep., Act No. 418/2002 Coll. of Laws of the Slovak Rep., Act No. 457/2002 Coll. of Laws of the Slovak Rep., Act No. 465/2002 Coll. of Laws of the Slovak Rep., Act No. 477/2002 Coll. of Laws of the Slovak Rep., Act No. 480/2002 Coll. of Laws of the Slovak Rep., Act No. 190/2003 Coll. of Laws of the Slovak Rep., Act No. 217/2003 Coll. of Laws of the Slovak Rep., Act No. 245/2003 Coll. of Laws of the Slovak Rep., Act No. 450/2003 Coll. of Laws of the Slovak Rep., Act No. 469/2003 Coll. of Laws of the Slovak Rep., Act No. 583/2003 Coll. of Laws of the Slovak Rep., Act No. 5/2004 Coll. of Laws of the Slovak Rep., Act No. 199/2004 Coll. of Laws of the Slovak Rep., Act No. 204/2004 Coll. of Laws of the Slovak Rep., Act No. 347/2004 Coll. of Laws of the Slovak Rep., Act No. 382/2004 Coll. of Laws of the Slovak Rep. Act No. 434/2004 Coll. of Laws of the Slovak Rep., Act No. 533/2004 Coll. of Laws of the Slovak Rep., Act No. 541/2004 Coll. of Laws of the Slovak Rep., Act No. 572/2004 Coll. of Laws of the Slovak Rep., Act No. 578/2004 Coll. of Laws of the Slovak Rep., Act No. 581/2004 Coll. of Laws of the Slovak Rep., Act No. 633/2004 Coll. of Laws of the Slovak Rep., Act No. 653/2004 Coll. of Laws of the Slovak Rep., Act No. 656/2004 Coll. of Laws of the Slovak Rep., Act No. 725/2004 Coll. of Laws of the Slovak Rep., Act No. 5/2005 Coll. of Laws of the Slovak Rep., Act No. 8/2005 Coll. of Laws of the Slovak Rep., Act No. 15/2005 Coll. of Laws of the Slovak Rep., Act No. 93/2005 Coll. of Laws of the Slovak Rep., Act No. 171/2005 Coll. of Laws of the Slovak Rep., Act No. 308/2005 Coll. of Laws of the Slovak Rep., Act No. 331/2005 Coll. of Laws of the Slovak Rep., Act No. 341/2005 Coll. of Laws of the Slovak Rep., Act No. 342/2005 Coll. of Laws of the Slovak Rep., Act No. 473/2005 Coll. of Laws of the Slovak Rep., Act No. 491/2005 Coll. of Laws of the Slovak Rep., Act No. 538/2005 Coll. of Laws of the Slovak Rep., Act No. 558/2005 Coll. of Laws of the Slovak Rep., Act No. 572/2005 Coll. of Laws of the Slovak Rep., Act No. 573/2005 Coll. of Laws of the Slovak Rep., Act No. 610/2005 Coll. of Laws of the Slovak Rep., Act No. 14/2006 Coll. of Laws of the Slovak Rep., Act No. 15/2006 Coll. of Laws of the Slovak Rep., Act No. 24/2006 Coll. of Laws of the Slovak Rep., Act No. 117/2006 Coll. of Laws of the Slovak Rep., Act No. 124/2006 Coll. of Laws of the Slovak Rep., Act No. 126/2006 Coll. of Laws of the Slovak Rep., Act No. 224/2006 Coll. of Laws of the Slovak Rep., Act No. 342/2006 Coll. of Laws of the Slovak Rep., Act No. 672/2006 Coll. of Laws of the Slovak Rep., Act No. 693/2006 Coll. of Laws of the Slovak Rep., Act No. 21/2007 Coll. of Laws of the Slovak Rep., Act No. 43/2007 Coll. of Laws of the Slovak Rep., Act No. 95/2007 Coll. of Laws of the Slovak Rep., Act No. 193/2007 Coll. of Laws of the Slovak Rep., Act No. 220/2007 Coll. of Laws of the Slovak Rep., Act No. 279/2007 Coll. of Laws of the Slovak Rep., Act No. 295/2007 Coll. of Laws of the Slovak Rep., Act No. 309/2007 Coll. of Laws of the Slovak Rep., Act No. 342/2007 Coll. of Laws of the Slovak Rep., Act No. 343/2007 Coll. of Laws of the Slovak Rep., Act No. 344/2007 Coll. of Laws of the Slovak Rep., Act No. 355/2007 Coll. of Laws of the Slovak Rep., Act No. 358/2007 Coll. of Laws of the Slovak Rep., Act No. 359/2007 Coll. of Laws of the Slovak Rep. and Act No. 460/2007 Coll. of Laws of the Slovak Rep. is amended as follows:

In the schedule of administrative fees in part IX Customs administration

1. In item 159, paragraph (f) is omitted, including the footnote to reference 36o.  
The previous paragraphs (g) to (l) are designated as paragraphs (f) to (k).

In the schedule of administrative fees part XVI Industrial rights

2. In item 214 paragraph (a) the word "photocopies" is omitted.

3. In item 214, paragraph (b) reads:

"(b) Request for the performance of a professional examination or an aptitude test for the profession of a patent attorney ..... SKK 1,500".

4. In item 215, paragraph (a) is omitted.

The previous paragraphs (b) to (e) are designated as paragraphs (a) to (d).

5. In item 215, paragraphs (a) and (b) read:

"(a) continuation of proceedings ..... SKK 2,000

(b) restitutio in integrum ..... SKK 5,000".

6. In item 216 paragraph (b) points 9. to 11. read:

"9. entry of a compulsory license or entry of its revocation into the register  
..... SKK 500

10. entry of a right of pledge or entry of its termination into the register  
..... SKK 500

11. entry of a litigation or entry of its termination into the register  
..... SKK 500".

7. In item 216 paragraph (b) points 12 and 13 are omitted.

8. In item 216 paragraph (c) point 1, the amount "SKK 2,500" is replaced by the amount "SKK 3,500".

9. In item 216 paragraph (e) the amount "SKK 3,000" is replaced by the amount "SKK 5,000".

10. Item 216 is supplemented by paragraph (f), which reads:

"(f) Extension of the period of validity of the supplementary protection certificate pursuant to a special piece of legislation 47) ..... SKK 1,000".

The footnote to reference 47 reads:

"47) Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products as amended (Special edition of the Official Journal of the European Union, chap. 13/ vol. 11; Official Journal of the European Communities L 182, 2.7.1992)."

11. In the note to item 216, the words "within two months from the date of delivery of the call to the office" are inserted after the words "are submitted"; a comma and the words "DVD" are inserted after the words "CD" and the words "in the MS Word 95/97 version" are omitted.

12. In item 216a, paragraph (a) reads:

"(a) Conversion of a European patent application to a national patent application, a national utility model application or a national utility certificate application according to Art. 135(2) and Art. 140 of the European Patent Convention, for each country ..... SKK 600".

13. In item 216a paragraph (b), the word "notifications" is replaced by the word "notification".

14. In item 216a, paragraphs (c) and (d) read:

"(c) Publishing and making available a translation or a corrected translation, or a translation of the amended version of a European patent ..... SKK 3,500

(d) Publishing and making available the submitted translation of the European patent specification within the additional period ..... SKK 7,000".

15. In item 217 paragraph (b) to (d), the amount "SKK 1,000" is replaced by the amount "SKK 1,500".

16. Item 217 is supplemented with a note which reads:

"Note

If filings according to paragraphs (a) to (d) are submitted within 5 days of the written filing on a duly labelled 3.5-inch floppy disk, CD, DVD, or sent by e-mail, the respective files are marked with the corresponding patent application number and are in the "doc" format or in the "rtf" format with the use of basic fonts, possibly with the submission of image parts in the "tiff" format with a resolution of 300 or 600 dpi, a fee of two thirds of the respective rate shall be charged."

17. In item 218, points 1 and 2 read:

"1. Maintaining the validity of the patent, the European patent for

(a) 3rd year SKK 2,000

(b) 4th year SKK 2,500

(c) 5th year SKK 3,000

(d) 6th year SKK 3,500

(e) 7th year SKK 4,000

(f) 8th year SKK 4,500

(g) 9th year SKK 5,000

(h) 10th year SKK 6,000

(i) 11th year SKK 7,000

(j) 12th year SKK 8,000

(k) 13th year SKK 9,000

(l) 14th year SKK 10,000

(m) 15th year SKK 11,000

(n) 16th year SKK 12,000

(o) 17th year SKK 14,000

(p) 18th year SKK 16,000

- (q) 19th year SKK 18,000
- (r) 20th year SKK 20,000

2. Maintaining the validity of the supplementary protection certificate for the

- (a) 1st year SKK 30,000
- (b) 2nd year SKK 40,000
- (c) 3rd year SKK 50,000
- (d) 4th year SKK 60,000
- (e) 5th year SKK 70,000".

18. Item 218 is supplemented by point 3 which reads:

"3. Maintaining the validity of the supplementary protection certificate during the period extended pursuant to a special piece of legislation 47) ..... SKK 25,000".

19. In the note to item 218, point 7. reads:

"7. The maintenance fee for a patent, European patent, supplementary protection certificate for each subsequent year is paid without a call and is due in the previous year of the validity of the patent, European patent, supplementary protection certificate, no later than the day on which the previous year of the validity of the patent, European patent, supplementary protection certificate expires."

20. Item 219 is omitted.

21. In item 221, paragraph (a) reads:

"a) Filing a utility model application

- 1. by the author or co-authors ..... SKK 1,000
- 2. by an applicant other than the author or applicants who are not the same as the co-authors ..... SKK 2,000".

22. In item 221 paragraph (b), point I. reads:

"1. postponement of the publication of the application ..... SKK 500".

23. In item 221 paragraph (b), point 7. reads:

"7. entry of a compulsory license or entry of its revocation into the register ..... SKK 500".

24. In item 221 paragraph (b), point 8. reads:

"8. entry of a right of pledge or entry of its termination into the register ..... SKK 500".

25. Item 222 reads:

"Item 222

- a) Filing of a request to determine whether the technical solution falls within the scope of the entered utility model ..... SKK 5,000
- b) Filing of oppositions against the entry of a utility model into the register ..... SKK 800
- c) Filing of a request for the expungement of a utility model from the register of utility models ..... SKK 1,500
- d) Filing of a request for a registration in another person's name with respect to the utility model owner ..... SKK 1,000

Note

If filings according to paragraphs (a) and (b) are submitted within 5 days of the written filing on a duly labelled 3.5-inch floppy disk, CD, DVD, or sent by e-mail, the respective files are marked with the corresponding utility model application number and are in the "doc" format or in the "rtf" format with the use of basic fonts, possibly with the submission of image parts in the "tiff" format with a resolution of 300 or 600 dpi, a fee of two thirds of the respective rate shall be charged."

26. Item 223 reads:

"Extension of the validity of the entry of a utility model

- 1. for the first time, in three years ..... SKK 4,000
- 2. for the first time, in three years within an additional period of up to six months from the expiry of the utility model validity..... SKK 8,000
- 3. for the second time, in three years ..... SKK 8,000
- 4. for the second time, in three years within an additional period of up to six months from the expiry of the utility model validity.....SKK 16,000".

27. In the note to item 223, point 2 is omitted and at the same time the designation of point 1 is cancelled.

28. In item 224 paragraph (c) point 2, the amount "SKK 600" is replaced by the amount "SKK 800".

29. In item 224 paragraph (c), points 7 and 8 read:

- "7. entry of right of pledge or entry of its termination into the register of designs .... SKK 500
- 8. entry of legislation or entry of its termination into the register of designs ..... SKK 500".

30. In item 224 paragraph (c), point 9 is omitted.

31. In item 225, paragraphs (a) and (b) read:

- "a) Filing of a request to determine whether the particular exterior of the product falls within the scope of the entered design ..... SKK 5,000
- b) Filing of a request for expungement
  - 1. of an entered design from the register of designs ..... SKK 1,500

2. for each additional design included in the entered design ..... SKK 500".

32. Item 225 is supplemented with a note which reads:

"Note

If filings according to paragraphs (a) and (b) are submitted within 5 days of the written filing on a duly labelled 3.5-inch floppy disk, CD, DVD, or sent by e-mail, the respective files are marked with the corresponding design application number and are in the "doc" format or in the "rtf" format with the use of basic fonts, possibly with the submission of image parts in the "tiff" format with a resolution of 300 or 600 dpi, a fee of two thirds of the respective rate shall be charged."

33. In item 226, points 1 to 4, including the heading, read:

"Extension of the validity of the entry of a design

1. for the first time, in five years ..... SKK 3,000

2. for the second time, in five years ..... SKK 6,000

3. for the third time, in five years ..... SKK 9,000

4. for the fourth time, in five years ..... SKK 12,000".

34. In item 227 paragraph (b), point 1. the amount "SKK 600" is replaced by the amount "SKK 800".

35. In item 227 paragraph (b), point 6 reads:

"6. entry of a compulsory license or entry of its revocation into the register ..... SKK 500".

36. In item 227 paragraph (b), point 7 is omitted.

37. In item 227 paragraph (b), points 7 and 8 are added, which read:

"7. entry of right of pledge or its entry into the register ..... SKK 500

8. entry of a litigation or its termination into the register ..... SKK 500".

38. Item 228 is supplemented with a note which reads:

"Note

If a filing according to this item are submitted within 5 days of the written filing on a duly labelled 3.5-inch floppy disk, CD, DVD, or sent by e-mail, the respective files are marked with the corresponding semiconductor topography application number and are in the "doc" format or in the "rtf" format with the use of basic fonts, possibly with the submission of image parts in the "tiff" format with a resolution of 300 or 600 dpi, a fee of two thirds of the respective rate shall be charged."

39. In item 229, paragraph (a) reads:

"a) Filing of an application or split application

1. for an individual trademark for up to three classes of goods or services .. SKK 5,000

2. for a collective trademark for up to three classes of goods or services

..... SKK 10,000

3. for an individual or collective trademark, for each class of goods or services above three classes ..... SKK 500".

40. In item 229 paragraph (b) point 1., the amount "SKK 600" is replaced by the amount "SKK 800".

41. In item 229 paragraph (b), point 7 is omitted.

42. In item 230 paragraph (a), the amount "SKK 600" is replaced by the amount "SKK 1,500".

43. Item 230 is supplemented with a note which reads:

"Note

If filings according to paragraphs (a) and (b) are submitted within 5 days of the written filing on a duly labelled 3.5-inch floppy disk, CD, DVD, or sent by e-mail, the respective files are marked with the corresponding trademark application number and are in the "doc" format or in the "rtf" format with the use of basic fonts, possibly with the submission of image parts in the "tiff" format with a resolution of 300 or 600 dpi, a fee of two thirds of the respective rate shall be charged."

44. Item 231 reads:

"Renewal of the entry

a) of an individual trademark for up to three classes of goods or services ..... SKK 4,000

b) of a collective trademark for up to three classes of goods or services ..... SKK 8,000

c) of an individual trademark for up to three classes of goods or services filed after the expiry of the protection period, but no later than six months from this date

..... SKK 8,000

d) of a collective trademark for up to three classes of goods or services filed after the expiry of the protection period, but no later than six months from this date

..... SKK 16,000

e) of an individual or collective trademark, for each class of goods or services above three classes ..... SKK 500

Note

If a trademark is entered in the trademark register after the expiry of its protection period, the fee for the renewal of the entry is payable without a request of the trademark owner within two months from the issuance of the certificate on the basis of a written call."

45. In item 232 paragraph a), the amount "SKK 2,500" is replaced by the amount "SKK 3,000".

46. The heading "DESIGNATION OF ORIGIN OF PRODUCTS" above items 233 to 235 is replaced by the heading "DESIGNATION OF ORIGIN OF PRODUCTS AND GEOGRAPHICAL INDICATION OF PRODUCTS".

47. In item 233, paragraph (b) is omitted and at the same time the designation of paragraph (a) is cancelled.

48. In item 234, the amount "SKK 2,000" is replaced by the amount "SKK 4,000".

49. Item 234 is supplemented with a note which reads:

"Note

If a filing according to this item is submitted within 5 days of the written filing on a duly labelled 3.5-inch floppy disk, CD, DVD, or sent by e-mail, the respective files are marked with the corresponding number of the application of the designation of origin of the product or geographical indication of the product and are in the "doc" format or in the "rtf" format with the use of basic fonts, possibly with the submission of image parts in the "tiff" format with a resolution of 300 or 600 dpi, a fee of two thirds of the respective rate shall be charged."

Art. III

The Act No. 435/2001 Coll. of Laws of the Slovak Rep. on patents, supplementary protection certificates and on alterations of and additions to certain laws (Patent Act) as amended by Act No. 402/2002 Coll. of Laws of the Slovak Rep. and Act No. 84/2007 Coll. of Laws of the Slovak Rep. is amended as follows:

1. In section 6(2)(d) a comma is omitted after the words "or animals" and the words "or for" are replaced by the words "and also".

2. In section 7(3) the second sentence reads:

"This shall also apply to international applications with designation for the Slovak Republic, where the publication of the international application shall mean publication in the Official Gazette (section 41), and to European patent applications with designation for the Slovak Republic (hereinafter referred to as "European patent application"), where the publication of the European patent application shall mean publication pursuant to Article 93 or Article 153 of the European Patent Convention."

3. In section 11(5) in the second sentence, the word "achieved" is replaced by the word "achievable".

4. In section 11(5) in the third sentence, the words "agreed or determined by a court decision" are omitted.

5. Section 11(6) is omitted.

The hitherto subsection 7 is designated as subsection 6.

6. In section 11(6), the words "1 to 6" are replaced by the words "1 to 5".

7. In section 16(1), the words "Slovak Republic" are replaced by the words "a member state of the European Union or a state that is a contracting party to the Agreement on the European Economic Area".

8. In section 16(3), the following sentence is added at the end:

"To determine the scope of the grower's right according to the first sentence and the conditions for the exercise of this right, the provisions of a special piece of legislation shall be used mutatis mutandis. 6(a)".

The footnote to reference 6a reads:

"6a) Article 14 of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (Special edition of the Official Journal of the European Union, 03/ vol. 16 Official Journal of the European Communities L 227, 1.9.1994)."

9. Section 18(1)(f) reads:

"(f) in activities carried out for experimental purposes, which also includes studies and tests necessary for the registration proceedings pursuant to a special piece of legislation.8(a)".

The footnote to reference 8a reads:

"8a) Act No. 148/1998 Coll. of Laws of the Slovak Rep. on medicines and medical devices, on an amendment of the Act No. 455/1991 Coll. of Laws on trade entrepreneurship (Trade Act) as amended and on alterations of and additions to the Act of the National Council of the Slovak Republic No. 220/1996 Coll. of Laws of the Slovak Rep. on advertising as amended."

10. In section 27(6), the word "cross" is inserted after the words "right to grant".

11. In section 27, a new subsection 7 is inserted after subsection 6 and the new subsection reads:

"(7) If a patent owner has been granted a compulsory license for the exploitation of a plant variety pursuant to a special piece of legislation,13b) the holder of a cultivator certificate has the right to be granted a compulsory cross-license for the exploitation of the biotechnological invention."

The former subsections 7 and 8 are designated to subsections 8 and 9.

The footnote to reference 13b reads:

"13b) section 10 of the Act No. 132/1989 Coll. of Laws as amended."

12. In section 31, subsections 3 and 4 are omitted.

13. In section 35(2), paragraph (c) reads:

"(c) the part which appears as a description."

14. In section 35(3), the words "section 79(7)" are replaced by the words "79(8)".

15. Section 35(4) reads:

"(4) If the Office finds out that the application does not meet the requirements pursuant to subsection 2(c) or is incomplete, it shall call upon the applicant to supplement the application within a period determined by it."

16. Section 35(6) reads:

"(6) The determination of the application filing date pursuant to subsection 5 shall not apply if, after supplementing the filing due to incompleteness pursuant to subsection 4, the applicant withdraws his filing in the part thus supplemented before publication of the application."

17. Section 35a is inserted after section 35, which reads:

"§ 35a

(1) The applicant may replace the part of the filing pursuant to section 35(2)(c) with a reference to the first application, if he has exercised the priority right pursuant to section 36(2) in the application.

(2) The reference to the first application pursuant to subsection 1 shall contain

(a) an express declaration of the will of the applicant that he is replacing the part of the filing pursuant to section 35(2)(c) with a reference to the first application,

(b) the number of the first application,

(c) the date of filing of the first application,

(d) the state in which the first application has been filed, or the authority to which the first application has been filed.

(3) The applicant is obliged to submit a copy of the first application within two months based on a call of the Office; if the first application is not in the state language, the applicant is obliged to submit also its translation into the state language within two months based on a call of the Office.

(4) If the reference to the first application pursuant to subsection 1, does not contain the requirements pursuant to subsection 2 or the applicant does not comply with the call of the Office pursuant to subsection 3, the application shall be considered unfiled. If the application is considered unfiled, the Office shall notify the applicant of it."

18. In section 36(1)(b), the words "from the older" are replaced by the words "from the first".

19. In section 36(3) in the first sentence, the word "earlier" is replaced by the word "first".

20. In section 36(5), after the words "If the applicant", the words "despite the due diligence required by the circumstances," are inserted.

21. In section 36(5)(b), the words "without his fault" are omitted.

22. After section 36, section 36a is inserted, which reads:

#### "§ 36a

(1) If the applicant applied for utility model protection for the same subject-matter in the Slovak Republic before filing the application, he can request the granting of the date of filing, or where applicable also the priority right from this utility model application, when filing the application. The Office shall grant to the application the filing date, and possibly also the priority right from this utility model application, as long as the application is filed within 36 months from the filing of the utility model application; if the proceedings on the utility model application have been discontinued or the utility model application was refused, the application must be filed within two months from the delivery of this decision, but no later than within 36 months from the filing of the utility model application.

(2) The applicant exercising the right pursuant to subsection 1 is obliged to submit a counterpart of the utility model application, whose filing date or priority right he invokes, within a period of three months from the filing of the application, otherwise it will not be taken into account."

23. In section 38, new subsections 2 to 5 are inserted after subsection 1 and they read:

"(2) The deposited biological material shall be accessible from the date of publication of the patent application by providing a sample upon request. On the basis of a request filed to the Office before the application is published, the applicant is entitled to limit access to the deposited biological material to independent experts only.

(3) After the grant of a patent, irrespective of its revocation or expiration, the deposited biological material is accessible by providing a sample upon request.

(4) The sample can only be provided if the person requesting it, or the independent expert pursuant to subsection 2 second sentence, undertakes that during the validity of the patent

(a) he will not provide the sample or material derived from it to a third party and

(b) he will use the sample and the material derived from it only for experimental purposes, unless the applicant or the patent owner expressly relieves him of this obligation.

(5) On the basis of a request filed with the Office before publication of the application, the applicant is entitled to limit access to the deposited biological material for a period of 20 years from the application filing date to independent experts only in the event that the application is refused or the proceedings on the application are discontinued; subsection 4 shall apply mutatis mutandis."

The previous subsections 2 to 4 are designated as subsections 6 to 8.

24. Section 38 is supplemented by subsection 9, which reads:

"(9) The conditions established by an international convention apply to the re-deposit of biological material in a recognized depository institution.15)".

25. Section 45, including the heading, reads:

#### "§ 45

### **Modification and division of the application**

(1) The applicant may modify the application during the application proceedings; modifications and alterations made to the application may not go beyond its original filing.

(2) Until the moment of the grant of a patent pursuant to section 44(4), the applicant may divide the application. The Office shall grant the divisional applications a filing date, or even the priority right from the original application, if they do not exceed its scope.

(3) If an application is divisional after the start of a substantive examination pursuant to section 43, the divisional application shall be considered the application in which a request for a substantive examination was filed."

26. Section 46(4) reads:

"(4) The Office can cancel the patent even after its expiry, if the applicant proves a legal interest."

27. In section 51(2), the words "after the expiration of this period" are inserted after the word "may".

28. In section 51(2), a comma and the words "more specifically" are inserted after the words "missed act".

29. Section 51(4) reads:

"(4) It is not possible to comply with the request pursuant to subsection 2 in the case of the time limit pursuant to section 47(1) and (2)."

30. In section 51(5), the words "a ban applies to it" are replaced by the words "cannot be granted".

31. In section 51(6), after the word "Office" the word "grants" is omitted and after the words "in tge proceedings" the word "shall grant" is inserted.

32. In section 51(7), the words "subsections 1 or 2" are replaced by the words "subsection 1".

33. In section 52(1), the words "through no fault of their own" are replaced by the words "despite due care required by the circumstances."

34. In section 52(1), the following words are added at the end:

"and in case of missing the deadline for the payment of the maintenance fee pursuant to section 79(9) at the latest within 12

months from the expiry of the missed additional period pursuant to an international convention<sup>15a)</sup>".

The footnote to reference 15a reads:

"15a) Article 5 bis subsection 1 of Paris Convention for the Protection of Industrial Property (Regulations of the Ministry of Foreign Affairs No. 64/1975 Coll. of Laws on the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967 as amended by the Regulations of the Minister of Foreign Affairs No. 81/1985 Coll. of Laws).".

35. In section 52(3) the first sentence reads:

"A participant in the proceedings is obliged to justify the request pursuant to subsection 1 and to state the facts that have prevented the performance of the act, and the date of the disappearance of the obstacle, due to which he could not perform the act..".

36. Section 52(5) reads:

"(5) Requests for a restitutio in integrum cannot be granted in cases of a missed time limit for

(a) the filing of a request for continuation of proceedings pursuant to section 51(2) and a request for a restitutio in integrum pursuant to subsection 1,

(b) subsequent granting and proof of the priority right pursuant to section 36(4), (5) and (7),

(c) the filing of a remedy in proceedings before the Office pursuant to section 55(1),

(d) the performance of acts pursuant to section 47(1) and (2)".

37. In section 52(6), the words "a ban applies to it" are replaced by the words "cannot be complied with".

38. In section 52(8), the word "published" and the word "further" are omitted.

39. In section 55(3)(b), the words "section 79(5)" are replaced by the words "section 79(6)".

40. In section 55, subsection 4 is omitted.

41. In section 58, a new subsection 4 is inserted after subsection 3, which reads:

"(4) If the applicant of an international application,<sup>1)</sup> by which the granting of a patent is requested in the Slovak Republic, does not submit this international application to the Office within the deadline under subsection 3, the Office shall grant this international application the priority right pursuant to section 36(1)(a).".

The hitherto subsection 4 is designated as subsection 5.

42. In section 59(8), the words "section 11(6)" are replaced by the words "section 11(5)".

43. In section 60(3), the words "(section 13(1) to (3))" are omitted.

44. In section 60(4) the first sentence reads:

"If a European patent application or a designation for the Slovak Republic was withdrawn in proceedings before the European Patent Office, or is considered withdrawn, it holds that the application proceedings have been discontinued pursuant to section 40(3)."

45. In section 60(5), the words "pursuant to section 51(5) and (6)" are replaced by the words "pursuant to section 51(6)".

46. In section 61(1), the words "and 136" and the words "136(2)" are replaced by the words "135(2)".

47. In section 61(4), the word "up to" is replaced by the word "and".

48. In section 61, subsection 5 is omitted.

49. In section 63(6), the words "pursuant to subsection 2" are replaced by the words "pursuant to subsection 2 or 3".

50. In section 63(7), after the words "in the European Patent Bulletin", the words "and provided that the conditions under subsection 2 or 3 are met" are inserted.

51. In section 64, the words "filing of a protest" are replaced by the words "filing of oppositions".

52. In section 64, the words "no protest was filed" are replaced by the words "no oppositions were filed".

53. In section 64, the words "in protest proceedings" are replaced by the words "in opposition proceedings".

54. Section 65(3) reads:

"(3) If a European patent has been maintained in an amended version in opposition proceedings under Art. 101 of the European Patent Convention by a decision of the European Patent Office or limited in proceedings under Art. 105b of the European Patent Convention, a European patent owner is obliged to submit to the Office a translation of the amended version of the patent specification into Slovak within three months from the date of notification of the amendment in the European Patent Bulletin and to pay a publication fee (section 79(8))."

55. In section 65(5)(a) the words "for filing a protest" are replaced by the words "for filing oppositions".

56. In section 65(5)(b) the words "in protest proceedings" are replaced by the words "in opposition proceedings".

57. In section 65(6), the words "proceedings for the revocation of the same European patent" are replaced by the words "proceedings on oppositions against the same European patent".

58. The words "79(8)" are replaced in the entire text of the act by the words "79(9)".

59. Section 79(10) reads:

"(10) A filing at the Office can be made through electronic means. If such filing is not signed with an electronic signature, it must be completed in writing within one month, otherwise such filing shall be considered legally ineffective."

60. The Annex is supplemented with a third point, which reads:

"3. Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on Community legislation relating to medicinal products for human use (Special edition of the Official Journal of the European Union, chap. 13/vol. 34; OJ L 136, 30 April 2004).."

#### Art. IV

#### Effect

This Act takes effect on January 1, 2008.

The Act No. 495/2008 Coll. of Laws of the Slovak Rep. took effect on February 1, 2009.

The Act No. 125/2016 Coll. of Laws of the Slovak Rep. took effect on July 1, 2016.

The Act No. 242/2017 Coll. of Laws of the Slovak Rep. took effect on January 1, 2018 except Art. III point 16 section 22(4) and section 23(9), point 53 section 49, which took effect on January 1, 2019.

The Act No. 291/2018 Coll. of Laws of the Slovak Rep. took effect on January 14, 2019.

The Act No. 55/2023 Coll. of Laws of the Slovak Rep. took effect on April 1, 2023.

**Ivan Gašparovič m. p.**  
**Pavol Paška m. p.**  
**Robert Fico m. p.**

**ANNEX**  
**LIST OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN COMMUNITIES AND THE EUROPEAN UNION**

1. Directive 98/44/EC of the European Parliament and the Council of 6 July 1998 on the legal protection of biotechnological inventions (Special edition of the Official Journal of the European Union, ch. 13/vol. 20; Official Journal of the European Communities L 213, 30.7.1998).
2. Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on Community legislation relating to medicinal products for human use (Special edition of the Official Journal of the European Union, chap. 13/vol. 34; Official Journal of the European Communities L 136, 30.4.2004).
3. Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (Special edition of the Official Journal of the European Union, chap. 17/vol. 2, Official Journal of the European Communities L 157, 30.4.2004).

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- 1) Patent Cooperation Treaty (Notice of the Federal Ministry of Foreign Affairs No. 296/1991 Coll. of Laws on the depositing of the deed on the accession of the Czech and Slovak Federal Republic to the Patent Cooperation Treaty negotiated at Washington on June 17, 1970, as amended).
  - 2) Convention on the Grant of European Patents (European Patent Convention) [(Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 376/2002 Coll. of Laws of the Slovak Rep. on the signing of the Convention on the Grant of European Patents (European Patent Convention) and on the conclusion of a Revision of the wording of the Convention on the Grant of European Patents (European Patent Convention)].
  - 3) Section 59 of the Act No. 435/2001 Coll. of Laws of the Slovak Rep. on patents, supplementary protection certificates and on alterations of and additions to certain laws (Patent Act).
  - 4) For example, section 69, 479 and 487 of the Commercial Code, section 460 and 469 of the Civil Code, section 12 to 17 of the Act No. 111/1990 Coll. of Laws on the state-owned enterprise, as amended.
  - 5) Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967 (Regulations of the Minister of Foreign Affairs No. 64/1975 Coll. of Laws as amended by Regulations of the Minister of Foreign Affairs No. 81/1985 Coll. of Laws).
  - 6) Agreement establishing the World Trade Organization (Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 152/2000 Coll. of Laws of the Slovak Rep. on the conclusion of the Agreement establishing the World Trade Organization).
  - 7) Article 27 of the Convention on International Civil Aviation of December 7, 1944 (Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 196/1995 Coll. of Laws of the Slovak Rep. on the implementation of the notification of the succession of the Slovak Republic to the Convention on International Civil Aviation).
  - 7a) Act No. 307/2016 Coll. of Laws of the Slovak Rep. on reminder proceedings and on additions to certain laws.
  - 8) Section 137 to 142 of the Civil Code.
  - 8a) Section 151(d)(4) of the Civil Code.
  - 9) Section 151a to 151m151md and section 552 of the Civil Code.
  - 9a) For example, section 514 of the Commercial Code.
  - 10) Section 508 to 515 of the Commercial Code.
  - 11) Section 442a of the Civil Code.
  - 11a) Section 25 of the Code of Contentious Civil Procedure.
  - 11b) Section 206 of the Code of Contentious Civil Procedure.
  - 12) Section 324 to 345 of the Code of Contentious Civil Procedure.
  - 12a) Section 328(1) of the Code of Contentious Civil Procedure.
  - 12b) Section 340 of the Code of Contentious Civil Procedure.
  - 13) Act of the National Council of the Slovak Republic No. 270/1995 Coll. of Laws of the Slovak Rep. on the state language of the Slovak Republic, as amended.
  - 13a) Art. 4 of the Paris Convention for the Protection of Industrial Property.
  - 14) Act No. 435/2001 Coll. of Laws of the Slovak Rep. as amended, Convention on the Grant of European Patents (European Patent Convention).
  - 14a) Art. 15(5)(c) first sentence of the Patent Cooperation Treaty.
  - 14b) Agreement on the Visegrad Patent Institute (Notice of the Ministry of Foreign and European Affairs of the Slovak Republic No. 369/2015 Coll. of Laws of the Slovak Rep.).
  - 14c) section 52 and 113a of the Rules of Execution.
  - 15) Act No. 71/1967 Coll. of Laws of the Czechoslovak Socialist Rep. on administrative proceedings (Rules of Administrative Procedure) as amended.
  - 16) Act No. Act No. 586/2003 Coll. of Laws of the Slovak Rep. on the Bar and on alterations of and additions to the Act No. 455/1991 Coll. of Laws on trade entrepreneurship (Trade Act), as amended, as amended.
  - 17) Act No. 344/2004 Coll. of Laws of the Slovak Rep. on patent attorneys, on alterations of Act No. 444/2002 Coll. of Laws of the Slovak Rep. on designs and of Act No. 55/1997 Coll. of Laws of the Slovak Rep. on trademarks as amended by Act No. 577/2001 Coll. of Laws of the Slovak Rep. and Act No. 14/2004 Coll. of Laws of the Slovak Rep., as amended.
  - 17a) Section 3(n) of the Act No. 305/2013 Coll. of Laws of the Slovak Rep. on the electronic form of the exercise of the powers of public authorities and on alterations of and additions to certain laws (e-Government Act) as amended by Act No. 273/2015 Coll. of Laws of the Slovak Rep.
  - 18) Act No. 305/2013 Coll. of Laws of the Slovak Rep. as amended.
  - 19) Art. 2(2) of the Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (Official Journal of the European Union L 257, 28.8.2014) as amended.
  - 20) Act of the National Council of the Slovak Republic No. 145/1995 Coll. of Laws of the Slovak Rep. on administrative fees as amended.