Inputs from Member States and Regional Patent Offices to the Thirty-Eighth Session of the Standing Committee on the Law of Patents

Respondent Information

First Name:

[redacted]

Last Name:

[redacted]

Country:

Slovenia

IP Office

Slovenian Intellectual Property Office

Job title

secretary

Email address:

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[redacted]

Disclaimer:

The information provided in response to this questionnaire is understood to be submitted on behalf of the Member State or regional organization concerned, through its competent authority and in accordance with its applicable official internal procedures.
It is assumed that the person completing and submitting the questionnaire is duly authorized to do so and that the information reflects the official position or practice of the Member State or organization, to the extent possible.

I confirm that I have read and understood the statement above and that I agree with its contents.

A. Prior Art

1. How is prior art defined under the applicable national or regional law?

Article 12 (Industrial Property Act ZIL-1)
(Novelty of the Invention)
(1) An invention is novel if it is not encompassed by the prior art.
(2) The prior art includes everything that was available to the public before the filing date of the patent application through oral or written description, use, or in any other manner. For the purposes of this Article, the priority date shall be deemed to be the filing date.
(3) The prior art also includes the content of applications filed before the date referred to in the preceding paragraph and published on or after that date, namely:
a) national patent applications as originally filed with the Office;
b) European patent applications, as originally filed with the EPO under the Convention on the Grant of European Patents of October 5, 1973, last revised on November 29, 2000 (Official Gazette of the Republic of Slovenia – Intellectual Property, No. 19/02; hereinafter: EPC), if they seek protection in the Republic of Slovenia;
c) international applications as originally filed under the Patent Cooperation Treaty of June 19, 1970, supplemented on October 2, 1979, and amended on February 3, 1984 (Official Gazette of the Republic of Slovenia—Patents, No. 19/93, hereinafter: PCT), which the Office has received as the designated Office in accordance with Article 39 of the PCT.

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2. Against which date is prior art assessed under the applicable law?

The prior art includes everything that was available to the public before the filing date of the patent application through oral or written description, use, or in any other manner.

3. Which types of information may constitute prior art under the applicable law, and how is it determined whether such information is considered to form part of the prior art?

Article 12 (Industrial Property Act ZIL-1)
(Novelty of the Invention)
(1) An invention is novel if it is not encompassed by the prior art.
(2) The prior art includes everything that was available to the public before the filing date of the patent application through oral or written description, use, or in any other manner. For the purposes of this Article, the priority date shall be deemed to be the filing date.
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4. Does the applicable law provide for any category of prior art that is taken into account for patentability purposes notwithstanding that it was not publicly available before the relevant filing or priority date (sometimes referred to as “secret prior art”)?

No

If yes, please indicate, where applicable, the types of information or documents concerned (for example, earlier-filed patent applications), the relevant date(s) for determining such prior art, as well as any limitations, exclusions, or special rules applicable to such prior art. :

5. Please provide any additional information that may be relevant to the understanding or application of prior art under the applicable law, including where applicable, any guidance (for example, patent office manuals or guidelines) or key judicial decisions in your jurisdiction with general relevance to applicants or interested parties, captured by patent office practice.

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6. Please indicate whether any legal provisions, including those applicable to utility models or any other similar system (where different from those applicable to patents of invention), are relevant to the subject matter of this section and, if so, kindly provide the relevant information and references.

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B. Novelty

1. How is the requirement of novelty defined under the applicable national or regional law?

Article 12 (Industrial Property Act ZIL-1)
(Novelty of the Invention)
(1) An invention is novel if it is not encompassed by the prior art.
(2) The prior art includes everything that was available to the public before the filing date of the patent application through oral or written description, use, or in any other manner. For the purposes of this Article, the priority date shall be deemed to be the filing date.
(3) The prior art also includes the content of applications filed before the date referred to in the preceding paragraph and published on or after that date, namely:
a) national patent applications as originally filed with the Office;
b) European patent applications, as originally filed with the EPO under the Convention on the Grant of European Patents of October 5, 1973, last revised on November 29, 2000 (Official Gazette of the Republic of Slovenia – Intellectual Property, No. 19/02; hereinafter: EPC), if they seek protection in the Republic of Slovenia;
c) international applications as originally filed under the Patent Cooperation Treaty of June 19, 1970, supplemented on October 2, 1979, and amended on February 3, 1984 (Official Gazette of the Republic of Slovenia—Patents, No. 19/93, hereinafter: PCT), which the Office has received as the designated Office in accordance with Article 39 of the PCT.

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2. For the purposes of assessing novelty under the applicable law, are there any novelty-specific considerations regarding the relevant date or the scope of information taken into account, beyond those addressed in the Prior Art section of this survey?

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3. Does the applicable law apply an absolute novelty requirement, or does it provide for any limitations or qualifications to novelty (for example, relative novelty or other restricted approaches), apart from any grace period mechanisms addressed separately in this survey?

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4. Apart from the approach described in question 3, are there any specific rules or contextual factors that affect what is taken into account as prior art for the purposes of assessing novelty under the applicable law?

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5. Please provide any additional information relevant to the requirement of novelty under the applicable law, to the extent not already addressed in questions 1 to 4, including, where applicable, any guidance (for example, patent office manuals or guidelines) or key judicial decisions in your jurisdiction with general relevance to applicants or other interested parties, captured by patent office practice.

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6. Please indicate whether any legal provisions, including those applicable to utility models or any other similar system (where different from those applicable to patents of invention), are relevant to the subject matter of this section and, if so, kindly provide the relevant information and references.

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C. Inventive Step

1. How is the criterion of inventive step or non-obviousness defined under the applicable national or regional law?

Article 14 (Industrial Property Act ZIL-1)
(Inventive Step)
(1) An invention is deemed to possess an inventive step if, for a person skilled in the art, the subject matter of the invention is not obvious from the prior art as defined in the second paragraph of Article 12 of this Act.
(2) If the prior art also includes documents referred to in the third paragraph of Article 12 of this Act, such documents shall not be taken into account in assessing inventive step.
(3) If the same applicant files, in addition to a first patent application that has not yet been published, another patent application relating to the same subject matter of the invention as the first, the first patent application shall not be taken into account in assessing the inventive step of the second patent application.

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2. For the purposes of assessing inventive step or non-obviousness under the applicable law, what is the relevant date and what prior art or information is taken into account?

application filling date

3. What is the standard applied under the applicable law to determine whether an invention involves an inventive step or is non-obvious, in particular as reflected in the concept of the "person skilled in the art", focusing on how the standard is understood or applied, rather than its formal legal definition?

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4. Are there any specific rules, limitations, or contextual factors that apply to the assessment of inventive step or non-obviousness under the applicable law?

No

Please indicate, where relevant, whether such rules or factors include geographic or territorial considerations affecting the relevance of prior art (for example, distinctions between domestic and foreign disclosures, uses, or publications, or territorial conditions applicable to particular categories of prior art) or any other particular considerations relevant to the assessment.

***Responses should be limited to such contextual factors asthey relate to the assessment of inventive step or non-obviousness, without restating general rules on what constitutes prior art.*:**

5. Please provide any additional information relevant to the requirement of inventive step or non-obviousness under the applicable law, to the extent not already addressed in questions 1 to 4, including, where applicable, any guidance (for example, patent office manuals or guidelines) or key judicial decisions in your jurisdiction with general relevance to applicants or interested parties, captured by patent office practice.

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6. Please indicate whether any legal provisions, including those applicable to utility models or any other similar system (where different from those applicable to patents of invention), are relevant to the subject matter of this section and, if so, kindly provide the relevant information and references.

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D. Grace Period Mechanisms and Pre-Filing Disclosures

1. Does the applicable law provide for any mechanism under which certain disclosures made before the filing or priority date do not prejudice the patentability of an invention, in particular with respect to novelty and/or the legal effect on prior art?

No

If yes, please identify the relevant legal provisions (in primary and/or secondary legislation) and describe their operation.:

2. What is the duration of the mechanism referred to in question 1, during which the covered disclosures do not prejudice the patentability of the invention?

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3. Where such a mechanism exists, which categories of disclosures are covered by it?

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4. Are there any formalities or procedural requirements that must be fulfilled in order to rely on the mechanism identified in question 1?

No

***Please describe any such requirements, where applicable, including, for example, the need to file statements, declarations or notices, to submit certificates or other supporting evidence, or to comply with any timing or notification requirements or any information relating to the burden of proof.* :**

5. Does the applicable law provide for prior user rights or other protections for third parties who may be affected by an invention that has benefited from a graced pre-filing disclosure?

No

***If yes, identify the relevant legal provisions (including any provisions in primary and/or secondary legislation), and describe the conditions under which such rights or protections arise (for example, good-faith use of the invention prior to the filing or priority date), as well as how such rights or protections operate.* :**

6. Please provide any additional information that may be relevant, including, where applicable, any guidance (e.g. patent office manual/guidelines) or key judicial decisions in your jurisdiction with general relevance to applicants or interested parties, captured by patent office practice.

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7. Please indicate whether any legal provisions, including those applicable to utility models or any other similar system (where different from those applicable to patents of invention), are relevant to the subject matter of this section and, if so, kindly provide the relevant information and references.

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Submission of information concerning other aspects of national/regional patent law

F. Exclusions from Patentable Subject Matter

Article_11.docx

Final review before submission

Confirmation of submission

I am aware that by clicking "Submit" below, my responses will be sent to the SCP Secretariat.