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:

[redacted]

Email address confirmation:

[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.

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?

Yes

If yes, please identify the relevant legal provisions (in primary and/or secondary legislation) and describe their operation.: Industrial Property Act (ZIL-1) Article 13 (Non-prejudicial disclosure of invention) (1) In applying Article 12 of this Act, a disclosure of invention shall not be taken into account if it occurred not earlier than six months prior to the filing of the patent application and was directly or indirectly due to: a) an evident abuse in relation to the applicant or their legal predecessor or b) the fact that the applicant or their legal predecessor has displayed the invention at an official or officially recognised international exhibition referred to in Article 62 of this Act. (2) The provision of point b) of the preceding paragraph shall only apply if the applicant states in the application that the invention has been so displayed and submits a relevant certificate thereof in accordance with paragraph two of Article 62 of this Act.

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?

A disclosure of invention shall not be taken into account if it occurred not earlier than six months prior to the filing of the patent application.

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

a) an evident abuse in relation to the applicant or their legal predecessor or
b) the fact that the applicant or their legal predecessor has displayed the invention at an official or officially recognised international exhibition referred to in Article 62 of ZIL-1.

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

Yes

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. **:** Industrial Property Act (ZIL-1) Article 13 The provision of point b) of the preceding paragraph shall only apply if the applicant states in the application that the invention has been so displayed and submits a relevant certificate thereof in accordance with paragraph two of Article 62 of ZIL-1.

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.

-

Please upload any document that may be relevant to grace period mechanisms and/or pre-filing disclosures.

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.

-

Final review before submission

Confirmation of submission

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