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:

Sweden

IP Office

PRV

Job title

Lawyer

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.

i) Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment

1. Which of the following does the applicable legal framework in your jurisdiction require before a patent application can be filed in another country or at a regional patent organization?

Any other mandatory authorization (Please specify): National defence, regulated in the Act on Defence-Secret Inventions (1971:1078) (Lag (1971:1078) om försvarshemliga uppfinningar).

4. What specific criteria will trigger the Foreign Filing Conditionality?

Impact on the country's national security or national defense;
Nationality or residency of the inventor;
Nationality or residency of the applicant;
The place of invention;

6. Does your jurisdiction's patent law provide for the imposition of a "Secrecy Order" (or other similar national security restrictions) that prohibits or restricts an applicant from filing for patent protection in other jurisdictions?

Yes

What is the nature/impact of this restriction regarding foreign filing?

This is regulated in the Act on Defence-Secret Inventions (1971:1078) (Lag (1971:1078) om försvarshemliga uppfinningar). Under this act, an invention that is of importance to national defence may be classified as secret. If so, the applicant is prohibited from publishing the invention or filing patent applications abroad without permission from the Swedish Government. Unauthorized foreign filing may result in criminal liability.

Final review before submission

Confirmation of submission

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