# Slovakia

Slovakia provides for an administrative revocation. According to Article 46(1) of the Slovak Patent Act, the patent office shall revoke a patent on one of the grounds upon request by a third party or ex officio:

(i) the substantive patentability criteria have not been met;

(ii) the invention has not been fully disclosed and described so that it could be carried out by a person skilled in the art;

(iii) the claims of the patent or a divisional application go beyond the original patent application;

(iv) the scope of protection was expanded after the grant of the patent;

(v) the owner is not entitled to a patent; or

(vi) requirements for the grant of a patent pursuant to the law applicable at the time of granting of the patent have not been met.

The requester has to pay an administrative fee.

If the grounds for revocation concern the patent partially, the patent shall be revoked only to the extent corresponding to the grounds found, by amendment of the patent claims, description or drawings.

If a patent has been revoked, it shall be deemed ex tunc invalid to the extent specified in the revocation decision.

A request for revocation of a patent may be filed at any time after the grant of the patent and throughout the term of its validity. The Patent Office may also revoke a patent after it has lapsed, provided that the requester demonstrates a legal interest.

Pursuant to Article 47(2), the Office shall deliver the request for revocation to the patent owner and shall invite the patent owner to comment on it within a specified period and, at the same time, to indicate evidence and submit supporting documents. The Office in the call pursuant to the previous sentence shall notify the patent owner of the possibility to change the patent claims, description or drawings with regard to the reasons and evidence applied and presented by the requester, and the changes made must meet the defined conditions and must not go beyond the scope of protection conferred by the patent.

If the changes proposed by patent owner comply with the prescribed conditions and do not extend beyond the scope of protection conferred by the patent, they shall form the basis for further proceedings on the request for revocation of the patent.

According to Article 47(7) of the Patent Act, if it is impossible to decide the matter on the basis of the parties' written submissions, the Office shall set a date for an oral hearing.

According to Article 46(7) of the Slovak Patent Act, the Patent Office shall publish a decision on revocation or partial revocation in the Journal.

The patent could be amended or only partially revoked. If a patent has been revoked, it shall be considered *ex tunc* invalid within the scope of the revocation decision. The patent office may also revoke a patent after its lapse, if the requester proves a legal interest.

According to Article 46(6) of the Slovak Patent Act, the patent office shall notify a decision of revocation or partial revocation in the Journal. The requester has to pay an administrative

fee. The patentee is given the possibility to respond within a certain time limit and the Office could continue with the proceedings, in case of no response by the patentee, by making a decision on the basis of contents of a file.

The Office shall deliver to the requester the response by the patentee. According to Article 47(5) of the Patent Act, if it is impossible to decide on the basis of written filings of parties, the Office shall determine a date for oral hearing.