

Following the Circular C.8940 I am sending you, on behalf of the Industrial Property Office of the Slovak Republic, information concerning the prior user rights in Slovakia.

Prior user rights are governed by Article 17 of Act No. 435/2001 Coll. on patents, supplementary protection certificates and on amendment of some acts as amended. Please, see below an unofficial translation of the provisions of Article 17 into English (Act No 435/2001 Coll. in original, i.e. Slovak language is available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/435/>).

#### Article 17

(1) Rights of a patent owner shall not be exercised in respect of a person who, prior to the priority date of the invention (Article 36) in good faith and independently from inventor or owner of the patent, had already begun to use an invention on the territory of the Slovak Republic or had made demonstrable preparation directly aimed at using an invention (hereinafter referred to as "prior user"). In case of doubt, prior user doing shall be considered as doing in good faith unless proved otherwise.

(2) Assignment or transfer of prior user rights to use an invention pursuant to paragraph 1 shall be possible exclusively as a part of assignment or transfer of the business or part of the business in the course of which an invention is being used.