

Administrative Revocation and Invalidation Mechanisms

Costa Rica

In addition to the opposition system, Article 21 of the Costa Rican Patent Law¹ provides the possibility of requesting the nullity of a patent already granted. At the request of any interested person or *ex officio*, and subject to hearing the patent owner, the Industrial Property Registry shall declare the nullity of said patent, where it is demonstrated that the patent was granted in contravention of any of the patentability criteria as provided for in Articles 1 and 2 of the Costa Rican Patent Law. The request could be made by any person providing the full proof of the nullity considering all relevant elements. Invalidity could be declared at any time prior to expiry of the patent.

Once the request for nullity has been received, the patent owner shall be notified that he should take action in that regard within one month. Once the owner's arguments have been received, a new substantive examination shall be carried out. Once the respective technical report is received, the decision in which the patent is cancelled or registration thereof is maintained shall be issued. It is possible to appeal to the Administrative Registration Tribunal against that decision by raising grounds for revocation and/or appeal within the period of three and five days, respectively.

¹ Costa Rican Patent Law, No. 6867.