

## Administrative Revocation and Invalidation Mechanisms

# The Dominican Republic

The patent invalidation mechanism, established under Law Nº 20-00 and administered by the Department of Inventions of the National Industrial Property Office, is regulated by:

### Article 34. - Patent invalidity and revocation

1) All patents granted in violation of the provisions of this Law shall be null and void. Action for invalidity or revocation may be brought by any interested person. In particular, the National Industrial Property Office may, at any time, at the request of any interested person or competent authority, declare a patent null and void in any of the following cases:

- (a) the subject matter of the patent does not constitute an invention as required in articles 1 and 2(1);
- (b) the patent has been granted for an invention that is prohibited under article 2(2) or fails to meet the patentability requirements set forth in articles 3, 4, 5 and 6;
- (c) the patent specification does not disclose the invention as required in articles 13 and 14;
- (d) the claims included in the patent specifications do not meet the requirements of article 15;
- (e) the patent granted contains a broader disclosure than that contained in the initial application.

2) The National Industrial Property Office shall invalidate a patent that has been granted to a person who was not entitled thereto under articles 7, 8 or 9. In such cases, invalidation may be requested only by the person who claims ownership of the right to the patent and validity shall lapse five years following the patent grant date.

3) Where invalidity grounds concern only a claim or part of a claim, only the claim in issue or part thereof shall be ruled null and void. Where applicable, invalidity may be stated to be a limitation on the claim in issue.

4) An application for invalidation or cancellation may, moreover, be lodged as a defense or counterclaim in any patent infringement proceedings.

5) Patents shall lapse automatically:

- a) at the end of their term of validity;
- b) upon failure to pay maintenance fees. The holder shall have a grace period of one hundred and eighty (180) days to pay the outstanding fee, after which the patent shall lapse.

6) The National Industrial Property Office may announce that a patent has been revoked:

- a) if, two (2) years after the first compulsory license had been granted, its stated purposes have not been achieved; and
- b) whenever necessary to protect public health or human, animal or plant life, or to prevent serious environmental damage.