

Administrative Revocation and Invalidation Mechanisms

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 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 If a patent has been revoked, it shall be considered *ex tunc* invalid within the scope of the revocation decision.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.