

Opposition systems

Mongolia

Mongolia provides a pre-grant opposition mechanism in the patent system. Specifically, Article 13 of the Patent Law of Mongolia provides that:

“13.1. A patent shall be granted if, within 3 months from the date of publication of the claim(s) of an invention or the drawing of an industrial design and the bibliographical data concerned, no opposition has been filed with the Intellectual Property Office or no dispute has been arisen.

13.2. Where an opposition is filed or a dispute arises during the period referred to in Article 13.1 of this Law, a grant of the patent shall be suspended until a decision thereon has been rendered in accordance with established procedure.

13.3. Where an opposition is filed by a natural or legal person or a dispute arises, a collegial body constituting of three examiners, not including the first examiner but giving him an opportunity to justify his decision, and a chief examiner of the Intellectual Property Office shall, within 30 days from the date of receipt of the complaint, review and rule on the matter.

13.4. An appeal against the decision referred to in Article 13.3 of this Law may be lodged with the Dispute Resolution Board under the Intellectual Property Office.

13.5. Patents granted for inventions and industrial designs shall be registered in the State Register and applications shall be kept in the patent collection.”.