

## Opposition systems

### Portugal

Portuguese law provides for a pre-grant opposition procedure. As provided by Article 17 of the Industrial Property Code of Portugal, the time limit for submitting oppositions is two months from the publication of the application in the Industrial Property Bulletin. The patent applicant may reply to the opposition within two months from the notification. During the time limits established above and on justified request by the interested party, the Institute of Industrial Property of Portugal (INPI) may grant a single extension of one month for the submission of the opposition and the reply. In the latter case, the opposing party shall be notified.

The opposition must be filed in writing and shall include a reference as to which patent application is opposed and the reasons on which the opposition is based. If the INPI receives such opposition, the patent applicant has the opportunity to submit comments on that opposition.

To file an opposition, the opponent has to pay the opposition fee and if the patent applicant wishes to reply to an opposition, it is also necessary to pay a fee.

The substantive examination phase starts after the opposition phase. If an opposition was submitted, it will be considered by the examiner in the analysis of the patentability criteria (novelty, inventive step and industrial applicability). The conclusion of the examination process is the notification of grant, refusal, or partial grant, issued accordingly, and is communicated both to the patent applicant and the opponent. These decisions are subject to appeal at the Intellectual Property Court or at the Arbitral Court, within two months that follow the publication of the decision in the Industrial Property Bulletin. The total number of oppositions filed from 2005 to 2014 is 42.