

Opposition systems

Sweden

The Swedish Patents Act provides for a post-grant opposition system. Sections 24 and 25 of the Swedish Patents Act state that anyone except the patent owner can file an opposition regarding a patent in Sweden within nine months from the day the patent was granted. If the Swedish Patent and Registration Office receives such an opposition, the patent owner will have the possibility to comment on that opposition. If the opposition is withdrawn, the Swedish Patent and Registration Office can examine the opposition anyway, if justified.¹

If the Swedish Patent and Registration Office finds that the patent has been granted despite the fact that the invention lacked novelty or lacked inventive step, or the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art, or the subject-matter of the patent extends beyond the content of the application as filed, the patent will be revoked. If the patent owner during the opposition procedure makes amendments so that there is no hindrance against the grant of a patent, the patent is maintained as amended.

¹ Section 24 of the Swedish Patents Act.