

Questionnaire Regarding the Implementation of the Patent Law Treaty (PLT)

January 2015

This questionnaire is intended to gather information on how the PLT is implemented at the national/regional level, and to share such information with current and future PLT Contracting Parties, as well as with patent practitioners and the public.

The national and regional patent offices of the PLT Contracting States are invited to complete this questionnaire.

The completed questionnaire should be returned by any of the following means:

- e-mail : plt.forum@wipo.int
- facsimile : +41-22-338-8830
- mail : WIPO, 34, chemin des Colombettes, 1211 Geneva, Switzerland

Please provide contact details:

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Q1 Filing date

Q1-1 For the purpose of obtaining a filing date, an applicant may file an application on paper or “as otherwise permitted by the Office”. If your Office accepts applications filed in a form or by a means other than on paper, for the purpose of the filing date (for example, on-line filing), please provide a brief explanation regarding the acceptable form or means, and describe whether such form or means, for the purpose of the filing date, are different from the form or means applicable to applications accepted by your Office for the purpose of processing the application after according the filing date.
[Reference: PLT Article 5(1)(a)]

A1-1 Other means of submission are an official electronic form (<https://mef.indprop.gov.sk/ipointupv/pages/NewForms.aspx>) or the possibility of electronic submission by email by attaching a PDF form the same as for paper filing or through the Central Portal of Public Administration by attaching a PDF form the same as for paper filing (pursuant to Act No. 305/2013 Coll. on the electronic form of exercising the powers of public authorities and on amendments and supplements to certain acts (the e-Government Act)) or through Epoline® Online Filing (EPTOS). Application must be signed by qualified electronic signature. If not, application must be additionally delivered in paper form or in electronic form, signed by qualified electronic signature within one month.

Q1-2 Does your Office accept a drawing as the element referred to as “a part which on the face of it appears to be a description” in PLT Article 5(1)(a)(iii)?
[Reference: PLT Article 5(1)(b)]

A1-2 Yes No

Q1-3 For the purpose of according the filing date, a Contracting Party shall require information allowing the identity of the applicant to be established or information allowing the applicant to be contacted by the Office, or the both. What is the requirement of your country?

[Reference: *PLT Article 5(1)(c)*]

- A1-3 Information allowing the identity of the applicant to be established
- Information allowing the applicant to be contacted by the Office
- Both information allowing the identity of the applicant to be established and information allowing the applicant to be contacted by the Office

Q1-4 Does your Office accept evidence allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office as the element referred to in PLT Article 5(1)(a)(ii) ("indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office")?

[Reference: *PLT Article 5(1)(c)*]

- A1-4 Yes No

Q1-5 For the filing date to be determined under PLT Article 5(6)(b), which of the optional elements referred to in PLT Rule 2(4) are required by your Office?

[Reference: *PLT Rule 2(4)*]

For the filing date to be determined under PLT Article 5(6)(b), none of the optional elements referred to in PLT Rule 2(4) is required by the Industrial Property Office of the Slovak Republic.

- A1-5 A copy of the earlier application
- A copy of the earlier application and its filing date, certified as correct
- A translation of the earlier application
- The missing part of the description or missing drawing must be completely contained in the earlier application
- The application must contain an indication that the contents of the earlier application were incorporated by reference
- An indication as to where the missing part of the description or the missing drawing is contained in the earlier application or in the translation

Q1-6 For a reference to a previously filed application to replace the description and any drawing for the purpose of the filing date under PLT Article 5(7), which of the requirements referred to in PLT Rule 2(5) are required by your Office?

[Reference: *PLT Rule 2(5)*]

- A1-6 The reference to a previously filed application must indicate the filing date of the previously filed application
- A copy of the previously filed application - ***a copy of the previously filed application must be submitted only if the applicant is invited to submit it***
- A copy of the previously filed application, certified as correct
- A translation of the previously filed application - ***a translation of the previously filed***

application must be submitted only if the applicant is invited to submit it

The reference mentioned in PLT Article 5(7)(a) shall be to a previously filed application that has been filed by the applicant or his predecessor or successor in title

Q2 Representation

Q2-1 In addition to the procedures referred to in PLT Article 7(2)(a) and (b), are there any procedures before the Office that an applicant, owner or other interested person may carry out himself without, for example, a local representative? If yes, please list those procedures.
[Reference: PLT Article 7(2)]

A2-1 **No**

Q2-2 Where a single power of attorney relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single power of attorney be filed for each application and patent?
[Reference: PLT Rule 7(2)(b)]

A2-2

Yes

No

Q3 Forms and Means of Communications

Q3-1 Does your Office permit the filing of communications by telegraph, teleprinter, telefacsimile or other similar means of transmittal? If yes, does your Office require that the original of such communication, accompanied by a letter identifying the earlier transmission, be filed on paper?
[Reference: PLT Rule 8(2)(c)]

A3-1 The filing of communications by telegraph, teleprinter, telefacsimile etc. is not permitted

The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is required

The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is not required.

Q4 Relief in Respect of Time Limits

Q4-1 Which form of relief in respect of time limits does your Office provide?
[Reference: PLT Article 11(1), (2) and (4)]

A4-1 Extension of time limits requested prior to the expiration of the time limit
Period of extension: **period of extension is not established by the Patent Law; the time period is usually extended by two months**
Amount of fee: **20 euros or 10 euros in case that the request for extension has been filed by electronic means**

Extension of time limits requested after the expiration of the time limit
Time limit to file a request for extension:
.....
Time limit to comply with the unfulfilled requirement:
.....
Amount of fee:

Continued processing

Time limit to file a request for continued processing: **no later than two months from the date of delivery of the decision of the Office issued as a result of the missed time limit**

Time limit to comply with the unfulfilled requirement: **no later than two months from the date of delivery of the decision of the Office issued as a result of the missed time limit**

Amount of fee: **66 euros or 33 euros in case that the request for continued processing has been filed by electronic means**

Q4-2 Which actions are excluded from the relief as described in A4-1?
[Reference: PLT Article 11(3) and Rule 12(5)]

A4-2 certain actions in the patent revocation proceeding, namely submission of legal and factual justification of the patent revocation request; submission or designation of evidence justifying the patent revocation request; submission of the patent owner's comment on the patent revocation request; submission of comment of the party of the patent revocation proceeding on the other party's filing or on the facts that the Office considers decisive in the patent revocation proceeding; submission of final comment in the patent revocation proceeding; and submission of the patent owner's power of attorney for representation in the patent revocation proceeding

Q5 Reinstatement of Rights

Q5-1 Under which circumstance does your Office reinstate the rights of the applicant or owner as referred to in PLT Article 12? In addition, please provide a brief explanation of the applicable standard.
[Reference: PLT Article 12(1)]

- A5-1 Failure to comply with the time limit occurred in spite of due care required by the circumstances having been taken
- Failure to comply with the time limit was unintentional

Each request for reinstatement of rights is assessed individually in such a way that all the circumstances stated in the request, as well as the knowledge of the Office about the matter under consideration, are evaluated in a mutual context. Due to the variety of circumstances that may arise, it is not possible to exhaustively define circumstances under which the Office reinstates the rights of applicant or owner. Generally, the standard of having exercised "due care" is considered to be met if the applicant or the owner has taken all measures which a reasonably prudent applicant or owner would have taken.

Q5-2 What is the time limit for making a request for reinstatement of rights?
[Reference: PLT Rule 13(2)]

A5-2 the request must be filed within two months from the disappearance of the obstacle for which the action could not be performed, but no later than 12 months from the expiry of the missed time limit

Q5-3 Does your Office require a fee to be paid? If yes, please indicate the amount.
[Reference: PLT Article 12(3)]

- A5-3 Yes Amount: **166 euros or 116 euros in case that the request has been filed by electronic means** No

Q5-4 Which actions are excluded from the reinstatement of rights?
[Reference: PLT Article 12(2) and Rule 13(3)]

A5-4 - filing a request for continued processing; filing a request for restoration of priority rights where the filing of the subsequent application was delayed; filing a request for restoration of priority rights where the filing of a copy of the earlier application was delayed; filing an appeal in the proceeding before the Office; certain actions in the patent revocation proceeding, namely submission of legal and factual justification of the patent revocation request; submission or designation of evidence justifying the patent revocation request; submission of the patent owner's comment on the patent revocation request; submission of comment of the party of the patent revocation proceeding on the other party's filing or on the facts that the Office considers decisive in the patent revocation proceeding; submission of final comment in the patent revocation proceeding; and submission of the patent owner's power of attorney for representation in the patent revocation proceeding

Q6 Restoration of Priority Rights Where the Filing of the Subsequent Application was Delayed

Q6-1 Under which circumstance does your Office restore the right of priority where the subsequent application was not filed within the priority period?
[Reference: *PLT Article 13(2)*]

- A6-1 Failure to file the subsequent application within the priority period occurred in spite of due care required by the circumstances having been taken
- Failure to file the subsequent application within the priority period was unintentional

Q6-2 In order to restore the right of priority, what is the time limit within which the subsequent application shall be filed?
[Reference: *PLT Rule 14(4)*]

A6-2 ***within 14 months from the date of filing of an earlier application***

Q6-3 Does your Office require a fee to be paid? If yes, please indicate the amount.
[Reference: *PLT Article 13(4)*]

A6-3 ***yes; 66 euros or 33 euros in case of filing the request by electronic means***

Q7Restoration of Priority Rights Where the Filing of a Copy of the Earlier Application was Delayed

Q7-1 In order to restore the right of priority where a copy of the earlier application was not filed within the time limit, does your Office require a declaration or other evidence in support of the request for restoration of priority rights?
[Reference: *PLT Article 13(3) and Rule 14(6)(b)*]

- A7-1 Yes No

Q7-2 Where the filing date of a copy of the earlier application was delayed (for example, a copy of the earlier application has not been filed within 16 months from the priority date), in order to enjoy restoration of priority right, what is the time limit within which such delayed copy of the earlier application shall be filed?
[Reference: *PLT Rule 14(6)(b)*]

A7-2 ***two conditions must be met – a request for the issuance of a priority document (a copy of the earlier application) must have been filed to the competent authority no later than one***

month from the date of delivery of the invitation of the Office to submit a priority document to the applicant, and a request for restoration of priority rights together with a priority document must have been filed to the Office within one month from the date of delivery of the priority document to the applicant

Q7-3 Does your Office require a fee to be paid? If yes, please indicate the amount.
[Reference: PLT Article 13(4)]

A7-3 **yes; 66 euros or 33 euros in case of filing the request by electronic means**

Q8 Request for Recordation of Change in Name or Address

Q8-1 Where a single request for recordation of change in name or address relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?
[Reference: PLT Rule 15(3)(b)]

A8-1 Yes ***No, but in the single request must indicate all numbers of application for requested changes should be applicable.***

Q9 Request for Recordation of Change in Applicant or Owner

Q9-1 Does your Office require the following elements to be contained in the request for recordation of change in applicant or owner?
[Reference: PLT Rule 16(1)(b)]

A9-1 A statement that the information contained in the request is true and correct
 Information relating to any government interest

Q9-2 Which documentation relating to the basis of the change is required by your Office under the following circumstances?
[Reference: PLT Rule 16(2)(a) to (c)]

A9-2

The change results from a contract:

a copy of the contract, copy must be required to be certified, at the option of the requesting party, by a notary public or any other competent public authority - an extract of the contract showing the change, which extract must be required to be certified, at the option of the requesting party, by a notary public or any other competent public authority

The change results from a merger or from the reorganization or division of a legal entity:

copy of a document, which document originates from a competent authority and evidences the merger, or the reorganization or division of the legal entity, and any attribution of rights involved, such as a copy of an extract from a register of commerce

The change results from any other ground (ex. by operation of law or a court decision):

copy be certified as being in conformity with the original document, at the option of the requesting party, by the authority which issued the document or by a notary public or any other competent public authority

Q9-3 Where the change in applicant or owner is in the person of one or more but not all of several co-applicants or co-owners, does your Office require that evidence of the consent of the other co-applicants or co-owner to the change be provided to the Office?

[Reference: Rule 16(2)(d)]

A9-3 Yes No

Q9-4 Where a single request for recordation of change in applicant or owner relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 16(5)]

A9-4 Yes **No, but in the single request must indicate all numbers of application for requested changes should be applicable.**

Q10 Request for Recordation of a License or a Security Interest

Q10-1 May a license or a security interest in respect of a patent application or a patent be recorded under the law of your country?

[Reference: PLT Rule 17(1)]

A10-1 Recordation of a license Yes No
 Recordation of a security interest Yes No

If one or both of the answers is(are) "Yes", please proceed to Q10-2. If both answers are "No", please skip to Q11.

Q10-2 Does your Office require the following elements to be contained in the request for recordation of a licence (or a security interest)?

[Reference: PLT Rule 17(1)(b)]

A10-2 A statement that the information contained in the request is true and correct
 Information relating to any government interest by your country
 Information relating to the registration of the license (security interest)
 The date of the license (security interest) and its duration

Q10-3 Which documentation relating to the basis of the license (or security interest) is required by your Office under the following circumstances?

[Reference: PLT Rule 17(2)]

A10-3

The license (security interest) is a freely concluded agreement:

- a copy of the agreement, copy may be certified, at the option of the requesting party, by a notary public or any other competent public authority

- an extract of the agreement consisting of those portions of that agreement which show the rights licensed and their extent, which extract must be required to be certified, at the option of the requesting party, by a notary public or any other competent public authority

The license (security interest) is not a freely concluded agreement (ex. operation of law or a court decision):

results from operation of law or a court decision, a Contracting Party may require that the request be accompanied by a copy of a document evidencing the license. The copy be certified as being in conformity with the original document, at the option of the requesting party, by the authority which issued the document or by a notary public or any other competent public authority

Q10-4 Where the licence (or security interest) is a freely concluded agreement, does your Office require that any applicant, owner, exclusive licensee, co-applicant, co-owner or co-exclusive licensee who is not party to that agreement give his/her consent to the recordation of the agreement?
 [Reference: Rule 17(2)(b)]

A10-4 **No, the SK IPO does not request his/her consent to recordation of the agreement**

Q10-5 Where a single request for recordation of a license (or security interest) relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?
 [Reference: PLT Rule 17(5)]

A10-5

Yes

No, but in the single request must indicate all numbers of application for requested changes should be applicate.

Q11 Request for Correction of a Mistake

Q11-1 Does your Office prescribe the following requirements with respect to a request for correction of a mistake?
 [Reference: PLT Rule 18(1)(b) to (d)]

None of the bellow mentioned requirements is prescribed by the Industrial Property Office of the Slovak Republic with respect to a request for correction of a mistake.

- A11-1 The request shall be accompanied by a replacement part or a part incorporating the correction
- The request shall be subject to a declaration by the requesting party stating that the mistake was made in good faith
- The request shall be subject to a declaration by the requesting party stating that such request was made without undue delay following the discovery of the mistake
- The request shall be subject to a declaration by the requesting party stating that such request was made without intentional delay following the discovery of the mistake

Q11-2 Where a single request for the correction of a mistake relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?
 [Reference: PLT Rule 18(3)]

A11-2

Yes

No

[End of questionnaire]