

## **REPUBLIC OF SERBIA**

### **DOCUMENT: OPPOSITION SYSTEMS AND OTHER ADMINISTRATIVE REVOCATION AND INVALIDATION MECHANISMS**

#### **B. SUBMISSION OF INFORMATION BY THIRD PARTIES**

In accordance with Patent Law Article 106, in proceedings before the Intellectual Property Office of the Republic of Serbia (IPO RS), any third party may present observations concerning the patentability of the invention to the application, once the publication of the patent application was made. That person will not be a party to the proceedings before the IPO RS. No fee is required for the submission of observations.

Observations by third parties may be considered in the substantive examination, if the examiner of the related application determine that they may affect the patentability of the invention. IPO RS does not inform third party of any further action it takes in response to submitted observations.

#### **C. ADMINISTRATIVE REVOCATION AND INVALIDATION MECHANISMS**

In the Republic of Serbia there is no opposition system prescribed in Patent Law, but it is possible for anyone to request revocation of a patent according Article 128 of The Patent Law. Upon request of any person, IPO RS may revoke a patent for an invention on any of the following grounds: 1) the subject matter of protection is not an invention within the terms of Articles 7 and 8 of The Patent Law; 2) the invention falls under the category of inventions excluded from protection as defined in Article 9 of The Patent Law; 3) the invention was not new within the meaning of Articles 10 and 11 on the date of the filing of the patent application or on the date of priority, or did not involve an inventive step pursuant to Article 12 or was not industrially applicable in accordance with Article 13 of The Patent Law; 4) the invention is not disclosed in a manner sufficiently clear and complete as defined in Article 82 of The Patent Law; 5) the scope of rights granted exceeds the scope that could be supported by the description of the invention as disclosed on the filing date or priority date of the application, or if protection was granted on a divisional application, the subject matter of which extends beyond the basic application as filed.

The quasi-judicial inter parties proceeding is very similar to post-grant opposition proceedings, but without any time limit for commencement. The applicant has to pay an administrative fee. The applicant has to make a written statement and the patentee is given the possibility to file a counterstatement. According to Article 130(7) of the Patent Act, IPO RS shall conduct an oral hearing only if it assesses it to be necessary for the establishment of facts relevant for the taking of a decision on the request. IPO RS shall notify a decision of revocation or partial revocation in the Official Journal.

**DOCUMENT: CONFIDENTIALITY OF COMMUNICATIONS BETWEEN CLIENTS AND THEIR PATENT ADVISORS: COMPILATION OF LAWS, PRACTICES AND OTHER INFORMATION**

There are no specific provisions in Serbian laws and practices relating to the issue of confidentiality of communications between clients and their patent advisors.