

Opposition systems

Iceland

The Icelandic Patent Act¹ provides for a post-grant opposition, cf. Article 21. Anyone may file an opposition against a patent granted with the Icelandic Patent Office within nine months from the date the granting of the patent was published in the IPO-Gazette.

Opposition must be filed in writing,² be reasoned and accompanied by the prescribed fee.³ Further conditions are outlined in the Patent Regulation.⁴ The grounds for opposition must be described and the opposition must be accompanied with facts and evidence in support of the grounds. Opposition and supporting documents should be filed in Icelandic. The IPO may, however, decide to accept documents in other languages. Oppositions which do not satisfy requirements of Article 21(1-3) shall be dismissed.

The opposition can only be based on the following grounds: the subject matter does not fulfil the patentability criteria (industrial applicability, novelty, inventive step), the invention is not described clearly enough to enable a person skilled in the art to carry it out; and the subject of the patent extends beyond the content of the application as filed. All oppositions filed are published in the IPO-Gazette.

After a hearing phase with the parties, the Icelandic Patent Office may declare a patent invalid or decide on its validity in whole or in part.

A decision of the Icelandic Patent Office may be appealed to the Board of Appeal for Industrial Intellectual Property Rights within two months from the notification of the decision to the party concerned. The prescribed appeal fee must be paid within the same time limit.

¹ The Icelandic Patent Act No. 17/1991, last amended with Act No. 40/2018.

² Electronic submission of documents is accepted.

³ Regulation on fees for Patents, Trademarks, Design etc. No. 818/2016, last amended with Reg. No. 569/2018.

⁴ Regulation on Patents No. 477/2012, last amended with Reg. No. 655/2018.