

Administrative Revocation and Invalidation Mechanisms

Honduras

Relevant provisions on nullity -

Articles 43 and 57 of the Industrial Property Act, Decree No. 12-99-E:

Applications to nullify a patent shall be filed with the industrial property registry and must be substantiated in accordance with the procedure established in the respective regulations.

Relevant provision on revocation -

Article 44 of the Industrial Property Act, Decree No. 12-99-E:

A patent may be revoked by the industrial property registry, at the request of any interested person or competent authority, in case of abuse of the rights conferred by the patent, with the purpose of controlling, restricting or suppressing the industrial or commercial activities, in such a way that it unlawfully affects the national economy and provided that the granting of a compulsory license would not have been sufficient to bring about the cessation of the situation created by such abuse.

The request of revocation may not be filed before two years have elapsed from the date of grant of the first compulsory license.

The following situations, among others, will be considered abuses of the patent:

1. Unjustified or abusive conditions are imposed for the granting of a license or sub-license;
2. Patent-protected products are made available in the country at exorbitant prices; and
3. Patents are used to unreasonably prevent, restrict or control any industrial or commercial activity relating to products or processes that are not covered by the patent.