

STATUTE OF THE INDUSTRIAL PROPERTY OFFICE OF THE SLOVAK REPUBLIC

Article 1 Basic Provisions

- (1) The Statute of the Industrial Property Office of the Slovak Republic (hereinafter referred to as the "Statute") further defines the role of the Industrial Property Office of the Slovak Republic (hereinafter referred to as the "Office"), operating principles and principles of its internal organisation and regulates relations of the Office with other central state administration bodies, other bodies and organisations.
- (2) The roles, operating principles and principles of internal organisation of the Office referred to in this Statute are binding for the issue of organisational regulations of the Office.

Article 2 Status of the Office

- (1) The Office is a central state administration body for the field of the industrial property (hereinafter referred to as "IP").¹⁾
- (1) The Office is a service office and an employer under special regulations.²⁾
- (1) The Office is a budgetary organisation, income and expenditures of which are connected to the state budget of the Slovak Republic.³⁾
- (2) The Office is a legal entity, in legal relations acting on its own behalf.
- (3) Banská Bystrica is the seat of the Office.
- (4) The Office may create deployed workplaces in the territory of the Slovak Republic.

Article 3 The Scope of the Competences of the Office

- (1) The Office performs tasks of the central state administration in the field of IP rights - patents, utility models, topographies of semiconductor products, designs, trade marks, designations of origin and geographical indications for products.
- (2) The Office keeps and manages registers of IP subjects-matters, publishes the Gazette of the Industrial Property Office of the Slovak Republic (hereinafter referred to as "Gazette") informing about the facts concerning IP subject-matters, as well as notices and decisions of fundamental nature, maintains and makes a central fund the industrial literature available, provides information to public and increases public awareness in this field.

Article 4 The Main Tasks of the Office

- (1) In the IP rights field the Office performs following tasks:
 - a) Receives and records chronologically:
 1. Patent applications and international applications under the Patent Cooperation Treaty,⁴⁾
 2. Applications for granting supplementary protection certificates for medicinal products and plant protection products (hereinafter referred to as "supplementary protection certificates")⁵⁾,

¹⁾ Article 32 paragraph 1 of the Act No. 575/2001 Coll. on the Organisation of the Activity of the Government and on the Organisation of the Central State Administration.

²⁾ Article 1 paragraph 2(a) of the Act No. 552/2003 Coll. on Performance of Work in Public Interest.
Article 9 paragraph 1 (a) of the Act No. 400/2009 Coll. on State Service and on Amendment of Certain Acts.

³⁾ Act No. 523/2004 Coll. on the Budget Rules of the Public Service and of Change and Amendment of some Acts.

⁴⁾ Notification of the Federal Ministry of Foreign Affairs no. 296/1991 Coll. on the Deposit of the Instrument of Accession of the Czech and Slovak Federal Republic to the Patent Cooperation Treaty Negotiated in Washington on June 17, 1970 as Modified.
Act No. 435/2001 Coll. on Patents, Supplementary Protection Certificates and on Amendment of Some Acts (Patent Act) as Amended.

- requests for extension of validity of supplementary protection certificates for medicinal products,⁶⁾
3. Utility models applications,⁷⁾
 4. Topographies of semiconductor products applications,⁸⁾
 5. Trade mark applications, applications for entry of an international trade mark into the international register, requests for conversions of European Union trade mark applications or European Union trade marks to a national application,⁹⁾
 6. Designs applications,¹⁰⁾
 7. Applications for designations of origin for products and geographical indications for products,¹¹⁾ requests for international registration of designations of origin under the international agreement,¹²⁾ requests for protection of designations of origin or geographical indications for agricultural products or foodstuffs, requests for protection of designations of origin or geographical indications of wines,
- b) Is the Office of filing for
1. Community designs applications,
 2. European patents applications,
- c) Performs examinations of
1. Patents applications,
 2. Utility models applications,
 3. Designs applications,
 4. Trade marks applications,
 5. Applications of designations of origin for products and applications for geographical indications for products,
 6. Topographies of semiconductor products applications,
 7. Applications for granting supplementary protection certificates,
 8. Requests for extension of validity of supplementary protection certificates for medicinal products,
- d) Decides on granting patents for inventions, granting supplementary protection certificates and on extension of validity of supplementary protection certificates for medicinal products,
- e) Decides on registration of
1. Utility models,
 2. Topographies of semiconductor products,
 3. Trade marks,
 4. Designs,
 5. Designations of origin for products and geographical indications for products in the registers of the Office and these entries as well as granting patents and supplementary protection certificates announces in the Gazette,
- f) Decides on
1. Requests for revocation of patents,

⁵⁾ Regulation no. 1610/96 of the European Parliament and of the Council of 23 July 1996 Concerning the Creation of a Supplementary Protection Certificate for Plant Protection Products.

Regulation of the European Parliament and Council Regulation (EC) No. 469/2009 of 6 May 2009 Concerning the Supplementary Protection Certificate for Medicinal Products..

⁶⁾ Regulation of the European Parliament and Council Regulation (EC) No. 1901/2006 of 12 December 2006 on Medicinal Products for Paediatric Use Amending Council Regulation (EEC) No. 1768/92, Directive 2001/20 / EC, Directive 2001/83 / EC and Regulation (EC) No. 726/2004.

⁷⁾ Act No. 517/2007 Coll. on Utility Models and on Amendments of some Acts as Amended by the Act No. 495/2008 Coll.

⁸⁾ Act No. 146/2000 Coll. on Legal Protection of Topographies of Semiconductor Products as Amended by the Act No. 84/2007 Coll.

⁹⁾ Act No. 506/2009 Coll. on Trade Marks.

¹⁰⁾ Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs. Act No. 444/2002 Coll. on Designs as Amended, Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs.

¹¹⁾ Act No. 469/2003 Coll. on Designations of Origin for Products and Geographical Indications for Products and on Amendment of some Acts as Amended.

¹²⁾ Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958, Revised in Stockholm on 14 July 1967 Published in the Decree of Minister of Foreign Affairs No. 67/1975 Coll. as Amended by Decree No. 79/1985 Coll.

2. Oppositions against published trade marks applications, on requests for revocation of trade marks and requests for declaration of invalidity of trade marks,
 3. Granting protection and refusal of the protection for the international trade marks in the Slovak Republic; requests for international registration of the trade marks, for revocation and declaration of invalidity of the international trade marks in relation to the territory of the Slovak Republic;
 4. Requests for cancellation of registered designs;
 5. Oppositions against entry of utility models into the register and requests for cancellation of utility models;
 6. Requests for invalidation of registration of topographies of semiconductor products;
 7. Requests for cancellation of designations of origin for products and requests for cancellation of geographical indications for products;
 8. Requests for declaration of invalidity of supplementary protection certificates;
 9. Requests for cancellation of renewal of supplementary protection certificates for medicinal products;
- g) Determines whether the subject described in the request for determination falls within the scope of the protection of a certain
1. Patent,
 2. Utility model,
 3. Registered design;
- h) Decides on appeals filed against first instance decisions of the Office and extraordinary remedies,¹³⁾
- i) Decides on requests for forfeiture of protection and transfer in the case of patents, utility models, designs and topographies of semiconductor products;
- j) Issues patent certificates,
- k) Issues supplementary protection certificates,
- l) Issues certificates on registration of
1. Utility models,
 2. Trade marks,
 3. Designs,
 4. Designations of origin for products and geographical indications for products,
 5. Topographies of semiconductor products,
- m) Issues documents on priority rights from
1. Patents applications,
 2. Utility models applications,
 3. Trade marks applications,
 4. Designs applications,
 5. Designations of origin for products applications and geographical indications for products applications,
- n) Makes available translations and corrected translations of patent claims of European patents applications, European patents specifications and amended wording of European patents specifications to public,
- o) Issues extracts from registers,
- p) Enters validity of granted patents, European patents valid in the Slovak Republic and supplementary protection certificates in registers,
- q) Extends the validity of
1. Utility models,
 2. Trade marks,
 3. Designs,
- r) Registers the right of a lien, licenses, changes of data, assignments and transfers of
1. Patents, European patents valid in the Slovak Republic,
 2. Supplementary protection certificates,
 3. Utility models,
 4. Trade marks,

¹³⁾ Act No. 71/1967 Coll. on Administrative Procedures (Administrative Code) as Amended.

5. Registered designs,
 6. Designations of origin for products and geographical indications for products,
 7. Topographies of semiconductor products,
- s) Maintains and administers register of
1. Patents and European patents with designation for the Slovak Republic,
 2. Supplementary protection certificates,
 3. Utility models,
 4. Topographies of semiconductor products,
 5. Trade marks,
 6. Registered designs,
 7. Designations of origin for products and geographical indications for products,
- t) Registers offers for licenses to use an invention protected by a patent or which is a subject-matter of a patent application,
- u) Receives and handles complaints and notifications in the IP field,¹⁴⁾
- v) Attaches certificates on enforceability to enforceable decisions of the European Union Intellectual Property Office.¹⁵⁾
- (2) The Office organises professional examination of patent attorneys, issues certificates on successful completion of professional examinations of patent attorneys and performs the state supervision over the activities of the Slovak Chamber of Patent Attorneys.¹⁶⁾
- (3) The Office issues the Gazette publishing particularly data on
- a) Published patent applications and granted patents,
 - b) Published translations of patent claims of European patent applications and published translations of European patents with designations for the Slovak Republic,
 - c) Published requests for supplementary protection certificates and granted supplementary protection certificates, published requests for extension of the term of protection of supplementary protection certificates for medicinal products and decisions on extension of the term of protection of supplementary protection certificates for medical products,
 - d) Published applications for utility models and registered utility models,
 - e) Registered topographies of semiconductor products,
 - f) Published applications for trade marks and registered trade marks,
 - g) International registrations of trade marks,
 - h) Designations of origin for products and geographical indications for products,
 - i) Registered designs,
 - j) Terminated or extended term of protection of individual IP rights subject-matters,
 - k) Registration of changes of ownership, name of applicant or the license owner,
 - l) Other important official announcements related to IP rights subject-matters.
- (4) The Office performs editorial, publication and distribution activities related to specialised publications form the IP field and related areas.
- (5) The Office provides public information and information services form the IP field information, provides IP promotion and popularisation in the Slovak Republic, as well as public education in the IP fields and IP information.

¹⁴⁾ Act No. 9/2010 Coll. on Complaints as Amended by the Act No. 289/2012 Coll.

¹⁵⁾ Article 49 paragraph 7 of the Act No. 444/2002 Coll.

Article 48 paragraph 3 of the Act No. 506/2009 Coll.

¹⁶⁾ Act No. 344/2004 Coll. on Patent Representatives, on Amendment of the Act No. 444/2002 Coll. on Designs and the Act No. 55/1997 Coll. on Trade Marks as Amended by the Act No. 577/2001 Coll. and the Act No. 14/2004 Coll., as Amended.

Article 5

Other Tasks of the Office

- (1) The Office also performs tasks
 - a) In relation to the state budget,
 - a) In the administration of the state property¹⁷⁾ and public procurement,¹⁸⁾
 - a) In the field of control activities,¹⁹⁾
 - a) In the field of free access to information,²⁰⁾
 - a) In the field of petitions and complaints,²¹⁾
 - a) In the field of defence,
 - a) In the field of protection of classified information,²²⁾
 - a) In the field of international relations in the IP area,
 - b) In the field of development of public administration information systems,²³⁾
 - a) In the field of electronic form of the performance of public authorities,²⁴⁾
 - a) In preparation of draft laws and other generally binding regulations,
 - a) Set by other generally binding regulations and resolutions of the Government of the Slovak Republic (hereinafter referred to as “the Government”).
- (2) Office Organisation Order provides more detailed definition of tasks referred to in the Paragraph 1.

Article 6

Principles of Performance and Internal Organisation of the Office

- (1) The President is the head of the Office appointed and dismissed by the Government. The President is responsible for the performance of functions to the Government.
- (2) The President is during his/her absence in the extent of his/her rights and duties substituted by the Vice-President. Vice-President is appointed and dismissed by the Government on the President’s proposal.
- (3) The Secretary General is authorised to act in matters of civil service relations and employment relationships. The Secretary General is appointed and dismissed by the Government on the President’s proposal.
- (4) The organisational structure of the Office is: Sections, Departments and Specialised Organisational Units. There are the following management levels at the Office:
 - a) President,
 - b) Vice-President,
 - c) Secretary General,
 - d) General Director of the Section,
 - e) Director of the Department
 - f) Head.
- (5) The Management of the Office is the permanent advisory body of the President. The members of the Management are appointed and dismissed by the President. The Management of the Office performs its tasks on the base of the separate internal regulation issued by the President.
- (6) The internal organisational structure, the scope of activity and interrelations of the organisational units of the Office, the scope of authority and responsibilities of managers are stipulated by the organisational regulations of the Office issued by the President of the Office.

¹⁷⁾ Act of the National Council of the Slovak Republic No. 278/1993 Coll. on Administration of State Property as Amended.

¹⁸⁾ Act No. 343/2015 Coll. on Public Procurement and on Amendment of some Acts as Amended.

¹⁹⁾ Act of the National Council of the Slovak Republic No. 10/1996 Coll. on the Control in the State Administration as Amended.
Act No. 357/2015 Coll. on Financial Control and Internal Audit and on Amendment to the Certain Acts as Amended.

²⁰⁾ Act No. 211/2000 Coll. on Free Access to Information and on Amendments and Supplements to Certain Acts (Freedom of Information Act) as Amended.

²¹⁾ Act No. 85/1990 Coll. on Right to Petition as Amended.
Act No. 9/2010 Coll. as Amended by the Act No. 289/2012 Coll.

²²⁾ Act No. 215/2004 Coll. on Protection of Classified Information and on Amendment and Supplements of Certain Acts as Amended.

²³⁾ Act No. 275/2006 Coll. on Public Administration Information Systems and on Amendment and Supplements of Certain Acts as Amended.

²⁴⁾ Act No. 305/2013 Coll. on Exercising Public Authority Powers via Electronic Means and on Amendment and Supplements of Certain Acts (e-Government Act) Amended by the Act No. 214/2014 Coll.

- (7) The rights and obligations of the Office employees established by special regulations ²⁵⁾ are specified by the service and working order.

Article 7
Relations of the Office with Central State Administration Bodies
and other Bodies and Organisations in the Slovak Republic

- (1) In performing the tasks the Office cooperates with ministries, other central state administration bodies and other bodies and organisations. The Office exchanges necessary information and materials and discusses the measures related to IP protection in the Slovak Republic. It also coordinates its control activities with ministries and other central state administration bodies.
- (2) The Office cooperates particularly with
- a) The Ministry of Finance of the Slovak Republic
 - 1. In development and implementation of the state budget,
 - 2. In methodical activities in the matters of accounting, budgeting and informatisation,
 - 3. In matters of the state property administration,
 - 4. In control activities and internal audit,
 - b) The Ministry of Economy of the Slovak Republic
 - 1. In implementation of the state policy in the field of IP protection,
 - 2. In matters of contentious issues and opinions to IP rights subject-matters,
 - 3. In preparation of the draft opinion of the Slovak Republic to materials of the Council for Competitiveness related to IP,
 - c) The Ministry of Labour, Social Affairs and Family of the Slovak Republic particularly in matters related to labour relationships, employment, social insurance, retirement pension insurance, supplementary pension insurance, working conditions and fundamental issues of safety and health at work including the safety of technical equipment,
 - d) The Ministry of Agriculture and Rural Development of the Slovak Republic
 - 1. In matters of product specification pursuant to a special legislation, ²⁵⁾
 - 2. In matters of contentious issues and opinions to IP subject-matters,
 - 3. In quality policy solutions within the designations of origin and geographical indications,
 - e) The Ministry of Education, Science, Research and Sport of the Slovak Republic in matters of lifelong learning, in fields of science and technology development as well as the IP protection,
 - f) The Ministry of Culture of the Slovak Republic
 - 1. In issuing periodical and non-periodical publications related to IP protection,
 - 2. In the mass media, books related to IP protection,
 - 3. In providing and changing information related to intellectual property,
 - g) The Ministry of Health of the Slovak Republic in matters of contentious issues and opinions to IP subject-matters in the field of health and human pharmacy,
 - h) The Ministry of Interior of the Slovak Republic in use and protection of state symbols of the Slovak Republic and archival issues,
 - i) The Ministry of Foreign and European Affairs of the Slovak Republic in international relations of the Slovak Republic in the IP field,
 - j) The Ministry of Justice of the Slovak Republic in matters of contentious issues and opinions in criminal, civil and commercial issues related to IP protection,
 - k) The Government Office of the Slovak Republic in the civil service relations, legal relations at work in the public interest and enforcement of tasks related to state administration performance, monitoring the performance of the Government resolutions and controlling handling petitions and complaints,
 - l) The Statistical Office of the Slovak Republic in the field of socio-economic information,
 - m) The Antimonopoly Office of the Slovak Republic in the protection of the competition in terms of IP protection,
 - n) The Slovak Office for Standards, Metrology and Testing of the Slovak Republic in issuing the opinions in the field of standardisation, metrology and testing,

²⁵⁾ Act of the National Council of the Slovak Republic No. 152/1995 Coll. on Foodstuffs as Amended.
Act No. 469/2003 Coll. as Amended.

- o) The Office for Public Procurement in the issues related to IP protection in the field of public procurement,
- p) The National Security Authority in protection of classified information,
- q) The State Treasury
 - 1. In implementation of domestic and foreign payments and processing data for evaluation of the implementation of the public administration budget,
 - 2. In the implementation of the Office's budget,
- r) Local state administration bodies in the IP protection issues,
- s) With other organisations based on agreements on mutual cooperation in the field of information dissemination, popularisation and promotion of IP in the Slovak Republic.

Article 8
Relations of the Office with International, Regional
and Foreign Organisations and Institutions

- (1) The Office cooperates with international, regional and foreign organisations and institutions in performing the tasks. They exchange necessary information and materials and discuss measures related to IP protection in the international context particularly with the impact on IP protection with effects for the Slovak Republic.
- (2) The Office cooperates particularly with:
 - a) The World Intellectual Property Organization in ensuring the enforceability of international treaties, agreements, conventions, standards and recommendations related to IP in the Slovak Republic,
 - b) The EU institutions in creating and implementation of the EU legislation in the IP field,
 - c) The European Patent Office in ensuring the enforceability of the European Patent Convention in the Slovak Republic,
 - d) The European Union Intellectual Property Office in ensuring the enforceability of regulations related to European Union trade marks and Community designs,
 - e) Foreign national and regional industrial property offices and related institutions in coordination of national policies in IP field and mutual exchange of information and information sources,
 - f) The World Trade Organisation in the field of trade aspects related to IP rights protection.

Final Provisions

Article 9

Amendments of the Statute shall be approved by the Government, if

- a) Significant changes of competences or tasks of the Office occurred
 - 1. By repealing the legislation or other regulatory acts under which the Office performs the tasks,
 - 2. By issuing the new legislation or other regulatory acts containing tasks for the Office,
 - 3. By transferring the competences of the Office to other central state administration body or the local state administration body or local self-governing body,
- b) Significant changes in the principles of activities or principles of the internal organisation of the Office beyond the scope of the rules established by this Statute shall occur.

Article 10

- (1) This Statute fully replaces the Statute of the Industrial Property Office of the Slovak Republic of March 1, 2015.
- (2) This Statute shall take effect on April 13, 2017.