

Act of April 1, 2004 (No. 2004:161)
Amending the Act (2000:1158) Amending the Patents Act (1967:837)

In accordance with the decision by Parliament, it is hereby prescribed that Article 8 of the Patents Act (1967:837) shall, instead of its wording according to the Act (2000:1158) Amending the said Act, read as follows.

8. An application for a patent shall be filed with the Patent Authority, or, in the case referred to in Chapter 3, with the Patent Authority in a foreign State or with an International Organization.

The application shall contain a description of the invention comprising also drawings if such are needed, and distinct statements about what is sought to be protected by the patent (patent claims). The fact that the invention relates to a chemical compound does not imply that a specified use has to be indicated in the patent claim. The application shall contain a statement as to how the invention can be industrially exploited, if that does not follow from the character of the invention. However, if the invention concerns a gene sequence or a partial gene sequence, the application shall always indicate how the invention can be applied industrially. The description shall be sufficiently clear so as to enable a person skilled in the art to carry out the invention with the guidance thereof. An invention that relates to a biological material or which implies the use of such material shall, in the cases referred to in Article 8 a, be deemed to be sufficiently clearly indicated only if also the conditions under that Article are fulfilled.

The application shall also contain an abstract of the description and the patent claims. The abstract is intended only to give technical information about the contents of patent application and may not be taken into account for any other purpose.

The name of the inventor shall be stated in the application. Where a patent is applied for by someone else than the inventor, the applicant shall prove his or her title to the invention.

The applicant shall pay an application fee. For the application, an annual fee shall also be paid for each fee year which commences before the application has been finally decided on.

A fee year according to this Act comprises one year and is calculated from the day when the application was filed or shall be deemed to have been filed and thereafter from the corresponding day according to the calendar.
