

LAW ON INDUSTRIAL PROPERTY

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CONSOLIDATED TEXT

of the Law on Industrial Property from March 20, 1992 (referred to as LIP), as amended and supplemented by the Law Amending and supplementing the Law on Industrial Property from May 29, 1993¹ (referred to as LASLIP). Amended and/or supplemented Articles are marked with an asterisk (*).

I. GENERAL PROVISIONS

Article 1

This Law regulates the grant and the protection of the following industrial property rights:

- patents
- model rights and design rights
- trademarks and service marks
- appellations of origin.

¹ **Entry into force** (of the Law Amending and Supplementing the Law on Industrial Property): June 13, 1993
Source: Uradni list Republike Slovenije, No. 13/1992 of March 20, 1992 and 27/ 1993 of May 29, 1993

Article 2

Inventions shall be protected by patents.

Distinctive signs include new shapes of products, pictures and drawings, trademarks and service marks and geographical names of products.

New shapes of products, pictures and drawings shall be protected by model rights or design rights.

Trade and service signs shall be protected by trademarks or service marks.

Geographical names of products shall be protected by appellations of origin.

Article 3

Rights afforded under this Law shall confer on a rightful claimant both material and moral rights.

Material rights shall include the exclusive commercial exploitation and disposal of industrial property rights by their holders.

It shall be the moral right of the creators of inventions and of new shapes of products, pictures and drawings to be designated as such both in the application and in all documents relating to patents, models and designs.

When an invention, a new shape of a product, a picture or a drawing is the product of the creative activity of several persons, all such persons shall be designated as creators in the documents referred to in the third paragraph of this Article.

* Article 4²

In the Republic of Slovenia, the protection of inventions and distinctive signs may be sought by filing, in accordance with the regulations, an application with the Industrial Property Office of the Republic of Slovenia (hereinafter referred to as "the Office").

Applications by which the protection for inventions or distinctive signs is sought in a foreign country, shall also be accepted by the Office if so provided for in international agreements or conventions to which the Republic of Slovenia has acceded.

The protection of inventions and distinctive signs in the Republic of Slovenia may also be requested with an application filed abroad, if this is in accordance with an international agreement or convention to which the Republic of Slovenia is a party. The legal effect of the rights granted on the basis of the application filed abroad shall be the same as that of the rights granted on the basis of a national application, unless otherwise provided for by the respective international agreement or convention.

The invention or distinctive sign in respect of which an application is filed abroad in accordance with the third paragraph of this Article is not entitled to protection arising out of the application which has been filed in respect of the same invention or distinctive sign in accordance with the first paragraph of this Article.

The first and the second paragraphs of this Article shall not apply to secret inventions.

Article 5

Legal and natural persons that are foreign nationals shall enjoy, in respect of the protection of inventions and distinctive signs in the Republic of Slovenia, the same rights as domestic legal or natural persons, or other domestic nationals, if this results from international contracts and conventions or from the application of the principle of reciprocity.

The party invoking reciprocity shall be required to prove the existence of reciprocity.

² According to Art. 24 of LASLIP, the Government of the Republic of Slovenia may conclude an agreement with which the implementation of the third paragraph of this Article is effected before and until the ratification of a respective international agreement or convention. (Note: the use of this provision was made on July 2, 1993 when the Government of the Republic of Slovenia signed an agreement with European Patent Organization).

In proceedings before the Office, other administrative entities and law courts, foreign legal and natural persons shall assert their rights under this Law through an authorized agent who is either a domestic legal person or a citizen of the Republic of Slovenia.

Article 6

Administrative proceedings and other administrative acts relating to the acquisition and protection of rights in inventions and distinctive signs shall be carried out by the Office.

There shall be no appeal against a decision taken by the Office in accordance with this Law; however, an administrative litigation proceeding shall be possible.

Article 7

The Office shall afford all interested legal and natural persons access to its documentation on the rights by which inventions and distinctive signs are protected, with the exception of documentation in the pre-publication procedure.

Subject to payment of the corresponding costs, the Office shall provide information on the state of the art and shall also perform other services relating to the field of information and documentation.

A Council of the Office shall be constituted at the Office as an advisory body for expert consideration of questions of principle relating to the protection of industrial property. The members of the Council shall be appointed by the Minister responsible for science and technology.

II. TITLES OF PROTECTION

1. Patents

Article 8

A patent shall protect an invention which is new, which is the result of creative work at inventive level and which is industrially applicable.

Discoveries, scientific theories, mathematical methods, computer programs and other rules, schemes, methods and processes for performing mental acts as such shall not be considered inventions within the meaning of the first paragraph of this Article.

* Article 9

An invention shall be considered to be new if, prior to the date of filing the request for the grant of a patent (hereinafter referred to as "the patent application"), it did not form part of the state of the art.

An invention shall be considered to form part of the state of the art if:

1. it was made available to the public by publication, exhibition, demonstration or use in such a way as to enable persons skilled in the art to apply it;
2. it is not different from the subject matter of applications earlier filed either in the Republic of Slovenia or abroad in respect of which the protection is applied for in the Republic of Slovenia which are made available to the public after the date of filing of the respective patent application.

Article 10

However, information on the state of the art which might affect the evaluation of the novelty of the invention applied for shall not be taken into consideration if it has been made available to the public:

1. by publication or other form of public presentation directly by the inventor himself;

2. by any other patent application by the same inventor which should not have become publicly available or by an application by a third person who has acquired such information directly or indirectly from the inventor without his knowledge or consent;
3. by the actions of third persons who have acquired the information directly or indirectly from the inventor.

The first paragraph of this Article shall only apply where the information has become publicly available no earlier than 12 months before the filing of the application or the date of a priority right.

Article 11

An invention shall be considered to be the result of creative work at an inventive level if, having regard to the state of the art, the solution to the technical problem is not obvious to a person skilled in the art.

An invention shall be considered industrially applicable if it is technically feasible and can be applied in industry or any other activity.

Article 12

The following may not be protected by a patent:

1. inventions, the publication or use of which would be contrary to law or morality;
2. inventions of surgical or diagnostic methods or methods of treatment practised on the human or animal body, with the exception of inventions relating to substances for use in any of these methods.

Article 13

An addition to an invention or an improvement of an invention may be protected by a patent of addition.

2. Model and Design Rights

Article 14

Perceivable new shapes of industrial and handicraft products or parts thereof shall be protected by model rights.

Perceivable new pictures or drawings which can be transferred to industrial or handicraft products or parts thereof shall be protected by design rights.

Photographic and cartographic works, technical plans and sketches may not qualify for model or design rights.

Article 15

A shape, picture or drawing shall be considered new within the meaning of this Law if it is essentially different from those applied for earlier or from those made available to the public within the Republic of Slovenia prior to the filing of the application, with the exception of those for which the application had been withdrawn before the decision to grant the model or design right was published.

The fact that a shape, picture or drawing was made available to the public without the author's consent no earlier than six months before the filing of the application shall not be taken into consideration for the purpose of evaluating the novelty of the shape, picture or drawing.

Article 16

Model or design rights may not be granted to a shape, picture or drawing:

1. publication or use of which would be contrary to law or morality;
2. which contains a State or other official armorial bearing, flag or emblem, or name or abbreviation of the name of a country or international organisation, or imitations thereof, except by approval of the competent authority of the respective country or organisation;

3. which represents an image of a person, except by consent of that person.

The image of a deceased person may be protected only with the consent of the spouse and children of the deceased; if the parents of the deceased are living, their consent shall be necessary as well.

The image of a historical personage or other deceased personality may be protected with the permission of the Ministry responsible for administration.

3. Trademarks and Service Marks

Article 17

Trademarks or a service marks (hereinafter referred to as “marks”) shall protect a sign which is intended for distinguishing the same or similar kinds of goods or services in the course of trade.

Seals, stamps and hallmarks (official marks identifying precious metals, measures, etc.) shall not be considered as marks within the meaning of this Law.

Article 18

Only a sign which is capable of distinguishing goods and services in the course of trade, such as pictures, drawings, words, expressions, vignettes, numbers, combinations of such signs, as well as combinations of colours, may be protected as a mark.

In evaluating whether a sign is capable of distinguishing goods or services in the course of trade, all circumstances, in particular the duration and scope of the use of the sign in marketing goods and services in the Republic of Slovenia, shall be taken into account.

Article 19

No sign may be protected as a mark:

1. which is contrary to law or morality;
2. which is not capable of distinguishing goods and services in the course of trade;
3. which merely designates the kind of product or service, or the purpose for which they serve, the time or method of production, quality, price, quantity, weight, name of place or geographical origin;
4. which is customary for the designation of specific kinds of goods or services;
5. which may, by its form or content, create confusion in the market and, in particular, mislead an average consumer with regard to the origin, kind, quality or other properties of the goods or services;
6. which is identical with an already protected sign belonging to another person and relating to the same or similar kinds of goods or services;
7. which is similar to an already protected sign belonging to another person and relating to the same or similar kinds of goods or services, if the similarity could mislead an average consumer;
8. which contains official signs and hallmarks for controlling or guaranteeing the quality of goods, or imitations thereof;
9. which contains a State or other armorial bearing, flag or emblem, or the name or abbreviation of the name of a country or international organisation, or imitations thereof, except with the approval of the authorities of the respective country or organisation.

The image or name of a person may be protected only with the consent of that person.

The image or name of a deceased person may be protected only with the consent of the spouse and children of the deceased; if the parents of the deceased are alive, their consent shall be necessary as well.

The image or name of a historical personage or other personality may be protected with the permission of the Ministry responsible for administration.

* Article 20

If a mark consists of words or letters or a combination of words and letters, the protection shall cover those words, letters or combinations thereof, transcripts and transliterations thereof, written in any script, in any colour, or represented in any other way.

Article 21

A mark which contains inscriptions, words or combinations of letters shall not preclude another person from marketing his goods and services under the same inscriptions, words, or combinations of letters if those inscriptions, words or combinations of letters represent his name, company name or title, if such has been acquired in good faith.

Anyone who has a name, company name or title identical with a mark at the time of the application for registration of such mark, may contest the right to use such a mark for the same or similar kinds of goods or services, except if the owner of the mark had, at the time of filing the application, the same name, company name or title.

* Article 22

A sign protected as a mark shall not preclude another person from using the same or a similar sign in the course of trade to identify goods and services of a different kind, except when the protected sign is a well known mark.

Protection of the same sign may be requested for several kinds of goods and services and of several different signs for the same kinds of goods and services.

Article 23

Associations of legal and natural persons, chambers, business associations, as also communes and larger local communities and State authorities may protect a specific sign as a collective mark.

A specific sign may also be protected as a collective mark also by a foreign legal person, subject to this Law and to any conventions.

Article 24

The person requesting protection for a collective mark must submit, with the application, a general instrument governing the grant of the right to use the collective mark.

The general instrument referred to in the first paragraph of this Article must contain: the company name or trading name of the applicant and the name of the authority or person authorized to represent the applicant; provisions relating to the persons entitled to use the collective mark and the conditions of such use; provisions concerning the rights and obligations of users of a collective mark in the event of infringement, as also provisions concerning the measures and consequences in the event of violation of the provisions of the general instrument.

4. Appellations of Origin

Article 25

Geographical names of products, whose distinctive properties are mainly due to the location or region where they are produced, if such properties are a natural consequence of either the climate or soil or of established manufacturing procedures or processes, shall be protected by appellations of origin.

The name of a product which has become generally known through long-term use in the course of trade as an indication that the product originates from a certain location or region may also be protected by an appellation of origin.

Article 26

Geographical names which have become generally known through long-term use in the course of trade as designations for certain kinds of products may not be protected by appellations of origin.

Article 27

Appellations of origin may be used to designate natural produce, agricultural produce, industrial products and handicraft products.

Geographical names of products protected by appellations of origin may not be employed as generic or common names.

Article 28

The Office shall grant the right to use the appellation of origin after obtaining the expert opinion of the Chamber of Economy of the Republic of Slovenia, which must include: the geographical name of the product to be protected by the appellation of origin; products which may be marketed under that appellation of origin; locations or regions in which products marketed under the appellation of origin originate; production requirements a product must fulfill in order to be marketed under the appellation of origin; the required marking of products and further detailed requirements for grant of the right to use the appellations of origin.

Article 29

An appellation of origin shall be established by entering the geographical name and kind of product to which the name relates in the register of appellations of origin.

An appellation of origin of a product may also be established on behalf of a foreign person, on the basis of an international agreement on reciprocal protection of appellations of origin concluded by the Republic of Slovenia.

Article 30

An appellation of origin is a collective right and may be used as such only by those who produce or market the product for which an appellation of origin has been established.

Article 31

Persons not authorized to use an appellation of origin may not use such appellation even if they add the words "type", "style", "fashion", "produced as" or similar words.

III. SCOPE OF RIGHTS

* Article 32

The holder of a patent, model or design right shall be entitled to:

1. exclusively work the protected invention, shape, picture or drawing;
2. exclusively market any products manufactured in accordance with the protected invention, shape, picture or drawing;
3. dispose of the patent, model or design right;
4. prohibit working of the protected invention, model or design, and legal transactions in respect of them, by any person not having his consent.

The rights conferred by a patented invention shall not extend to:

1. acts done privately and for noncommercial purposes;
2. acts done for research and experimental purposes of any kind relating to the subject matter of the patented invention irrespective of their final purpose;

3. the extemporaneous preparation for individual cases in a pharmacy of a medicine in accordance with a medical prescription or acts concerning the medicine so prepared;
4. the use on board vessels of other countries of the Union of Paris for the Protection of Industrial Property of the patented invention, in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of the Republic of Slovenia, provided that the invention is used there exclusively for the needs of the vessel;
5. the use of the patented invention in the construction or operation of aircraft or land vehicles of other countries or of accessories to such aircraft or land vehicles, when these temporarily or accidentally enter the territory of the Republic of Slovenia;
6. the acts specified in Article 27 of the Convention on international civil aviation of the 7th December 1944, where these acts concern the aircrafts of a State benefiting from the provisions of that Article.

Article 33

Patent protection granted in respect of a process, shall also extend to substances and products obtained directly by that process.

Article 34

The holder of a mark shall have the exclusive right to use the mark in the course of trade designate his products or services, and the users of a collective mark shall have the right to use the mark in accordance with the general instrument referred to in Article 24 of this Law.

The right referred to in the first paragraph of this Article shall also include the use of the mark on packaging materials, in catalogues, brochures, instruction manuals, advertisements, invoices and in correspondence.

The marks referred to in items (8) and (9) of Article 19 of this Law and the images or names of historical or other personages may be commercially exploited with the approval of the competent State authority.

Article 35

The authorized user of a protected appellation of origin shall have the right to use that appellation in the course of trade for marking products to which that appellation refers.

The right referred to in the first paragraph of this Article shall also include the use of the protected appellation of origin on the materials and documents in connection with marks mentioned in the second paragraph of Article 34 of this Law.

Article 36

The rights under Articles 32 and 34 of this Law shall accrue from the grant and registration of the right in the appropriate register and shall take effect as from the date of filing of an application in due form.

The person filing an application for a patent, model right, design right or mark shall acquire the rights under Articles 32 and 34 of this Law, on a provisional basis, as from the date of filing the application in due form.

* Article 37³

The term of a patent shall be 20 years from the date of filing the application.

The term of a model or design right shall be 10 years as from the date of filing the application.

³ According to Art. 23, of LASLIP, the extension of patent protection pursuant to the provisions of sixth paragraph of this Article applies only to patents files on or after January 1, 1993.

According to Article 25 of LASLIP, the Minister responsible for science and technology shall issue the regulations mentioned in the last paragraph of this Article within the time limit of twelve months as of the date when LASLIP entered into force, i.e. until July 13, 1994.

The term of a mark shall be 10 years as from the date of filing the application and may be renewed an unlimited number of times.

The term of protection for an appellation of origin shall be unlimited.

If a patent of addition has become a basic patent, it may not last longer than the original basic patent would have lasted. A patent of addition shall expire when the basic patent expires.

The duration of uninterrupted term of a patent can be extended over 20 years, but not for more than 5 years, in the following cases:

1. in order to take account of a state of war or similar emergency conditions affecting the state;
2. if the subject matter of the patent is a product or a process of manufacturing a product or a use of a product which has to undergo an administrative procedure required by law before it can be put on the market.

The Minister responsible for Science and Technology shall issue regulations specifying in greater detail the carrying out of the sixth paragraph of this Article.

Article 38

The holder of a mark shall have the obligation to use the mark.

Article 39

The grant and maintenance of industrial property rights under this Law shall be subject to the payment of fees and the cost of publication and other services shall also be paid.

Failure to pay procedural fees or costs due for the grant of rights shall entail rejection of the application, and the nonpayment of fees for the maintenance of a granted right or the non-payment of fees following a reminder within the grace period of six months shall entail forfeiture of the right.

When the fees referred to in the second paragraph of this Article are paid within the grace period, a surcharge for late payment shall also be paid.

The Government of the Republic of Slovenia shall lay down regulations setting the amount of the fees and costs refer to in the first paragraph of this Article.

Article 40

Notwithstanding the terms laid down in Article 37 of this Law, rights under that Article shall expire,

1. if the holder renounces his right, on the day following the date on which notification is received by the Office;
2. if fees and costs are not paid, on the day following the date on which the fees become due;
3. pursuant to a decision of the court or of the Office in those cases provided for by this Law, on the date specified in such decision;
4. if the legal person that is the holder of the right ceases to exist or if the natural person that is the holder of the right dies, on the date on which the holder ceases to exist or dies, except if the right has been transferred to the legal successors of the legal person or to the heirs of the natural person.

Article 41

If a licence, pledge or any other right is entered in the register of granted rights in the name of another person, the holder of the patent, the model or design right, or the mark may not renounce his rights without written consent from the person in whose name the licence, pledge or other right is entered.

If the holder of the patent, the model or design right, or the mark fails to pay the prescribed fee within the set term, and a licence, pledge or another right has been entered in the register in the name of another person, the Office shall inform that person that the fee has not been paid and that he may pay the fee within six months from the date of the notification if he wishes to maintain the validity of the registered right.

In the event of a dispute concerning the registered rights of such other person, the court may, if deemed essential for safeguarding those rights, decide that the patent, the model or design right, or the mark be transferred to the person, in whose name the licence, pledge or other right is registered.

Article 42

If a mark lapses under the provisions of item (2) of Article 40 of this Law, the holder of the mark shall have the right to request, within a period of one year following the date of the lapse of the mark, that the mark be registered again in his name for the same kind of goods or services.

Article 43

The filing of an application for a patent, model right or design right, as also the decision to grant a patent, model right or design right, shall not affect the right of any other person to exploit, without any obligation, the same invention, shape of product, picture or drawing if, prior to the filing of the application, he had been exploiting that invention, shape of product, picture or drawing in the Republic of Slovenia in good faith and in private, or had made the necessary preparations for their exploitation.

IV. PROCEDURE FOR THE GRANT OF RIGHTS

1. General Provisions

Article 44

The procedure for the grant of a patent, model right, design right or mark shall commence with the filing of a document comprising a request for grant of the right, together with the other essential items prescribed by this Law (hereinafter referred to as “the application”).

A separate application shall be filed for each invention, shape, picture, drawing or sign. A patent application may cover several inventions, provided that they are closely related in such a way as to form a single inventive concept. A model or design application may cover several models or designs applicable to products belonging to a single class of the International Classification for Industrial Designs.

The date and number of receipt of the application at the Office shall be noted on the application and a certificate to that effect shall be issued to the applicant.

The procedure for grant of an appellation of origin shall commence with a written request for grant of protection for the geographical name of a product. This request may be filed by a State authority, commune, larger local community, interested business association or by the chamber competent for the respective location or region.

Article 45

As from the date of receipt at the Office of a correct application for a patent, model right, design right, trademark or service mark, the applicant shall have priority over any other person who subsequently files an application for the same invention, shape, picture, drawing or sign.

The priority right for applications sent to the Office by Slovenian citizens temporarily domiciled abroad, through a diplomatic or consular representative of the Republic of Slovenia or through a diplomatic or consular representative of a country representing the interests of the Republic of Slovenia, shall begin as of the date on which such application was received by the diplomatic or consular representative.

Article 46

A patent application may not be substantially modified by subsequently broadening the subject matter in respect of which protection is sought.

Where an application has been filed for a model right, design right or mark, it shall not be subsequently permissible to modify substantially the shape, picture, drawing or sign or to supplement the list of goods or services.

Article 47

Anyone who exhibits an invention, shape of product, picture or drawing, or who uses a specific mark for marking goods or services, at an officially recognised exhibition or fair of international nature in the Republic of Slovenia or other country member of the International Union for the Protection of Industrial Property may, within three months following the closing date of the exhibition or fair, claim in his application the priority right as of the first day of showing of the invention or use of the distinctive sign.

A written certificate issued by a competent authority of the country member of the International Union for the Protection of Industrial Property shall be submitted with the application referred to in the first paragraph of this Article attesting to the officially recognised international nature of the exhibition or fair and stating the type of exhibition or fair, the place at which it was held, the opening and closing dates and the first day of exhibition or use.

Certificates attesting that an exhibition or fair held in the Republic of Slovenia is an officially recognised exhibition or fair of an international nature shall be issued by the Chamber of Economy of the Republic of Slovenia.

Article 48

Any national or a country member of the International Union for the Protection of Industrial Property, who has filed a correct first application in any country member of the Union, shall be afforded a priority right in the Republic of Slovenia, which for patents shall be 12 months and, for model rights, design rights or marks six months, following the filing date of the original application.

Anyone who intends to invoke the right of priority referred to in the first paragraph of this Article must quote in the application filed in the Republic of Slovenia, within the deadline stated in the first paragraph of this Article, all data concerning the application referred to and include a transcript of the application, certified by the competent authority in the country member of the International Union for the Protection of Industrial Property in which the original application was filed, within three months following the filing of the request for priority.

If the applicant invokes the priority right of a utility model application, he may invoke it either for a patent application or for a model right or design right application. However, this shall apply only within the time limit laid down in the first paragraph of this Article.

Article 49

The recognition of a priority right under Article 47 of this Law shall not extend the time limits laid down in Article 48 of this Law.

Article 50

In the event of a dispute concerning infringement of a right deriving from an application, the applicant may request the Office to give priority to the procedure concerning his application.

The request for the priority procedure may be filed no earlier than three months after the filing date of the application.

In the event of a dispute as referred to in the first paragraph of this Article, the applicant for a patent shall follow the procedure set out in the second paragraph of Article 68 and in the third paragraph of Article 71 of this Law; the applicant for a short-term patent shall follow only the procedure set out in the second paragraph of Article 68 of this Law.

Article 51

The application shall contain particulars of the applicant and of the right for which protection is sought.

Furthermore, the patent application shall contain the title of the invention, defining its subject matter, together with the name of the inventor or a statement to the effect that the inventor does not wish to be named in the application.

Article 52

A patent application shall comprise the following basic items: a description of the invention, which shall include the presentation of the problem, particulars of the state of the art or of other solutions available by that time and their deficiencies, together with a description of the new solution to the problem; one or more claims relating to the subject matter the applicant wishes to protect by a patent (hereinafter referred to as "patent claims"); a short summary of the subject matter of the invention (hereinafter referred to as "the abstract") and, if necessary, one or more drawings of the invention. All the documents comprising the patent application shall be drawn up in accordance with the regulations issued pursuant to this Law.

The invention shall be described with sufficient clarity and detail to enable a person skilled in the art to apply it in a given field.

The scope of the patent protection for the invention shall be determined by the scope of the claims.

* Article 53

An application for a model or design right shall comprise the following items: a description of the shape, picture or drawing together with a photograph or sketch of the shape, picture or drawing.

The description of the shape, picture, drawing and the photograph or the sketch of the shape, picture or drawing shall clearly show the novelty for which protection is sought.

An application for a collective mark shall be accompanied by the general instrument referred to in Article 24 of this Law.

An application for a mark shall comprise the sign and the list of products in respect of which the protection is applied for.

Article 54

An application shall be deemed correct in terms of the preliminary procedure:

1. if the appropriate application fees have been paid,
2. if it is in accordance with Article 44, second paragraph, of this Law,
3. if it contains all the data and appropriate basic items required under Articles 51, 52 first paragraph, and/or 53, first paragraph, of this Law.

Article 55

The Office shall, within a period of three months following the date of receipt of the application, examine whether it is correct within the terms of Article 54 of this Law.

If the application is found to be incorrect, the Office shall invite the applicant in writing, with a statement of the grounds, to remedy all deficiencies within a period of not longer than two months following the date of receipt of the invitation.

The Office may, for justified reasons, extend the time limit referred to in the second paragraph of this Article, upon the applicant's request, for no more than three months.

All applications properly amended within the time limits referred to in the second and third paragraphs of this Article shall enjoy the filing date of the first application.

Article 56

If the applicant does not, within the prescribed time limit, remedy all deficiencies that he was required to remedy according to Article 55, second paragraph, of this Law and the application therefore be processed, it shall be rejected by a decision of the Office.

* Article 57

For every application that is correct according to Article 54 of this Law, the procedure for the grant of the respective right shall be continued:

1. for a patent – under special provisions governing the procedure for the grant of patents (Article 68 to Article 86 of this Law);
2. for a mark, a model or a design – under the provisions of Article 58 of this Law.

* Article 58

When the subject matter of the application for a model or a design obviously contradicts to the provisions of Article 16 of this Law or when the subject matter of the application for a mark obviously contradicts the provisions of Article 19 of this Law or is identical to a well-known mark, the application shall be refused.

When the subject matter of the application for a model or design does not obviously contradict to the provisions of Article 16 of this Law or when the subject matter of the application for a mark does not obviously contradict to the provisions of Article 19 of this Law and is not identical to a well-known mark, the Office shall publish the relevant data on the application in its official bulletin.

After the expiration of three months from the date of the above publication, the Office shall issue a decision on the grant and shall register of the respective right, provided that no opposition as described in the fourth paragraph of this Article is filed within the Office.

Within a time limit of three months after the date of the said publication, every person has the right to file within the Office a written opposition against issuing a decision by which the respective model, design or mark is granted. The opposition must comprise the evidence to the effect that the respective shape of the body, picture, drawing or sign does not fulfil the conditions for protection as provided for by this Law.

On the grounds of the opposition the Office shall perform an examination and then decide accordingly.

Article 59

Within the time limit of 12 months after filing, a patent application may be converted into a model right application, and vice versa, in the course of the procedure for grant of the right. The applicant shall submit a model right or patent application, as appropriate, with any request for conversion. The modified application shall enjoy the priority of the original patent or model right application.

If the applicant for a patent follows the procedure set out in the second paragraph of Article 68 of this Law, the time limit referred to in the first paragraph of this Article shall be shortened, as appropriate.

Article 60

The grant of a patent, model right, design right, trademark or service mark shall be in favour of the applicant who was first to file an application.

In the procedure for granting the right, the inventor mentioned as such in the first correct patent application shall be deemed to be the inventor or successor in title, and the creator mentioned as such in the first correct model or design right application shall be deemed to be the author of the shape, drawing or picture, or his successor in title, except when the application states otherwise or when a competent court rules otherwise.

Article 61

If several persons jointly file an application for a patent, model or design right, the decision shall grant the status of patentee or holder of the model or design right to each of the applicants.

The decision referred to in the first paragraph of this Article may not rule on the mutual rights of the applicants.

Article 62

A decision of refusal or a decision of partial acceptance of an application for the grant of a right may not be issued by the Office if it has not previously notified the applicant in writing of the reasons why the requested

right may not be granted or may not be granted in the requested scope and if the applicant has not been invited to react to the reasons within a prescribed time limit or to change or amend the submitted application. The time limit referred to in this Article may be extended upon justified request by the applicant, for up to six months.

* Article 63

The decision on the grant of the right shall be made:

1. for patents – within the scope of the claims;
2. for models and designs – within the scope of declared characteristics in the description, photograph or drawing;
3. for marks – within the scope of the proposed sign and list of goods or services.

Article 64

The scope of protection shall be determined by the decision referred to in Article 63 of this Law as follows:

1. for patents – according to the accepted claims;
2. for models and designs – according to the accepted shape or accepted picture or drawing, as provided in the accepted description together with a photograph or sketch;
3. for marks – according to the accepted sign and list of goods or services.

Article 65

The granted protection for inventions and distinctive signs or the right to use protected appellations of origin, and also the applications filed for patents, models, designs and marks, shall be entered by the Office in the corresponding register.

The following data on the holder of the right shall be entered in the register referred to in the first paragraph of this Article: surname and forename, or company name and title; occupation or field of activity; address or headquarters; name of inventor or creator; date of filing of the application; priority right; date of publication of the application; date of the decision on the grant of the right; and date of registration.

All subsequent changes relating to the holder of the right or the right itself (decision on the grant of the right, transfer of right, contractual license, compulsory license, pledge, declaration of invalidation of a decision, termination of right, etc.) shall be entered in the register.

* Article 66

The Office shall maintain the following registers: register of patents, register of models and designs, register of marks, and register of appellations of origin.

All the registers referred to in the first paragraph of this Article shall be open to the public.

The Minister of Science and Technology shall issue regulations specifying in greater detail the data to be entered in the register, the data to be included in the certificate referred to in the provisions of Article 67, first paragraph, of this Law, the data to be published in accordance with Article 68, first paragraph, of this Law, as well as further regulations related to the procedure for the recognition of rights.

Article 67

After the right has been entered in the corresponding register, the Office shall issue to the holder of the right a certificate containing particulars of the right granted, the holder of the right, the priority right, the entry in the register, the publication of the decision on the grant of the right, together with the issuance of the certificate and other prescribed data.

The particulars of the rights in inventions and distinctive signs that are entered in the register and subsequent decisions relating to those rights shall be published in the Official Gazette of the Office.

2. Special Provisions on the Procedure for the Grant of Patents

Article 68

The abstract of the patent application, accompanied where appropriate by one or more drawings, shall be published in the official Gazette of the Office after 18 months as from the filing date of the application or from the date of the claimed priority right. The application in its integral form shall be available to any interested party on publication of the abstract.

The applicant may request that the application be published before the expiration of the term referred to in the first paragraph of this Article, but the application may not be published earlier than three months from the date of filing with the Office or from the date of receipt in the Office of a correct application.

Article 69

Where a patent application evidently does not comply with the provisions of Articles 8 and 12 of this Law, it shall be refused.

Article 70

The patent shall be granted and entered in the register of patents as from the date of publication of the patent application. The decision relating to the granted patent shall be issued by the Office provided that the applicant has paid the prescribed fees and printing costs for the patent document within the prescribed time limit.

A separate patent document shall be printed for each patent.

Article 71

The patentee or the holder of an exclusive license shall be required to submit written evidence that the patented invention satisfies the requirements of Articles 8, 9 and 11 of this Law, not later than the date of expiration of the ninth year of the patent term.

If the patentee or the holder of an exclusive license fails to act in accordance with the provisions in the first paragraph of this Article, the validity of the patent shall expire at the latest on the date of expiration of the tenth year of the patent term.

If the patentee or the holder of an exclusive license for the patent sues a third person for patent infringement, shall be obliged to submit the written evidence referred to in the first paragraph of this Article. In such case, the Office shall be obliged to deal with the matter immediately and to issue a decision in accordance with Article 73 of this Law.

Article 72

The following documents shall be considered evidence as referred to in Article 71 of this Law:

1. a patent for the same invention granted in a substantive examination procedure by any national or international patent office which, according to Article 32 of Patent Cooperation Treaty, enjoys the status of International Preliminary Examining Authority or by any other patent office with which a corresponding agreement has been concluded;
2. a search report on the examination of novelty issued by an institution which, according to Article 16 of the Patent Cooperation Treaty, enjoys the status of an International Searching Authority or by any other patent office with which a corresponding agreement has been concluded.

Article 73

On the basis of the submitted documentary evidence, the Office shall establish to what extent the subject matter and the scope of the claims fulfill the conditions referred to in Articles 8, 9 and 11 of this Law and issue one of the following decisions:

1. a decision on the grant of rights stating that the invention protected by the patent fulfils the conditions as referred to in Articles 8, 9 and 11 of this Law and that the claim or claims entirely satisfy those requirements;
2. a decision on the grant of rights stating that the invention only partially satisfies the requirements of Articles 8, 9 and 11, which correspondingly implies the narrowing of the scope of the claim or claims;
3. a declaration of revocation of the decision if the patent did not satisfy the requirements for protection on the date the application was filed.

* Article 74

The provisions of Articles 59 and 76 shall not apply to patent applications filed abroad according to the third paragraph of Article 4 of this Law.

For a patent, valid in the Republic of Slovenia on the basis of an application filed abroad in accordance with the third paragraph of Article 4 of this Law, the provisions of Articles 71 and 72 of this Law shall be deemed to be fulfilled, if it was granted after a full substantive examination by a foreign or an international patent office having, according to Article 32 of the Patent Cooperation Treaty, the status of an International Preliminary Examining Authority. The decision on the grant in respect of such a patent is deemed to be a decision on the recognition of rights within the meaning of Article 73 of this Law.

* Article 75

The provisions of Article 44 and the third paragraph of Article 66 of this Law shall also apply to the procedure for the grant of short-term patents, patents of addition and patents for secret inventions, unless otherwise provided for by provisions of this Law pertaining to such patents.

Short-Term Patents

Article 76

With the exception of processes, animal and plant varieties, the following inventions can be protected by a short-term patent:

1. inventions which are patentable according to this Law;
2. inventions which are new, susceptible of industrial application and are the result of a creative effort.

The term of a short-term patent shall be 10 years from the date of filing of the patent application.

A short-term patent can be requested when filing the application or within a period of 12 months after the filing date, at the latest. When this term has expired, the request shall be irrevocable.

Articles 71, 72 and 73 of this Law shall not apply to short-term patents.

Patents of Addition

Article 77

An applicant or patentee who supplements or improves an invention for which an application has already been filed or a patent granted (hereinafter referred to as “the basic patent application”, or “the basic patent”) shall have the right to request a patent of addition within a period of 18 months following the filing date of the basic application.

Unless otherwise provided by this Law, withdrawal of the basic application shall cancel the application procedure for the patent of addition.

A patent of addition cannot be requested in relation to a short-term patent.

Article 78

At the patentee's request, the Office shall issue a decision by which the patent of addition is declared a basic patent if the grant of the basic patent has been revoked or the basic patent has lapsed.

The request referred to in the first paragraph of this Article must be filed within three months following the date on which the decision on revocation of the basic patent has become final or the date on which it has lapsed.

Article 79

If a patent of addition is declared a basic patent, other patents of addition may be related to the new basic patent as patents of addition, at the request of the patentee.

Patents for Secret Inventions

Article 80

Patent applications by domestic legal or natural persons which relate to the defense of the Republic of Slovenia shall be deemed secret and shall be filed with the Ministry responsible for defence.

No appeal lie from decisions of the Ministry responsible for defence, issued in an administrative procedure in connection with a secret invention.

Article 81

If the Ministry responsible for defence finds that the invention should not be deemed secret, the application shall be forwarded to the Office, which shall deal with it in accordance with the provisions of this Law.

Article 82

If, after a patent for a secret invention has been granted, the Ministry responsible for defence finds that the invention should no longer be deemed secret, the complete file relating to the patent shall be forwarded to the Office. Upon receipt of such file, the Office shall enter the patent in the register, issue a patent certificate to the patentee and publish the particulars of the patent in accordance with Article 67, second paragraph, of this Law.

Article 83

The Ministry responsible for defence shall have the exclusive right to work and dispose of secret inventions.

The rightful claimant to a secret invention protected by a patent shall be entitled to lump sum as compensation regardless of the scope of the use of the invention for the needs of national defence.

The amount of compensation referred to in the second paragraph of this Article shall be agreed upon by the applicant and by the Ministry responsible for defence. If agreement cannot be reached, the applicant shall be entitled to request a competent court to determine, in extrajudicial proceedings, the amount of compensation.

Article 84

The patent for a secret invention shall not be published.

Domestic legal and natural persons may seek protection for a secret invention abroad only with the approval of the Ministry responsible for defence.

Article 85

The provisions of Articles 80 to 84 of this Law shall be applied *mutatis mutandis* to patent applications filed by domestic legal and natural persons which concern national security.

The Minister responsible for the interior shall be competent to decide on the applications referred to in the first paragraph of this Article.

Article 86

If the Office receives an application for an invention it deems to be a secret invention, it shall notify the applicant on the matter and invite him to express his views on the findings within the time limit.

If the applicant agrees with the findings of the Office, the application shall be forwarded for further consideration to the Ministry responsible for defence.

If the applicant does not agree with the findings of the Office and substantiates his opinion with evidence that is accepted by the Office, the Office shall resume the procedure for the grant of the patent in accordance with the provisions of this Law.

If the applicant does not agree with the findings of the Office and fails to substantiate his opinion or fails to substantiate it with sufficient evidence, the Office shall issue a decision on its incompetence and forward the application to the Ministry responsible for defence.

V. INVALIDATION OF RIGHTS AND CANCELLATION OF MARKS

1. Invalidation of Rights

Article 87

State authorities, associations of legal and natural persons and any domestic or foreign legal or natural person may institute an action for invalidation of a patent, model right, design right or mark. The plaintiff must submit evidence to the court showing that on the date of filing of the application the conditions for the protection of the right in question under this Law were not fulfilled.

Action for invalidation of a patent under the first paragraph of this Article may also be instituted when a decision on the grant of rights has been issued in accordance with items (1) and (2) of Article 73 of this Law or where the invention has not been described in accordance with the second paragraph of Article 52 of this Law.

Article 88

The court shall immediately notify the Office of the institution of an action for invalidation of rights.

The court shall communicate the final judgement to the Office for execution.

The Office shall issue a decision in execution of the final judgement.

Article 89

If a person instituting an action for invalidation of rights withdraws his action during the procedure, the court shall immediately notify the Office thereof. In such case, the Office shall be entitled to enter into the litigation as a plaintiff.

The Office shall be required to notify the court of its decision to enter into the litigation within three months following receipt of the notice of withdrawal of the action concerned.

2. Cancellation of Marks

Article 90

If the holder of a trademark or service mark, fails to use the mark, without justified reason, to designate the goods or services to which it relates for more than five years as from the date of registration of the mark or as from the date on which the mark was last seriously and effectively used, an interested party may request that a decision be taken to cancel the mark. Such decisions shall apply to the products and services in regard of which it is established, under the procedure following such a request, that the mark relating to them had not been used in the Republic of Slovenia.

The right to use a collective mark may also be terminated if its use is contrary to the general instrument laying down the conditions governing the right to use the collective mark.

Article 91

The person requesting the cancellation of a mark shall submit a written request to that effect to the Office. The Office thereupon shall notify the legal or natural person entered in the register of marks as the holder of the mark for which cancellation is requested.

If the holder of the mark fails to file an appeal, within a period of three months as from the date of receipt of the request for the cancellation of the mark, the Office shall cancel the mark and issue a decision under the first paragraph of Article 90 of this Law.

If the holder of the mark objects to the cancellation, within the prescribed time limit, the Office thereupon shall notify the party requesting cancellation of the mark and shall refer the case to the competent court. The Office shall issue a decision under the first paragraph of Article 90 of this Law on the basis of the final judgement by a competent court establishing non-use of the mark.

Under the procedure for cancellation of a mark, it shall be for the holder of the mark to establish that he uses it.

A mark shall be null and void as of the date on which the decision to cancel the mark is issued.

Article 92

If the person submitting a request for cancellation of a mark withdraws his request during the procedure, the Office may proceed *ex officio* or upon the request of the holder of the mark.

VI. LEGAL PROTECTION

1. Protection of Rights

* Article 93

Any person who infringes a right in an invention, picture, drawing or mark in respect of which protection has been sought or granted, or who uses a protected geographical name of a product without authorization, shall be liable for any damages in accordance with the general principles governing compensation for damages.

A person whose right has been infringed may, in addition to damages, request that the person infringing his right be prohibited from carrying on the infringing acts.

Where such infringement is committed in respect of an invention, for which protection has been sought or granted and which concerns a process for the production of a new substance, any substance that is the same or has the same composition shall be deemed, in the absence of evidence to the contrary, to have been manufactured by means of the protected process. The burden of proof in such case shall be upon the person producing the substance, with due regard to his legitimate interest in safeguarding production secrets.

Where the said infringement relates to a published patent application which was filed abroad in accordance with the third paragraph of Article 4 of this Law, the applicant is entitled to claim reasonable compensation

for the use of invention in the period as from the date of the said publication to the date when the respective patent is granted.

Article 94

Any unauthorized use of a protected invention, shape of product, picture or drawing, or in the course of manufacture or trade, any unauthorized use of a protected sign or geographical name of a product in the course of trade or any unauthorized act concerning a patent, model right, design right, marks or appellations of origin shall constitute an infringement of the rights in inventions and distinctive signs.

Imitation of a protected model, design, trademark, service mark or appellation of origin shall also constitute an infringement of the above-mentioned rights.

Imitation within the meaning of the second paragraph of this Article shall be deemed to exist if an average consumer of goods or services, irrespective of the kind of goods or services concerned, can perceive the difference only by paying special attention, or if the mark or the sign is a translation, transcription or transliteration of a mark.

* Article 95

An action for infringement under Articles 32 and 34 of this Law may be instituted by the applicant, the holder of the right, the authorized user of the appellation of origin or the holder of an exclusive license. A plaint for infringement of provisions of the third paragraph of Article 34 of this Law, relating to the use of signs, may also be filed by the official authority or person competent to give such approvals.

Proceedings for the infringement of rights under an application may be suspended by court order, pending a decision by the Office on the grant of the respective right.

When the action relates to the infringement of a patent, the proceedings may be suspended by court order, until the Office has issued one of the decisions on the grant of rights referred to in Article 73 of this Law.

Article 96

If a collective mark is used without authorization, a user of the collective mark may bring an action before a competent court requesting that further infringing actions be prohibited, that compensation be paid for damages incurred and that the final decision be published at the defendant's expense.

If no such proceedings are instituted by a user of the collective mark within one year following the date of the infringement, they may be instituted by the holder of the collective mark.

Article 97

An action for infringement of rights in respect of inventions and distinctive signs may be instituted within three years from the date on which the plaintiff learned of the infringement and the identity of the infringer.

No action may be brought after expiration of five years from the date of the infringement.

Article 98

An action for infringement of rights in respect of inventions and distinctive signs shall be dealt with as an urgent matter.

2. Contesting the Right to a Patent, Model, Design or Mark

* Article 99

An inventor, his heir or other successor in title may institute, at any time during the validity of a patent, an action before a competent court to be declared holder of the patent if the patent has been issued in the name of a person who is not the inventor, his heir or other successor in title.

The author of a model or design, his heir or other successor in title may institute an action before a competent court requesting that an existing right in a model or design be revoked and that he be declared holder of that right, if the right was granted to a person who is not the author, heir or other successor in title.

A plaint as described in the first and the second paragraph of this Article may also be filed by a person who is entitled to the rights arising out of a patent, model or design if the patent, model or design was issued in the name of the inventor or author or a third person, which the inventor or the author unjustifiably authorized that the patent, model or design be issued in his name.

Article 100

A legal or natural person may institute an action before a competent court requesting the court to rule that a sign which or he uses in marketing his product or service is identical or similar to a mark used by a third person in marking his goods or services of the same or similar kind and that the sign was generally known for designating the goods or services of the legal or natural person before the defendant filed his trade mark application, and requesting the court to issue a decision declaring the plaintiff to be the holder of the mark.

The court shall rule against the request referred to in the first paragraph of this Article if the defendant holder of the mark proves that he had used the contested sign for the same or similar goods or services for as long as or longer than the plaintiff before filing his application.

The action referred to in the first paragraph of this Article may not be filed after expiration of five years from the date of registration of the mark in the register of marks.

Article 101

Within three months of receiving a final decision that rules favorably on the actions referred to in Articles 99 and 100 of this Law, the plaintiff may request to be registered as the holder of the patent, model right, design right or mark and to be issued a certificate to that effect.

If the successful plaintiff does not submit a request to be entered in the register as the holder of the right within the deadline referred to in the first paragraph of this Article, the registered right shall be deleted from the register.

Article 102

Any rights a third person has acquired from the former holder mentioned in Article 101 of this Law shall be binding on the new holder as entered in the corresponding register or as applied for before the action was instituted.

3. Action for Recognition of Authorship

Article 103

An inventor or author may request to be named in the application and in all relevant documents, in accordance with Article 3, third paragraph, of this Law, by instituting an action before a competent court. Should the inventor or author die, the right to institute such action shall pass to his heirs.

Article 104

In addition to the request referred to in Article 103 of this Law, the plaintiff may also request that a final decision issued in the action for recognition of authorship be published at the defendant's expense; the inventor or author may further request compensation for moral damages.

Article 105

The action referred to in Articles 103 and 104 of this Law may be brought before a court at any time during the validity of the patent, model right or design right.

VII. TRANSFER OF RIGHTS AND GRANT OF LICENCES

1. Transfer of Rights

Article 106

The holder of a patent, model right, design right or mark may, subject to the conditions provided by this Law and other regulations, transfer his right, either in its entirety or in partially, under a contract to someone else.

The provision of the first paragraph of this Article shall also apply to the applicant.

A collective trade mark or service mark and the right to use a protected appellation of origin may not be transferred.

Article 107

The contracts for the transfer of a right referred to in Article 106 of this Law must be made in writing.

The contract referred to in the first paragraph of this Article shall be entered in the corresponding register at the request of one of the parties to the contract.

A contract which is not in writing and which is not entered in the corresponding register shall not be legally binding on third parties.

2. Licence Agreements

Article 108

The contractual licensing of patents, models rights, designs rights or marks shall be effected through license agreements in accordance with the provisions of this Law and other regulations.

License agreements shall be in writing.

The provisions of the first paragraph of this Article shall also apply to an applicant for a patent, model right, design right or mark.

If the application for a patent, model right or design right is filed by more than one person, or if the patent, model right or design right is granted to more than one person, the consent of all those persons shall be required in the event of the grant of a licence.

Neither a collective mark nor an appellation of origin may be the subject of a license.

Article 109

The right to use a mark may be licensed only if the technology ensuring the same quality of goods or services is licensed simultaneously or if the licensee of the mark already possesses such technology.

An agreement concluded contrary to the provisions of the first paragraph of this Article shall not be legally binding on third parties.

Article 110

License agreements shall specify in particular the duration of the license, the scope of the licence, whether the licence is exclusive or non-exclusive, as also the amount of remuneration for the use if compensation is agreed.

License agreements referred to in the first paragraph of this Article shall be entered in the corresponding register at the request of one of the contracting parties.

A licence agreement which is not entered in the register in accordance with the second paragraph of this Article shall not be legally binding on third parties.

Article 111

Any provisions of a licence agreement which impose upon the licensee limitations which do not proceed from the right which is the subject of the agreement, or which are unnecessary for safeguarding that right, shall be null and void.

3. License Statement Field with a Patent Application

Article 112

An applicant for a patent or short-term patent who with the application an irrevocable written statement to the effect that, on payment of suitable compensation, he will allow any interested party to use the invention, on the basis of a non-exclusive license agreement, shall be exempted from paying the fees for maintaining the validity of the patent until the first such agreement has been concluded, but for not longer than five years from the filing date of the application.

When publishing such application in the Official Gazette, the Office, shall also notify the fact that the applicant has filed a statement under the first paragraph of this Article.

4. Compulsory Licenses

* Article 113

If an invention is in the public interest or if the patentee misuses the rights granted by a patent as described in Article 32 of this Law, a compulsory licence for the use of the invention may be granted to another person.

It shall be deemed that a misuse according to the first paragraph of this Article takes place particularly when the patentee, either himself or through a third party, does not work or insufficiently works a patented invention and refuses to license to other persons the right to work the protected invention or imposes unjustified conditions on him.

A compulsory licence may be granted only to persons who provide evidence of possessing the technological facilities and manufacturing capacities required for effective working of the patented invention.

A compulsory licence shall not be granted if the patentee can show that there are justified reasons for his non-working or insufficient working of the patented invention.

Article 114

A compulsory licence may also be granted if a potential invention cannot be worked, either in its entirety or partially, without the use of an invention protected by an earlier patent, and the working of the later invention is of special importance for the economy or is in the public interest for meeting the needs of public health or national defence.

If a compulsory licence is granted under the first paragraph of this Article, the holder of the earlier patent may also seek a compulsory licence for the use of the invention protected by the later patent.

* Article 115

A compulsory licence may not be exclusive and may not extend the scope and duration in respect of the purpose for which it was granted.

* Article 116

An application for the grant of a compulsory licence may not be filed less than four years after the filing date of the patent application or less than three years after the date of grant of the patent, if the latter term expires at a later date, except when such a licence is in the public interest.

Article 117

When compulsory licenses are granted the patentee shall be entitled to compensation.

The amount of compensation under the first paragraph of this Article shall be agreed between the patentee and the legal or natural person to whom the compulsory license relating to the patented invention has been granted and who works the invention. If no agreement is reached, the competent court referred to in Article 118 of this Law shall determine the amount of compensation.

Article 118

The competent court shall decide on applications for the grant of compulsory licenses.

VIII. REPRESENTATION

Article 119

Natural and legal persons acting as representatives in the procedure for the protection of inventions and distinctive signs shall be entered in the register of representatives.

The register shall be kept by the Office.

The following shall be eligible for entry in the register referred to in the first paragraph of this Article:

1. a patent representative who is a natural person and has completed university studies in technology or science and has passed a special examination at the Office;
2. a lawyer employing on a regular or contractual basis a person who has completed studies in technology or science;
3. a legal person employing at least one person having completed university studies and who fulfills the conditions laid down in items (1) and (2) of this paragraph.

The specific conditions for entry in the register referred to in the first paragraph of this Article shall be laid down by the Minister responsible for science and technology.

IX. PENAL PROVISIONS

Article 120

A fine of no less than SLT 50,000 for each offense shall be imposed on legal or natural persons who:

1. use the signs mentioned in items (8) and (9) of Article 19 of this Law or the names of historical or other personages without the consent of the relevant State authority (third paragraph of Article 34 of this Law);
2. publish a secret invention or file an application abroad without the consent of the Ministry responsible for defense or the Ministry responsible for the interior (Article 84 of this Law, in conjunction with Article 85 of this Law);
3. represent legal and natural persons without being entered in the register (Article 119 of this Law);

For the offenses referred to in the first paragraph of this Article, a fine of no less than SIT 5,000 shall be imposed on the person responsible within the legal person.

For offences referred to in items (2) and (3) of the first paragraph of this Article a fine of no less than SIT 5,000 shall be imposed on a natural person.

X. TRANSITIONAL AND FINAL PROVISIONS

* Article 121

The use of substances as medicine for humans and animals shall not be deemed to constitute infringement of a patent for such substances if the corresponding patent application was filed on or before December 31, 1992 or if a priority right was claimed for the application, on or before December 31, 1992.

By the use of substance as a medicine according to the first paragraph of this article is meant its production and use in medicine under a process which is not subject to said patent protection, and marketing of this substance or medicine.

* Article 122⁴

All industrial property rights that have been applied for with, or granted by, the Yugoslav Federal Patent Office in Belgrade by and including of April 3, 1992, with the exception of appellations of origin, shall be valid in the Republic of Slovenia if they are transferred to the Office until March 1, 1994.

Terms of validity of the transferred rights shall be regulated by the provisions of this Law, provided that the date of filing of the application within the Yugoslav Federal Patent Office shall be taken into account.

Procedure for the recognition of rights on the basis of transferred applications shall be carried out in accordance with the provisions of this Law.

The Minister responsible for Science and Technology shall issue regulations specifying in greater detail the procedure for the transfer of rights described in the first paragraph of this Article.

Article 123

All applications received by the Office between June 25, 1991 and the date on which this Law comes into force shall be dealt with in accordance with the provisions of this Law.

Article 124

The Basic Court in Ljubljana shall be competent to hear matters of legal protection and all disputes relating to nullity of rights termination of marks and to requests for the grant of compulsory licenses, until the new Judiciary Law comes into force.

Article 125

The regulations under Articles 39, 74 and 119 of this Law shall be published within six months at the latest.

Article 126

On the day this Law comes into force, the Law on Protection of Inventions, Technical Improvements and Distinctive Signs (Official Gazette of the SFRY, Nos. 34/81, 3/90 and 20/90) shall cease to be valid, with the exception of the provisions of Articles 146 to 172.

Article 127

This Law shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

⁴ According to Art. 25 of LASLIP, the Minister responsible for science and technology shall issue the regulations mentioned in the last paragraph of this Article within the time limit of one month as of the date when LASLIP entered into force, i.e. until July 13, 1993.