

Act No 344/2004 Coll.

of 14 May 2004

on Patent Representatives

Amended by: Act No 330/2007 Coll.

Act No 506/2009 Coll.

The National Council of the Slovak Republic has adopted the following Act:

Chapter I

PART ONE

INTRODUCTORY PROVISIONS

Section 1

Subject-matter of regulation

This Act governs the legal conditions and the way of performance of patent representatives, duties of patent representatives, establishment, status, and competence of the Slovak Chamber of Patent Attorneys (hereinafter referred to as the "Chamber").

Section 2

Authorisation to act as patent representative

Patent representatives, as well as the other natural persons and legal entities stipulated in Sections 30, 33, and 34 are authorised to perform services of patent representatives pursuant to this Act on the territory of the Slovak Republic under the conditions laid down by this Act.

PART TWO

PATENT REPRESENTATIVE

Prerequisites for performing the activities of a patent representative

Section 3

(1) Patent representative is a natural person registered in the List of Patent Representatives (hereinafter referred to as the "the List").

(2) Activity of a patent representative shall mean representation of natural persons and legal entities before the Industrial Property Office of the Slovak Republic (hereinafter referred to as the "Office") and before the other state administrative bodies in the proceedings related to industrial property. While performing its activity, a patent representative also provides expert advices in the field of industrial property rights, draws up documents necessary for legal acts in the field of

industrial property rights and provides further forms of special consultancy and professional assistance in the field of industrial property (hereinafter referred to as the “patent representative service”).

(3) While performing the activities of a patent representative and performing patent representative services, he shall be obliged to protect rights and legitimate interests of natural persons and legal entities in accordance with the Constitution of the Slovak Republic, with the laws, and other generally binding legal regulations.

Section 4

The Chamber shall, within two months after the delivery of a written application for registration in the List, enter any person on the List provided that such person

- a) has a full legal capacity,
- b) is impeccable,
- c) has acquired first-level university education at the university in the Slovak Republic¹⁾ or possesses a recognised certificate of first-level university education issued by a foreign university,
- d) has at least three-year professional experience as a patent representative assistant (hereinafter referred to as the “assistant”) or at least four-year experience in the field of industrial property rights,
- e) has not got valid disciplinary measure to be deleted from the List or is considered not to have got such disciplinary measures,
- f) has not been deleted from the List for reasons of valid bankruptcy against him or against a legal entity performing patent representative services, a shareholder or partner of which it is, or for reasons of rejecting the proposal to file a petition for bankruptcy due to lack of property, unless five-year term has lapsed since the deletion,
- g) has successfully passed patent representative professional examination (hereinafter referred to as the “professional examination”),
- h) has met the obligations pursuant to Section 16(1) and Section 25,
- i) has taken the following oath before the Chamber Chairman: “I promise on my conscience and civic honour that I will observe the Constitution of the Slovak Republic, the laws, other generally binding legal regulations and professional regulations, conscientiously fulfil duties of a patent representative and keep secrecy on all facts I may learn in connection with performance of this activity”.

(2) The Chamber shall not enter on the List the person that either performs occupation, profession or an activity, besides which he cannot perform other gainful activity pursuant to special regulations, or the employee of the Chamber.

(3) For the purposes of this Act, the person shall not be considered unimpeachable if he was either legally condemned for wilful offence or for offence related to the performance of activity of a patent representative.

(4) Integrity is to be proven by the extract from the criminal record³⁾ not older than three months.

¹⁾ Article 2 Para 5 of Act No. 131/2002 Coll. on universities and on the amendment and complementation of some acts, as amended.

³⁾ Act No. 330/2007 Coll. on Criminal Record, as amended.

Section 5

Within two months since the delivery of a written application, the Chamber shall enter on the List also the person that has passed Eligibility Examination pursuant to Section 7, meets the conditions pursuant to Section 4(1)(a), (b), (e), (f), (i) and Section 4(2) and whose professional qualification or other qualification has been recognised as sufficient for the performance of patent representative profession in accordance with a special regulation.⁴⁾

Section 6

Professional examination

(1) The level of theoretical knowledge and practical experience necessary for the performance of patent representative profession, knowledge of legal regulations and international agreements valid on the territory of the Slovak Republic related to industrial property right protection and ability of their use in practice shall be verified by professional examination.

(2) Professional examination may be taken only as aggregate examination in the integrated field of the protection of rights to the results of technical creative activity and protection of rights of registration. Professional examination shall be taken in the Office before the Examination Commission; it shall be composed of written and oral part. As a rule, the professional examinations shall be held once a year.

(3) The Chairman shall appoint five-member examination commission for professional examination. It shall be composed of examination commissioners, out of which three shall come from the employees of the Office and two from the patent representatives, or outstanding experts in the field of industrial property rights.

(4) The result of the professional examination shall be decided upon by voting, which shall result in the assessment of the applicant by attesting or rejecting statement. Each of the Commission members has one vote.

(5) Any applicant who presents an application for professional examination to the Office and meets the conditions specified in Section 4(1)(c) and (d) and who pays an administrative fee for professional examination to the Office, must be admitted to professional examination.⁵⁾

(6) The Examination Commission shall elaborate a protocol on professional examination course stating names and surnames of examination commissioners.

(7) The Office shall issue certificate for an applicant within 15 days since the successful passing of professional examination, which shall contain name and surname of the applicant, date of birth, date of examination and its result. The certificate shall be signed by Chairman of Examination Commission.

(8) If the applicant fails in professional examination, the Office shall notify him on this fact within 15 days since the professional examination.

⁴⁾ Act No. 477/2002 Coll. on Recognition of Professional Qualifications and on the amendment of Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees, as amended by Act No. 445/2002 Coll.

⁵⁾ Act of the National Council of the Slovak Republic No. 145/1995 Coll., as amended.

(9) The applicant who failed in professional examination may apply the Office for its repetition. The Office shall permit the repetition of professional examination not before six months after the examination, in which the applicant has not succeeded, at the earliest published term of examinations; the repetition of professional examinations shall be carried out under the same conditions as stated in paragraph 5.

Section 7 Eligibility examination

(1) Eligibility examination is focused on the assessment of legal knowledge of European Community patent representative pursuant to Section 29 of Rule of Law of the Slovak Republic, international agreements valid on the territory of the Slovak Republic related to industrial property protection, and professional regulations. Eligibility examination shall be taken in official language.⁶⁾

(2) The stipulations of Section 6 relates to the eligibility examination in the same way.

Section 8 Entry on the List

(1) The Chamber shall allow the applicant to take an oath within two months since the delivery of a written application for entry on the List complemented by documents on meeting the conditions for making entry on the List.

(2) The Chamber shall enter the applicant on the List as of the date of taking an oath or as of the later date given in the application.

(3) The Chamber shall issue the certificate of the entry on the List and patent representative card to patent representative not later than 15 days after making the entry.

(4) The following shall be entered on the List:

- a) name, surname and title of a patent representative, date of birth, registered office, residence or delivery address pursuant to Section 16,
- b) date of passing professional examination or eligibility examination,
- c) date of making entry on the List and number of certificate of entry, which is also the registration number of patent representative,
- d) method of performance of activity of patent representative pursuant to Section 15 including the business name of the patent representative company, if any,
- e) imposition of disciplinary measure pursuant to Section 39, suspension of activity of patent representative pursuant to Section 9 and deletion from the List pursuant to Section 12, if any.

(5) The List shall be available to the public.

⁶⁾ Act of the National Council of the Slovak Republic No. 270/1995 Coll. on Official Language of the Slovak Republic, as amended.

(6) The Chamber shall enter on the List also the changes in data specified in paragraph 4.

Suspension of performance of patent representative activity

Section 9

- (1) The Chamber shall suspend the performance of activity of a patent representative,
- a) if the patent representative has commenced the execution of imprisonment, if this is not the reason for deletion from the List [Section 12 (1)(c)], or if it has been taken into custody,
 - b) if the patent representative has been pronounced guilty for a wilful offence in the judgement of the first-instance court till the validity of the judgement,
 - c) during the punishment by banning the performance of activity of patent representative⁷⁾, as of the date of entering into force of the decision, by which this punishment has been imposed; without prejudice to the stipulations of Section 12 (1)(d) and Section 12 (2)(b),
 - d) if after entering on the List he performs occupation, profession or activity, besides which he cannot perform other gainful activity pursuant to special regulations or if he is the employee of the Chamber,
 - e) if he lodged written application for the suspension of activity of patent representative and he proves that he appointed another patent representative for himself for the purposes of representation pursuant to Section 21,
 - f) after imposing a disciplinary measure of suspension of activity of patent representative, as of the date of entering into force of the decision of the Chamber on this disciplinary measure.

- (2) The Chamber may suspend the performance of activity of a patent representative,
- a) if a prosecution for criminal offence has been commenced against him for a wilful criminal offence, till the entry of the decision in the matter into force,
 - b) if a proceeding on depriving or restriction of capacity for legal acts has been commenced against him, till the date of entry of the decision into force, by which this proceeding terminates, at the latest,
 - c) if a proceeding on bankruptcy or permitting settlement has been commenced against him or against legal entity established for the performance of patent representative services, a shareholder or partner of which he is,
 - d) if he is default with the payment of specified contribution for the Chamber activity for more than six months and he has not paid the contribution even within one month since he has been called in writing to do so with the instruction on consequences of non-payment.

Section 10

- (1) By suspending the activity of a patent representative
- a) the authorisation of the patent representative to perform services pursuant to this Act shall cease,
 - b) the membership of the patent representative in the Chamber bodies pursuant to Section 49

⁷⁾ Article 49 and 50 of Penal Code, as amended.

shall cease,

c) patent representative shall lose the opportunity to be elected to the Chamber bodies pursuant to Section 49.

(2) By suspending the activity of a patent representative

a) the participation of the patent representative in a patent representative company pursuant to Section 15 shall not cease,

b) the responsibility of the patent representative including responsibility for disciplinary offence committed by him at the time of suspension of activity of patent representative shall not be prejudiced.

Section 11

Should the reason specified in Section 9 cease, the Chamber shall immediately terminate the suspension of activity of a patent representative; termination of suspension of activity of the patent representative shall be entered on the List.

Deletion of patent representative from the List

Section 12

(1) The Chamber shall delete that patent representative from the List,

a) who has died or has been declared dead,

b) who has been deprived of capacity for legal acts or its capacity for legal acts has been restricted,

c) who has been legally condemned to unconditional penalty of imprisonment for a wilful criminal offence committed in relation to the performance of activity of a patent representative,

d) who has been legally imposed disciplinary measure of deletion from the List,

e) if bankruptcy, permitted settlement has been announced against it, patent representative company established for performance of patent representative services, in which he is shareholder or partner, or if the petition for bankruptcy has been refused due to the lack of assets for the disbursement of bankruptcy costs,

f) who has been entered on the List without meeting any of the conditions specified in Section 4 (1) and Section 5 as at the date of entry on the List,

g) who has applied for that in writing.

(2) The Chamber may delete from the List the Patent Representative

a) who has been legally condemned for another wilful criminal offence other than the one stated in paragraph 1(c), should the Chamber considers that this activity of a patent representative endangers the trust in due performance of activity of the patent representative,

b) who is in default with the disbursement of payable contributions for Chamber activity and fees for delayed payment of these fees exceeding 12-month period and obligatory payments has not been paid by him even after being called to do so with the instruction on consequences of non-payment,

c) who has not concluded liability insurance pursuant to Section 25 and he has not concluded the corresponding insurance policy within one month after being warned of this imperfection in

writing save for exception specified in Section 25(3).

Section 13

(1) Deletion from the List pursuant to Section 12 shall be registered by the Chamber in the List immediately, however, not later than one month after it has learnt of facts establishing the deletion.

(2) The deletion of a patent representative from the List pursuant to Section 12 (1)(f) may be decided upon by the Chamber only within one year since the date when it has learnt of the non-observance of the conditions for entry on the List, however, not later than three years since the date this fact has occurred; this does not relate to the conditions specified in Section 4(1)(a) to 4(1) (c) and Section 5.

Section 14

(1) If authorisation for patent representative services in any Member State is suspended or has ceased for patent representative entered on the List pursuant to Section 5, the Chamber may suspend the performance of activity pursuant to this Act or delete him from the List according to circumstances.

(2) The Chamber shall inform immediately and to the necessary extent the relevant authority of foreign state on the imposition of disciplinary measure of suspension of activity of a patent representative, or deletion of a patent representative from the List.

Method of performance of patent representative activity Section 15

(1) Patent representative may perform activity of a patent representative individually or in patent representative company.

(2) Patent representative company is a business company,⁸⁾

a) in which a patent representative is a partner, shareholder or employee; if it is a company limited by shares, registered capital of the company must be formed by registered shares, and

b) which is insured against liability for damage that could arise while performing patent representative services .

Section 16 Performance of patent representative activity

(1) Patent representative shall be obliged to notify the Chamber in writing of the address of its registered office. The registered office of a patent representative must be on the territory of the Slovak Republic.

⁸⁾ Commercial Code.

(2) When performing the services, a patent representative shall be obliged to use professional designation of the patent representative.

(3) When a patent representative performs his activity individually, he performs it under the business name, which is his name and surname. If a patent representative performs the activity of patent representative, he shall attach to the name, surname and professional designation also the name of association or business name of a company.

Rights and obligations of patent representative

Section 17

(1) While performing patent representative services, a patent representative is independent, being bound by generally binding legal regulations and client's instructions within their scope. If the client's instructions are in discrepancy with generally binding regulations or professional regulations, he shall be obliged to inform the client of it; patent representative shall not be bound by such client's instructions.

(2) Patent representative shall be obliged to defend the rights and legitimate interests of the client. He shall be obliged to act honestly and conscientiously, thoroughly use all legal means and enforce in the interests of the client everything that is considered by him to be beneficial according to his belief and instructions of the client, while taking care of the expediency and economy of performed patent representative services.

Section 18

(1) Patent representative shall be obliged to keep secrecy on all facts he has learnt of in relation to the provision of patent representative services. The patent representative may be deprived of the obligation to keep secrecy only by the client and after the death or winding up of the client only by its legal successor.

(2) Obligation to keep secrecy belongs also to that one who has been deleted from the List or that one who has got suspended the performance of activity of a patent representative.

(3) Obligation to keep secrecy does not relate to the case if this is the obligation imposed by the Act to defeat the commitment of criminal offence or to announce the commitment of criminal offence.

(4) Patent representative shall not be obliged to keep secrecy towards the person who is being authorised by him to perform the individual acts of patent representative services, if this person is obliged to keep secrecy pursuant to special regulations.⁹⁾

(5) Obligation to keep secrecy shall not bind a patent representative within the scope necessary for acting before the court or another authority, if the subject of proceeding is the dispute between him and the client or its legal successor; obligation to keep secrecy shall not bind a patent representative even in disciplinary proceeding pursuant to Section 40 or in proceeding on

⁹⁾ For example Act No. 215/2004 Coll. on the Protection of Classified Information and on the amendment and supplementing of certain acts

remedy against the decision of the Chamber. Patent representative may not challenge obligation to keep secrecy in disciplinary proceeding even towards Chairman and members of Revision Commission which discusses the disciplinary offence of the patent representative.

(6) Obligation to keep secrecy identically relates to

a) employees of a patent representative, employees of patent representative company,
b) members of the Chamber bodies and its employees, as well as all persons that participate in disciplinary proceeding including Chairman and members of Revision Commission authorised to prepare the acts of disciplinary proceeding and discuss whether disciplinary offence occurred; however this does not relate to proceeding before the court in the given matters.

(7) Obligation to keep secrecy pursuant to a special regulation⁹⁾ shall not be prejudiced by this Act.

Section 19

(1) Patent representative shall be obliged to refuse the performance of patent representative services, if

a) he has performed patent representative services in the same matter or in the matter related to it to another person whose interests are in contradiction to the interests of person which applies for the performance of patent representative services,
b) the interests of a patent representative or persons close to it are in contradiction to the interests of person to whom the patent representative services should be performed,
c) person whose interests are in contradiction to the interests of that one who applies for patent representative services in the same matter or in the matter related to it has been performed with patent representative services by patent representative with whom he jointly performs activity of a patent representative for patent representative company,
d) the performance of its activity were suspended,
e) the information he has of another client or former client could unjustifiably give preferential treatment to that one who applies for the performance of patent representative services,
f) he is unable to duly defend and uphold the interests of a client with regards to provable workload or long-term absence,
g) by performing patent representative services criminal offence would be committed.

(2) Patent representative shall be obliged to withdraw from the contract on performance of patent representative services, if he additionally learns of the fact specified in paragraph 1.

(3) Patent representative shall be obliged to justify the refusal to provide the client with services.

(4) If anyone cannot acquire the performance of professional services pursuant to this Act, he shall be entitled to ask the Chamber for the provision of a suitable patent representative. If this is not prevented by the reasons given in paragraph 1 or 2, patent representative offered by the Chamber shall be obliged to perform the patent representative services to full extent.

Section 20

(1) Patent representative shall be entitled to withdraw from the contract on performance of patent representative services, if the trust between him and the client has been impaired, if the client does not provide the necessary co-operation or if he does not deposit the reasonable advance for fee for representation and performance of patent representative services without a serious reason despite that he has been asked to do so by the patent representative pursuant to Section 23.

(2) Contract on performance of patent representative services pursuant to paragraph 1 shall be terminated as of the moment when the act of will to withdraw from it is delivered to the client.

(3) Unless otherwise agreed by patent representative and client or unless the client took other measures, patent representative shall be obliged to carry out all pressing acts within 15 days since the delivery of notification of withdrawal from the contract on performance of patent representative services so that the client shall not incur damage to its rights or entitled interests. This does not relate to the client who notifies patent representative in writing that he does not insist on the meeting of this obligation.

Section 21

Stand-in for patent representative

(1) Within its authorisation, a patent representative may get substituted by another patent representative to the same extent; such substitution is impossible against the will of the client.

(2) At the individual acts, the patent representative may be substituted by Assistant or another employee of patent representative.

(3) If a patent representative that performs activity of a patent representative individually is prevented by any obstruction to perform activity of the patent representative and unless he takes another measure for the protection of rights or interests of his clients protected by the law, he shall be obliged to get substituted by another patent representative not later than one month since the origin of the obstruction, after agreement with him and clients, which must be notified by him immediately in writing; stipulation of Section 26 (1)(c) is not hereby prejudiced. If the patent representative breaches this obligation, the Chamber with the consent of the client shall appoint a substitute patent representative (hereinafter referred to as the "substitute patent representative") withal that according to circumstances of the case he shall also determine the amount of compensation which must be provided by the patent representative to the substitute patent representative. During the continuation of obstruction at the side of the patent representative, the substitute patent representative shall execute in his name rights and obligations related to the performance of activity of the patent representative.

(4) If a substitute patent representative appointed by the Chamber does not agree with the client pursuant to paragraph 3 within one month since the date the client has been notified of his appointment, or if the client does not take another measures within that period of time, rights and obligations of the original patent representative shall be transferred to the substitute patent representative in relation to the client. This relates also to the case when the substitute patent representative has been appointed by the Chamber pursuant to Section 19 (4). The Chamber shall

acknowledge this transfer of rights and obligations upon request of the substitute patent representative.

(5) The contents of transfer of rights and obligations pursuant to paragraph 4 is neither the obligation of a substitute patent representative to reimburse the damage pursuant to Section 24 nor obligation to return the things, including financial means provided by the client to the substituted patent representative, if he has not delivered them to the substitute patent representative. Further rights and obligations resulting from the original contractual relation between the patent representative and client shall not be transferred to the substitute patent representative, if the substitute patent representative could be unreasonably favoured or disfavoured due to their transfer over the original patent representative or if the meeting of these obligations could not be fairly required from the substitute patent representative.

(6) If a patent representative who performed activity of a patent representative individually, has been deleted from the List or if his performance of activity of the patent representative has been suspended and if this is necessary with regards to circumstances of the case, the Chamber shall immediately take the necessary measures for the protection of rights and protected interests of his clients, in particular, it may determine the substitute patent representative for the deleted patent representative. The Chamber shall immediately inform the clients in writing on taken measures. The stipulations of paragraphs 4 and 5 relate to this paragraph identically.

Section 22

(1) Patent representative may employ assistants in employment relation pursuant to Section 35 and other persons (hereinafter referred to as the “employee”).

(2) Employment relations between a patent representative and employees shall be governed by the stipulations of a special regulation.¹⁰⁾

Section 23

Patent representative remuneration

(1) Patent representative shall perform his activity for remuneration and he shall be entitled to ask for a reasonable advance from the client.

(2) Patent representative shall be entitled in addition to remuneration also to compensation of out-of-pocket expenses and compensation of time loss. Out-of-pocket expenses shall be considered to be the expenses paid on purposes and provably in relation to the provision of patent representative services, in particular administrative fees and other fees, travel and telecommunication expenses and expenses for expert opinions, translations, transcripts or extracts from public registries.

¹⁰⁾ Labour Code as amended.

Section 24
Liability of patent representative for damages

(1) Patent representative shall be liable to the client for damage he has caused to him in relation to the performance of activity of a patent representative. Patent representative shall be liable for damage caused by his activity also when the damage has been caused by his employees; possible employment responsibility of these persons towards the patent representative shall not be prejudiced by this stipulation¹⁰⁾.

(2) Each patent representative shall be liable towards the client per se save for cases when this is the common client of several patent representatives. The patent representatives are liable towards their employees and other persons together and indivisibly.

(3) Patent representative shall be freed from responsibility pursuant to paragraph 1 if he proves that he could not have prevented the damage even while making all efforts that may have been required from him.

Obligations of patent representative vis-à-vis the Chamber

Section 25

(1) While being entered on the List and at any time upon written request from the Chamber, a patent representative shall be obliged to provide the Chamber with individual insurance policy on liability caused by the execution of the activity of patent representative within 30 days. Insurance must be in existence during entire execution of activity of the patent representative.

(2) The Chamber may conclude collective insurance policy on liability insurance for damage caused by performance of patent representative services in favour of patent representatives entered on the List maintained by the Chamber. If the patent representative agrees with collective insurance for liability for damage, its obligation to present the individual insurance contract to the Chamber pursuant to paragraph 1 shall cease. Granted consent with collective insurance policy may be effectively recalled by the patent representative only if he at the same time fulfils its obligation pursuant to paragraph 1.

(3) If a patent representative agrees with insurance of its liability for damage within collective insurance policy concluded with the Chamber, it shall be obliged to pay premium to the Chamber at the amount and by the way agreed in collective insurance policy or by established decision of the Board of Directors of the Chamber.

Section 26

(1) Patent representative shall be obliged to notify the Chamber

- a) not later than 15 days after the commencement of the performance of activity of a patent representative its registered office, place of residence, or delivery address, method of performing activity, as well as further data necessary for maintenance of the List that shall be determined by professional regulations of the Chamber,
- b) of the changes in data specified in Letter a) not later than 15 days since the origin of those facts,

c) all facts that could be the reasons for the suspension of the performance of activity of a patent representative or the reason for deletion from the List, not later than 15 days since the origin of these facts.

(2) Upon request of the Chamber, a patent representative shall be obliged to immediately express himself to the contents of complaint or similar submission within the proceeding, which are lead against it in accordance with this Act and professional regulations by the Chamber at the impetus of the other person and to provide it with a necessary explanation and required file documentation.

Section 27

(1) Patent representative shall be obliged to duly and in time disburse the contribution for the activity of the Chamber and to effect further payments established by the resolution of patent representative conference pursuant to Section 51(c).

(2) The obligations pursuant to paragraph 1 which have originated during the performance of activity of a patent representative shall not cease by deletion from the List. This does not relate to the deletion from the List pursuant to Section 12(1)(a) and b).

(3) Pursuant to Section 52 (3)(e), on the basis of justified application the Board of Directors of the Chamber may reduce or forgive the contribution.

Section 28

(1) Patent representative or his assistant shall be obliged to use arbitration proceeding before the Chamber bodies in the interest of honour and seriousness of his profession sooner than the court or other proceeding starts in the matter related to the performance of activity of a patent representative against the other patent representative or another assistant. This does not relate to the case when at least one of the parties to the proceeding is third person that is not patent representative.

(2) Arbitration proceeding is usually chaired by the Chamber Chairman or another member of the Board of Directors; details of arbitration proceeding shall be determined by professional regulations.

PART THREE PATENT REPRESENTATIVE OF THE EUROPEAN COMMUNITY

Section 29

(1) Patent representative of the European Community is a patent representative who is the citizen of another Member State and is eligible to perform services of a patent representative individually and without restriction in the country of registration.

(2) Patent representative of the European Community may perform patent representative services individually or in foreign patent representative company pursuant to Section 34.

(3) Patent representative of the European Community is a hosted patent representative and resident patent representative.

Hosted patent representative

Section 30

(1) Hosted patent representative is a patent representative of the European Community who shall be entitled to perform patent representative services on the territory of the Slovak Republic occasionally. For the purposes of this Act and in accordance with the conditions laid down by this Act, hosted patent representative shall be considered to be a patent representative pursuant to this Act.

(2) While performing patent representative services on the territory of the Slovak Republic, a hosted patent representative shall be obliged to adhere to the obligations of a patent representative, which belong to the patent representative while performing services pursuant to this Act, special regulations and professional regulations of the Chamber, unless otherwise stipulated by the Act.

(3) Hosted patent representative may not be the partner in patent representative company.

(4) Hosted patent representative shall not be entitled to attend the patent representative conference pursuant to Section 50 and may not be elected to the Chamber bodies.

(5) Hosted patent representative shall be obliged to notify the Chamber of his intention to perform patent representative services in advance. Without notification of his intention, the hosted patent representative shall not be entitled to perform patent representative services on the territory of the Slovak Republic. He shall state the following in the notification:

- a) name, surname, date of birth, place of business, permission on the basis of which the informant runs business in his home country (hereinafter referred to as the "authorisation card"), and data on residence or registered office in home country,
- b) supposed time of provision of patent representative services,
- c) delivery address on the territory of the Slovak Republic, and
- d) data whether he is insured pursuant to Section 25.

(6) Provision of patent representative services on the territory of the Slovak Republic without meeting obligations pursuant to paragraph 6 shall be considered to be the breach of this Act and it shall be the reason for the commencement of a disciplinary proceeding pursuant to Section 40.

(7) Hosted patent representative shall be freed from the obligation to pay contributions pursuant to Section 27.

Section 31

(1) While performing patent representative services consisting in the representation and acting before the bodies of state administration, the hosted patent representative shall be obliged to adhere to the obligations laid down by legal regulations or professional regulations for patent representatives.

(2) While performing patent representative services, the hosted patent representative shall be obliged to use designation of a hosted patent representative; this designation may be expressed in the official language of the Member State.

Section 32

Upon request, the hosted patent representative shall be obliged to furnish a proof to the Chamber and state administration body of authorisation card and his insurance against liability for damage that could originate in relation to the performance of patent representative services on the territory of the Slovak Republic; authorisation card must be presented by the hosted patent representative also with its legally certified translation into the official language⁶); else he shall not be entitled to perform the patent representative services on the territory of the Slovak Republic.

Resident patent representative

Section 33

(1) Resident patent representative is a patent representative of the European Community who is entitled to perform patent representative services on the territory of the Slovak Republic continuously, under the conditions and in the way laid down by this Act and who is entered on the List pursuant to Section 5.

(2) Resident patent representative shall be obliged to adhere to the obligations of a patent representative pursuant to this Act, generally binding regulations, and professional regulations of the Chamber.

(3) Resident patent representative may attend patent representative conference and to vote on all basic matters of patent representatives.

(4) The deletion of a resident patent representative from the List and the suspension of activity of a patent representative shall be identically subject to the stipulations of Section 9 and 12.

(5) Resident patent representative may be the member of a patent representative company pursuant to Section 15.

Section 34

Foreign patent representative company

Foreign patent representative company is a foreign legal entity¹¹⁾

- a) which is authorised to perform patent representative services in the Member State,
- b) which partners are only patent representatives or resident patent representatives, and
- c) which is insured against liability for damage which could originate while performing patent representative services.

PART FOUR ASSISTANT

Section 35

- (1) Assistant is a legal person preparing for the execution of patent representative profession and entered on the List of patent representatives (hereinafter referred to as the “List of Assistants”).
- (2) Assistant shall practise with a patent representative, in patent representative company or foreign patent representative company, which target shall be to obtain knowledge and experience necessary for activity of a patent representative under the direction and supervision of patent representative.
- (3) While practising, the assistant shall be obliged to proceed in accordance with this Act, professional regulations and patent representative instructions.
- (4) Stipulations of Section 17, 18 and 28 shall be applied to the assistant in the same way.
- (5) Assistant shall be entitled to attend patent representative conference pursuant to Section 50 without voting right and suffrage.

Section 36

- (1) The Chamber shall enter on the List of assistant the assistant on the basis of proposal of a patent representative, patent representative company or foreign patent representative company and accompanying documents not later than two months since the delivery of proposal as at the later date specified in the proposal that
 - a) has capacity for legal acts,
 - b) is impeccable,
 - c) has obtained first-level university education at the university in the Slovak Republic¹⁾ or has recognised document of first-level university education issued by foreign school,
 - d) has not been disciplinary punished by the deletion of assistants or he is looked at as if this disciplinary measure has not been imposed on him,
 - e) is employed with a patent representative, patent representative company or foreign patent representative company, which scope of business is the performance of patent representative services, while he does not perform concurrent employment, profession or activity, besides which he cannot perform any other gainful activity pursuant to special regulations, and he is not the employee of the Chamber.
- (2) After the entry on the List of Assistants, the Chamber shall issue the assistant card.
- (3) For the purposes laid down in Section 4(d), the time of practice shall be counted from the date

of registration in the List of Assistants; this time shall not include the duration of fundamental military service, civil service or substitute service, maternity leave and parental leave, time-off without the compensation of salary provided by employer and time of sick leave within the scope of more than three months during the practising.

(4) The Chamber shall suspend the practising of an assistant on the basis of his written application. The practising shall be suspended for the assistant if he has been taken to prison, if he has started the execution of punishment of imprisonment or if has been imposed the punishment of banning the activity consisting in the ban of practising of assistant, or his practising may be suspended due to the reasons laid down in Section 9(2).

(5) The Chamber shall delete from the List of Assistants the assistant if it finds out that

- a) he does not meet any of the conditions specified in paragraph 1,
- b) has been imposed a disciplinary measure of deletion from the List of Assistants, as of the date of entry into force of the decision on imposition of this disciplinary measure,
- c) has submitted written application to the Chamber for deletion from the List of Assistants, as of the date of delivery of the application to the Chamber.

(6) Deletion from the List of Assistants or suspension of performance of practice shall be subject to the stipulation of Section 10 (2)(b), Section 11 and 13 in the same way.

Section 37

(1) The Chamber shall enter on the List of Assistants the following data:

- a) name, surname and title of an assistant, date of birth and residence,
- b) data on employer, his name and surname, business name of a patent representative company or foreign patent representative company and registered office, residence or delivery address pursuant to Section 16,
- c) date of entry of the assistant on the List of Assistants,
- d) date of deletion of the assistant from the List of Assistants,
- e) set-off of time from the previous registrations in the List of Assistants and time that is not considered to be the execution of practice pursuant to Section 36(3).

(2) Assistant shall be obliged to notify the Chamber of

- a) changes of all data registered in the List of Assistants not later than 15 days after they have occurred,
- b) all facts that could be the reason for the deletion from the List of Assistants, not later than 15 days after they have occurred.

(3) Assistant may be entered on the List of Assistants also repeatedly.

(4) The List of Assistants shall be available to the public.

Section 38

Patent representative, patent representative company or foreign patent representative company that employs an assistant shall be obliged to create such working conditions for the assistant that shall allow him due preparation for this profession; in particular, the assistant must be allowed to attend trainings in the field of industrial property right organised on the territory of the Slovak Republic, due preparation for the patent representative examination, as well as its participation in professional examination.

PART FIVE DISCIPLINARY RESPONSIBILITY AND DISCIPLINARY PROCEEDING

Section 39 Disciplinary offences and disciplinary measures

(1) Disciplinary offence is a culpable breach of the obligations resulting from this Act.

(2) For a disciplinary offence, a patent representative may be imposed any of the following disciplinary measures:

- a) written reprimand,
- b) public reprimand,
- c) fine up to twenty minimal monthly salaries stipulated by the special regulation¹²⁾, profit from fine shall be the income of the Chamber,
- d) suspension of activity for six months to three years,
- e) deletion from the List.

(3) For a disciplinary offence, an assistant may be imposed any of the following disciplinary measures:

- a) written reprimand,
- b) public reprimand,
- c) fine up to four minimal monthly salaries stipulated by the special regulation¹²⁾, profit from fine shall be the income of the Chamber,
- d) deletion from the List.

(4) Responsibility for the disciplinary offence shall be assessed according to generally binding legal regulations in force at the time when it has come to the disciplinary offence; it shall be assessed according to later generally binding legal regulations only if it would be more favourable for the disciplinary accused.

(5) Patent representative or assistant against whom they held the disciplinary proceeding may be imposed only such a type of disciplinary measure that may be imposed in accordance with the law effective at the time when the disciplinary measure is decided upon; while imposing disciplinary measure, the Disciplinary Commission shall take into account in particular the scope and character of breached obligation, method of acting and consequence and level of fault.

¹²⁾ Act of the National Council of the Slovak Republic No. 90/1996 Coll. on Minimal Salary, as amended.

(6) The Disciplinary Commission may refrain from the imposing of the disciplinary measure for a disciplinary offence if the discussion of disciplinary offence is considered to be sufficient with regards to less serious character of breached obligation, method of acting and level of fault.

Section 40 **Disciplinary proceeding**

(1) Disciplinary proceeding shall commence upon proposal of Revision Commission Chairman, the member of Revision Commission authorised by him or the Chairman of the Office (hereinafter referred to as the “complainant”). The parties in disciplinary proceeding are the complainant and patent representative or assistant against whom the disciplinary proceeding has started.

(2) The proposal for the commencement of disciplinary proceeding may be filed in writing within six months since the date the complainant has learnt of the disciplinary offence, however within three years since the date when the disciplinary offence has occurred at the latest.

(3) The complainant shall be entitled to authorise another patent representative after agreement by making preparatory steps necessary for the verification whether there has come to the disciplinary offence; such authorised patent representative has, as far as the written material and other documents of patent representatives and assistants are concerned, authorisation of the member of the Disciplinary Commission save for the voting right.

(4) Patent representative or assistant against whom the disciplinary proceeding is held, may be represented in the disciplinary proceeding by an advocate.

(5) Patent representative or assistant against whom the disciplinary proceeding is held has the right to defend himself and to express himself to all facts he has been accused of, he is entitled to proposed proofs.

Section 41

(1) Patent representative or assistant against whom the disciplinary proceeding is held shall bear the costs that he has incurred as the party in the disciplinary proceeding. The Chamber shall bear the costs related to the activity of Revision Commission and the Disciplinary Commission including costs related to the execution of argumentation.

(2) If the Disciplinary Commission decides that patent representative or Assistant against which the disciplinary proceeding is held has committed a disciplinary offence, he shall be imposed an obligation to disburse to the Chamber the fees of proceeding of minimal monthly salary stipulated by the special regulation¹²⁾.

(3) The Chamber shall reimburse out-of-pocket expenses and compensation of lost profit to the witness. The entitlement must be claimed with the Chamber within three days since examination, otherwise this entitlement shall cease; the witness must be made conversant with the possibility of the cessation of entitlement.

Section 42

The written copy of the decision on disciplinary offence must comprise the statement, justification and instruction on appeal. Also statement on the obligation to disburse lump sum fees of proceeding to the Chamber within 15 days since the entry into force shall be given in the statement of the decision by which the patent representative or assistant against whom the disciplinary proceeding is held is recognised to be responsible for the disciplinary offence. Written copy of the decision shall be delivered to the patent representative or assistant against whom the disciplinary proceeding is held and to the Complainant for their attention.

Section 43

(1) The party in the disciplinary proceeding may appeal against the decision of the Disciplinary Commission within 15 days since its delivery; the appeal has deferrable effect.

(2) The appeal shall be decided upon by the Board of Directors of the Chamber, which shall either confirm or cancel the appealed decision. If the Board of Directors cancels the appealed decision, it shall return the matter to the Disciplinary Commission for a new proceeding. The Disciplinary Commission shall be bound by legal opinion of the Board of Directors of the Chamber.

Section 44

(1) The decision on imposing of disciplinary measure of written reprimand shall be enforced by the delivery of the letter of the Disciplinary Commission Chairman that comprises the written reprimand.

(2) The decision on imposing of disciplinary measure of public reprimand shall be enforced as of 15th day of its publication on the official board of the Chamber.

(3) The decision on imposing of disciplinary measure of suspension of activity of a patent representative shall be enforced as of the date when the time for suspension specified in the decision has lapsed. This time shall start to lapse as of the date when the decision has become enforceable; if the enforceability of the decision has been adjourned, its lapsing shall be suspended.

(4) The decision on imposing of disciplinary measure of deletion from the List or the List of Assistants shall be enforced as of the date when the time for deletion specified in the decision has expired. This time shall start to lapse as of the date when the decision has become enforceable; if the enforceability of the decision has been adjourned, its lapsing shall be suspended.

(5) The decision on imposing of disciplinary measure of imposition of fine shall be enforced as of the date of disbursement of fine to the Chamber at the amount determined in the decision. If the fine is not disbursed within the term specified in the decision, the enforcement of the decision on the imposition of disciplinary measure of fine shall be enforced upon the proposal of the Chamber by the court.

(6) The stipulation specified in paragraph 5 relates to the decision imposing the obligation to pay

the fee of proceedings identically.

Section 45

For the purposes of another disciplinary proceeding, the patent representative or assistant and the applicant for entry on the List shall be viewed as if the disciplinary measure has not been imposed

- a) as of the date of entry into force of the decision by which the imposing of disciplinary measure has been abandoned,
- b) as of the date when the decision on imposition of disciplinary measure of written reprimand or public reprimand has been enforced,
- c) after expiration of one year since the date when the decision on imposition of disciplinary measure of fine or suspension of activity has been enforced,
- d) after expiration of five years since the date when the decision on imposition of disciplinary measure of deletion of the patent representative from the List has been enforced,
- e) after expiration of three years since the date when the decision on deletion of an assistant from the List of Assistants has been enforced.

Section 46

(1) If the disciplinary proceeding has terminated by decision that has entered into force, it is possible to renew the proceeding against the same disciplinary accused and for the same disciplinary offence only if the renewal of disciplinary proceeding has been approved; the renewal of the disciplinary proceeding may not be approved if the disciplinary proceeding has been abated by the valid decision.

(2) The proposal for the renewal of disciplinary proceeding may be submitted by its party if the new facts of proofs arise which could not have been enforced in the disciplinary proceeding without the party's fault and which could lead by themselves or in connection with the facts and proofs known already before to more favourable decision for disciplinary accused.

(3) The proposal for the renewal of disciplinary proceeding may be submitted within three months since the date when the party in disciplinary proceeding that proposes the renewal of disciplinary proceeding has learnt of the reason of renewal pursuant to paragraph 2, or since the date when it could have enforced it, however not later than within three years since the decision enters into force. The proposal shall not be allowed against the decision by which there was not decision in the matter itself.

(4) The proposal for the approval of the renewal of disciplinary proceeding shall be decided upon by the Chamber Disciplinary Commission. The party may appeal in writing to the presidency of the Chamber against the decision on the proposal for the approval of the renewal of disciplinary proceeding within 15 days since its delivery.

(5) When the decision by which the renewal of disciplinary proceeding has been approved entered into force, all previous decisions adopted in disciplinary proceeding shall be cancelled and the Disciplinary Commission shall discuss the matter in the newly commenced proceeding.

Section 47

Details of disciplinary proceeding shall be determined by Disciplinary Order issued by the Chamber.

PART SIX SLOVAK CHAMBER OF PATENT ATTORNEYS AND ITS BODIES

Section 48

- (1) The Slovak Chamber of Patent Attorneys is being established.
- (2) The Slovak Chamber of Patent Attorneys is an autonomous professional organisation associating all patent representatives entered on the List.
- (3) Slovak Chamber of Patent Attorneys is a legal entity; its registered office is in Bratislava.

Section 49

- (1) The Chamber Bodies are
 - a) Conference of Patent Representatives,
 - b) Board of Directors of the Chamber,
 - c) Chairman,
 - d) Revision Commission,
 - e) Disciplinary Commission.
- (2) The Chamber in accordance with this Act issues professional regulations, while being obliged to present them to the Office within thirty days since their adoption.
- (3) The Chamber maintains the List pursuant to Section 3(1), the List of Patent Representative Companies pursuant to Section 15, the List of Hosted Patent Representatives pursuant to Section 30, the List of Resident Patent Representatives pursuant to Section 33, the List of Foreign Patent Representative Companies pursuant to Section 34 and the List of Assistants pursuant to Section 35.
- (4) The Chamber may establish its advisory bodies. Details on the establishment and activity of advisory bodies shall be determined by professional regulations.
- (5) Membership in the individual elected Chamber bodies is mutually irreconcilable.

Conference of Patent Representatives Section 50

- (1) The supreme Chamber body is the Conference of Patent Representatives (hereinafter referred to as the "Conference").

(2) The right to participate in the Conference belongs to all patent representatives entered on the List.

(3) The Conference shall be convened by the Board of Directors at least once a year. If at least one-third of all patent representatives ask for that, or if it is required by the Revision Commission, the Board of Directors shall be obliged to summon the Conference, within two months since the delivery of application. If it is not done by the Board of Directors, this authorisation shall belong to the Revision Commission.

(4) The term of holding the Conference shall be notified by the Board of Directors in writing to all members of the Chamber 30 days prior to the date of holding the Conference at the latest. It shall always state the reason of the Conference and the proposal of its agenda in the notification. The Board of Directors shall send to each Chamber member written materials intended for the negotiation at the Conference.

(5) Patent representative may authorise in writing the other patent representative to represent him at the Conference; the represented patent representative shall be considered to be present at the Conference.

(6) The Conference is quorate if an absolute majority of all patent representatives is present.

(7) If the Conference is not quorate pursuant to paragraph 5, its negotiation shall be adjourned for one hour. After its expiration it shall be quorate with the number of present patent representatives. The validity of Conference decision is subject to the consent of an absolute majority of the present patent representatives.

(8) The validity of Conference decisions as well as the validity of resolutions of substitute Conference is subject to consent of an absolute majority of present patent representatives.

Section 51

The Conference shall decide upon all fundamental issues of the Chamber, in particular

- a) it elects in a direct and secret ballot Chairman and Vice-Chairman, members of the Board of Directors, Revision Commission and Disciplinary Commission for three years from amongst patent representatives; it also dismisses the members of these bodies in a secret ballot,
- b) it approves professional regulations, being the Chamber Organisational Order, Chamber Election Order, Chamber Disciplinary Order and Code of Ethics of patent representative as well as further professional regulations,
- c) it determines the amount of contribution of power attorneys for Chamber activity as well as the entry on the List and the List of Assistants,
- d) it negotiates and adopts report on activity of the other Chamber bodies,
- e) it may cancel or amend the decision of the Board of Directors save for the decisions pursuant to Section 9 and 12,
- f) it decides upon all matters it reserves save for decision in disciplinary proceeding.

Section 52 Board of Directors

- (1) The Board of Directors is the executive Chamber body and it manages its activity between the Conferences of patent representative.
- (2) The Board of Directors has five members and two substitutes; if the number of members of the Board of Directors falls under the number specified by this Act, the Board of Directors shall be entitled to complete the number by members from amongst the substitutes.
- (3) The Board of Directors shall decide
 - a) upon the deletion of patent representative from the List pursuant to Section 12 and from the List of Assistants pursuant to Section 36(5), unless this is the deletion upon his own request,
 - b) upon the suspension of the performance of activity of patent representative pursuant to Section 9 and upon the suspension of Assistant practice pursuant to Section 36(4), unless this is the suspension of activity of patent representative or assistant practice upon his request,
 - c) upon the designation of patent representative pursuant to Section 19(4),
 - d) upon remedies pursuant to Section 43,
 - e) upon the reduction or forgiving of a contribution for Chamber activity,
 - f) in all measures assigned to the Chamber, unless they shall be decided upon by the other Chamber bodies pursuant to this Act.
- (4) Furthermore, the Board of Directors
 - a) convene the Conference,
 - b) nominates examining commissioners for professional examinations of patent representatives,
 - c) manages the Chamber assets,
 - d) protects and upholds the interests of patent representatives,
 - e) regularly informs patent representatives of Chamber activity as well as of adopted decisions,
 - f) executes all measures necessary for the Chamber activity,
 - g) performs further activities, if they do not belong to the other Chamber bodies pursuant to this Act.
- (5) The Board of Directors shall meet at least once every three months; meetings of the Board of Directors shall be convened by the Chairman of the Chamber.

Section 53 Chamber Chairman

- (1) Chairman shall represent the Chamber externally and he shall act on its behalf in all matters; he shall also take urgent decisions at the time between the Board of Directors meetings and he shall manage the employees of the Chamber within the scope specified by organisational code.
- (2) Chamber Chairman shall be responsible for making entries on the List, List of Assistants, List of Hosted Patent Representatives, List of Resident Patent Representatives, List of Patent Representative Companies, and in the List of Foreign Patent Representative Companies.

(3) Chamber Chairman shall be entitled to take further measures or decisions, which are entrusted to his operation by this Act or professional regulation.

(4) Chamber Chairman shall be deputised during his absence by Chamber Vice-Chairman in full extent.

(5) Chamber Chairman shall be stood in on the basis of his authorisation in particular cases by Chamber Vice-Chairman.

Section 54 Revision Commission

(1) Revision Commission is the control body of the Chamber.

(2) The number of Revision Commission members and substitutes shall be determined by Chamber disciplinary code; should the number of the members of Revision Commission falls under the determined number, its Chairman shall complete its number from amongst the substitutes.

(3) Revision Commission

a) shall inspect the fulfilment of the Conference resolutions and it shall inspect the activity of the Board of Directors; for that purpose, the Revision Commission must be granted an access to all written materials of the Chamber,

b) shall supervise the due execution of activity of patent representative,

c) shall elect from amongst its members and dismiss the Revision Commission Chairman, who shall manage activities of the Commission and file proposals for the commencement of disciplinary proceeding.

(4) As soon as the Revision Commission reckons that the decision or another measure of the Board of Directors is in discrepancy with the generally binding legal regulation or conference resolution, it shall be entitled to suspend its execution; at the same time it shall be obliged to ask for the summoning of the Conference.

Section 55 Disciplinary Commission

(1) The Disciplinary Commission shall execute a disciplinary operation determined by this Act, Disciplinary Code and another professional regulations, in particular the Code of Ethics of Patent Representative.

(2) The number of Disciplinary Commission members and substitutes shall be determined by Chamber Disciplinary Code; should the number of the members of Disciplinary Commission falls under such determined number, its Chairman shall complete the Disciplinary Commission from amongst the substitutes.

(3) Disciplinary Commission

- a) shall conduct a disciplinary proceeding and it shall decide on a disciplinary measure pursuant to this Act,
- b) shall elect from amongst its members and dismiss Disciplinary Commission Chairman, who shall manage activities of the Commission.

Section 56
Common provision on Chamber bodies

(1) Positions in the Chamber bodies are honorary; only the compensation of out-of-pocket expenses and compensation of time lost by holding the position in the Chamber bodies shall be granted for their holding.

(2) More detailed arrangement of organisation of the Chamber, its bodies and operation of these bodies shall be determined by the Chamber Organisational Order and another professional regulations.

PART SEVEN
OFFICE OPERATION

Section 57

(1) Where the Office President finds out that the professional regulation of the Chamber is in contradiction to legislation, he shall be entitled to file a proposal for its revision within two months since its adoption.

(2) State supervision over the activity of the Chamber shall be made by the Office.

PART EIGHT
COMMON, TRANSITIONAL, AND FINAL PROVISIONS

Common provisions

Section 58

The Chamber shall issue professional regulations; the date of their approval by the Conference shall be considered to be their entry into force.

Section 59

When acting pursuant to this Act, generally binding regulations on administrative proceeding¹³⁾ shall apply as appropriate, unless otherwise stipulated by this Act.

¹³⁾ Act No. 71/1967 Coll. on Administrative Proceeding (Administrative Code), as amended.

Section 60

Patent representative or assistant who assume that their rights resulting from this Act have been breached shall be entitled to turn to the court in order to decide on his rights.

Section 61 **Authorising provision**

Details on the course of professional examination pursuant to Section 6, details on the course of Eligibility Examination pursuant to Section 7, method of determination of remuneration of patent representatives pursuant to Section 23(1), conditions for the determination of compensation of out-of-pocket expenses and compensation for time loss pursuant to Section 23(2) shall be stipulated by generally binding legal regulation to be issued by the Office.

Transitional provisions **Section 62**

(1) Patent representative registered in the registry kept pursuant to existing regulations is the patent representative pursuant to this Act; the Chamber shall issue a certificate to him on entry on the List and patent representative card without an application.

(2) University education pursuant to Section 4(1)(c) and Section 36 (1)(c) shall be considered to be also university education acquired at the university with the registered office on the territory of the Czech and Slovak Federative Republic or its legal predecessors.

(3) Professional examination passed pursuant to existing regulations shall be considered to be the professional examination pursuant to this Act.

(4) Confirmations of the entry on the List issued pursuant to existing regulations shall cease validity by issuance of the certificate pursuant to this Act.

Section 63

(1) In the proceeding on disciplinary measure against a patent representative started pursuant to existing regulations, they shall proceed pursuant to this Act; when determining a disciplinary measure, existing legal regulations shall be used, as soon as it would be more favourable for the disciplinary accused person. They shall analogically proceed also in the proceeding on dismissal and renewal of proceeding.

(2) In the proceeding on suspension of activity of a patent representative or deletion from the List started pursuant to existing regulations, they shall proceed pursuant to this Act.

(3) In the proceeding on entry on the List and registration of changes on the List started pursuant to existing regulations, they shall proceed pursuant to this Act.

Section 64

(1) Rights, obligations, and assets of Patent Representative Chamber established under existing legal regulations, including the rights and obligations from employment relations shall be transferred as of the date of entering into force hereof to the Chamber established pursuant to this Act.

(2) The Chamber bodies and Chamber advisory bodies elected pursuant to existing regulations shall perform the activity as Chamber bodies pursuant to this Act till the end of their tenure.

(3) Professional regulations adopted by the Chamber bodies pursuant to existing regulation shall remain valid till the adoption of professional regulations pursuant to this Act, however till holding next Conference at the latest.

Section 65

Final provisions

The following shall be repealed:

1. Act No. 237/1991 Coll. on Patent Attorneys, as amended by the Act of the National Council of the Slovak Republic No. 90/1993 Coll.,
2. Federal Patent Office Decree No. 350/1991 Coll. on Remuneration of Patent Attorneys.

Chapter II

Act No. 444/2002 Coll. on Designs shall be complemented as follows:

Section 49 shall be complemented by paragraph 7 reading:

“(7) Enforceable decision of the Office for Harmonisation in Internal Market pursuant to a special regulation¹⁴⁾ shall be provided with an acknowledgement of enforceability¹⁵⁾ by the Office.”

Footnotes to references 14 and 15 shall read as follows:

¹⁴⁾ Section 71 of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs.

¹⁵⁾ Section 275(1) of Civil Court Code.”

Chapter III

Deleted from 1 January 2010

Chapter IV
Entry into force

This Act shall enter into force on 1 July 2004.

Act No. 330/ 2007 Coll. entered into force on 1 January 2008

Act No. 506/ 2009 Coll. entered into force on 1 January 2010

Rudolf Schuster s.m.

Pavol Hrušovský s.m.

Mikuláš Dzurinda s.m.