

SWEDEN

With reference to document SCP/6/7, the conclusion of the sixth session of the Standing Committee on the Law of Patents (SCP) regarding document SCP/6/7 and the invitation in this respect of the International Bureau the Swedish Ministry of Justice submits the following.

Section 72 of the Swedish Patents Act (1967:837) provides for reinstatement of rights if a patent applicant or proprietor of a patent, despite having observed all due care required by the circumstances, has failed to comply with a time limit prescribed in the Act or under the regulations of the Act. In order to enjoy such relief the applicant or proprietor has to complete the performance of the act omitted within two months from the removal of the cause of non-compliance with the time limit and at the latest within one year following the expiry of the time limit. Time limits regarding priority are excluded from this possibility to relief.

Examples indicate that practice under Section 72 in respect of “force majeure”-type circumstances is relatively generous towards the applicant/proprietor.

The Swedish Government has signed the Patent Law Treaty (PLT) and is about to initiate the procedure of ratification. A Parliament decision to ratify can however not be expected earlier than 2003.