



## Opposition

Depending on legal basis a patent can be contested and revocation of a patent in part or in full can be requested in the Board of Appeal or Court.

Any person may file a revocation application with the Board of Appeal and request the revocation of a patent within nine months from the publication date of the notice of grant of the patent [[PA § 50](#)]. A patent can be contested on the basis of the following allegations:

- the invention does not comply with the patentability criteria [[PA § 8](#)];
- the invention is not disclosed in the description of the invention in a sufficiently clear and concise manner to enable a person skilled in the art to make the invention;
- the invention protected by the patent does not correspond to the subject matter of the invention as disclosed in the initial patent application.

Any person who finds that an invention protected by a patent does not comply with the patentability criteria may file an action with a court against the proprietor of the patent for the revocation of the patent in part or in full [[PA § 49](#)]. Filing the action is without restriction of time. The proprietor of the patent may restrict the scope of patent protection in the course of the action if this will result in the invention complying with the requirements. If amendments are made to the patent, the proprietor of the patent must file the description of the invention and patent claims amended pursuant to the court judgement with the Patent Office and pay the state fee for making of amendments to the patent within three months after entry into force of the court judgement.

Was this information useful? \*      Yes

No

Please provide details:

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