

INDUSTRIAL PROPERTY ACT, 1997
(No. 14 of 1996)

THE INDUSTRIAL PROPERTY REGULATIONS, 1997
(Published on 26th August, 1997)

ARRANGEMENT OF REGULATIONS

PART I — *Preliminary*

REGULATION

1. Citation
2. Interpretation

PART II — *Applications and Procedure for Grant of Patent*

3. Classification of patents
4. Request for grant of patent
5. Description
6. Claims
7. Drawings
8. Abstract
9. Measures, terminology and signs
10. Number of copies and physical requirements
11. Unity of invention
12. Division of application
13. Disclosures to be disregarded for prior art purposes
14. Declaration of priority and translation of earlier application
15. Time for furnishing information on foreign applications and other titles of protection
16. Withdrawal and amendment of application
17. Marking application
18. According and notifying filing date
19. Examination as to form
20. Examination as to substance; decision to grant or refuse patent
21. Novelty and inventive examination
22. Grant of patent, publication of reference and issuance of certificate
23. Annual fees and lapse of patent
24. Exploitation of patented invention
25. Compulsory licences
26. Invalidation

PART III — *Utility Model Certificate*

27. Application of provisions relating to patents; conversion of application

PART IV — *Industrial Designs*

28. Application of provisions relating to patents
29. Application for registration of an industrial design
30. Number and size of representations and specimen
31. According and notifying filing date; examination; decision to grant or refuse application

- 32. Registration of industrial designs; publication of reference thereto; issuance of certificate
- 33. Renewal of registration

PART V — *Marks*

- 34. Classification of marks
- 35. Application for registration of a mark
- 36. Reproduction of the mark
- 37. Transliteration and translation of the mark
- 38. Declaration of priority and translation of earlier application
- 39. Copy of earlier application
- 40. Withdrawal of application
- 41. Marking application and filing date
- 42. Objection to or conditional acceptance of application; hearing
- 43. Refusal of application or conditional acceptance to which applicant objects
- 44. Acceptance of application; publication; supply of printing block
- 45. Opposition
- 46. Registration of mark; publication of reference; issuance of certificate
- 47. Renewal of registration
- 48. Collective marks
- 49. Invalidity; removal on the ground of non-use

PART VI — *General*

- 50. Changes in ownership; licence contracts
- 51. Appointment of agent; address for service
- 52. Excluded days
- 53. Consultation of registers; request for extracts and copies of documents
- 54. Correction of errors
- 55. Hearing
- 56. Service by mail
- 57. Transitional provisions

SCHEDULES

IN EXERCISE of the powers contained in section 78 of Industrial Property Act, 1996 the Minister of Commerce and Industry, hereby makes the following Regulations —

PART I — *Preliminary*

- | | |
|----------------|---|
| Citation | 1. These Regulations may be cited as the Industrial Property Regulations, 1997 and shall be deemed to have come into operation on the 27th August, 1997. |
| Interpretation | 2.(1) Unless the context otherwise requires —
“abstract” means a concise summary of the technical disclosure of a patent document enabling a reader to quickly ascertain the subject matter covered; |
| No. 14 of 1996 | “Act” means the Industrial Property Act, 1996;
“claim” means a part of a patent document which defines the matter for which protection is sought; |

“description” means the technical field to which the invention relates, and includes a brief summary of the technical background of the invention and describes the essential features of the invention with reference to the accompanying drawings;
“drawings” means the aid necessary for the understanding of the invention;
“section” means a section of the Act.

PART II — *Applications and Procedure for Grant of Patents*

3. For purposes relating to the grant and publication of patents, as well as for the maintenance of classified search files the Registrar shall apply the International Patent Classification, as adopted under the Strasbourg Agreement of March 24, 1971, and updated in its subsequent editions.

**Classification
of Patents**

4. (1) The application for the grant of a patent shall be made on Form 1 and shall be signed by each applicant.

**Application
for grant of
Patent**

(2) Where the applicant is the inventor, the application shall contain a statement to that effect, and, where he is not, it shall indicate each inventor's name and address and be accompanied by the statement justifying the applicant's right to the patent.

(3) If the applicant is represented by an agent, the agent's name and address shall be indicated in the application form.

(4) The title of the invention shall be short and precise, containing not less than two nor more than seven words.

5. (1) The description shall first state the title of the invention as appearing in the application and shall —

Description

(a) specify the technical field to which the invention relates;

(b) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, where necessary, cite the documents reflecting such art;

(c) disclose the invention in such terms that it can be understood and state its advantageous effects, if any, with reference to the background art;

(d) briefly describe the figures in the drawings, if any;

(e) set forth, in terms of examples and with reference to drawings, where appropriate, at least one mode contemplated by the applicant for carrying out the invention;

(f) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or, if it can only be used, the way in which it can be used.

(2) The manner and order specified in paragraph (1) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more concise presentation.

6. (1) The number of the claims shall be reasonable taking into account the nature of the invention and where there are several claims, they shall be numbered consecutively in Arabic numerals.

Claims

(2) The claims shall define the invention in terms of the technical features of the invention.

- (3) Whenever appropriate, claims shall contain —
 - (a) a statement indicating those technical features of the invention which are necessary for the definition of the latter but which, in combination, are part of the prior art; and
 - (b) a characterizing portion-preceded by the words “characterized in that,” “characterized by,” “wherein the improvement comprises,” or any other words to the same effect stating concisely the technical features which, in combination with the features stated under (a), it is desired to protect.

(4) Claims shall not, except where absolutely necessary, rely on references to the description or drawings in respect of the technical features of the invention; in particular, they shall not rely on such references stating “as described in part...of the description,” or “as illustrated in figures... of the drawings.”

(5) Where the application contains drawings, the technical features mentioned in the claims shall, where necessary, be followed by the reference signs relating to such features; when used, the reference signs shall be placed between parentheses; if inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made.

(6) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.

(7) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word “cancelled.”

Drawing

7. (1) Drawings forming part of an application for a patent shall —
- (i) be on sheets the usable surface area of which shall not exceed 26.2 cm by 17 cm;
 - (ii) be on sheets not containing frames round the usable or used surface; and
 - (iii) have minimum margins as follows —

top	2.5 cm
left side	2.5 cm
right side	1.5 cm
bottom	1.0 cm
- (2) Drawings shall be executed as follows;
- (a) without colouring in durable, black sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;
 - (b) cross-sections shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;
 - (c) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-third would enable all details to be distinguished without difficulty, and where, as an exception, the scale is given on a drawing it shall be represented graphically;
 - (d) all numbers, letters and reference signs appearing in the drawings shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters;

- (e) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;
 - (f) the height of the numbers and letters shall not be less than 0.32 cm and for the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;
 - (g) the same sheet of drawings may contain several figures and where figures drawn on two or more sheets are intended to form one whole figure —
 - (i) the figures on the several sheets shall be arranged so that the whole figure can be assembled without concealing any part of the partial figures;
 - (ii) the different figures shall be arranged without wasting space, clearly separated from one another; and
 - (iii) the different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets;
 - (h) reference signs not mentioned in the description or claims shall not appear in the drawings, and *vice versa* and the same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;
 - (i) the drawings shall not contain textual matter, except, when required for the understanding of the drawings, a single word or words such as “water”, “steam”, “open”, “closed”, “section on AA” and in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords; and
 - (j) the sheets of the drawings shall be numbered in accordance with regulation 16(9) below.
- (3) Flow sheets and diagrams are, for the purposes of these Regulations, considered drawings.
8. (1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art. Abstract
- (2) The abstract shall consist of the following —
- (a) a summary of the disclosure as contained in the description, the claims and any drawings, indicating the technical field to which the invention pertains and drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention and the principal use or uses of the invention; and
 - (b) where applicable, the chemical formula which, among all the formulae contained in the application, best characterizes the invention.
- (3) The abstract shall be as concise as the disclosure permits, containing not less than 50 nor more than 150 words.
- (4) The abstract shall not contain statements on the presumed merits or value of the invention or on its speculative application.
- (5) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign, placed between parentheses.
- (6) The abstract shall be accompanied by the most illustrative of the drawings furnished by the applicant.
9. (1) Units of weights and measures shall be expressed in terms of the metric system. Measures,
terminology
and signs

- (2) Temperatures shall be expressed in degrees centigrade (Celsius).
- (3) Density shall be expressed in metric units.
- (4) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, rules in general use shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.
- (5) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.
- (6) The terminology and the signs shall be consistent throughout the application.

Number of
copies and
physical re-
quirements

10. (1) Subject to regulation 14(7), three copies, or such number as the Registrar may require, of the application and any accompanying statements or documents shall be filed.

(2) All elements of the application shall be so presented as to enable direct reproduction by photography, electrostatic processes, photo offset and micro-filming.

(3) Only one side of each sheet contained in the application shall be used.

(4) All elements of the application shall be on paper which is flexible, strong, white, smooth, non-shiny and durable.

(5) The size of the sheets shall be A4 (29.7 cm x 21 cm), or such other size as the Registrar may determine.

(6) The minimum margins of sheets shall be as follows:

- (i) upper margin of each page, except the first page: 20 mm;
- (ii) upper margin of the first page: 30 mm;
- (iii) side margin adjacent to the binding: 25 mm;
- (iv) other side margin: 20 mm; and
- (v) bottom margin: 20 mm.

(7) All sheets shall be numbered at the top of the sheet, in the middle, in consecutive Arabic numerals.

(8) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order: the request, the description, the claims, the abstract, the drawings.

(9) The sequential numbering of the sheets shall be effected by using three separate series of numbering, the first series applying to the application only and commencing with the first sheet of the application, the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.

(10) The text matter of the application shall be typed, except for the graphic symbols, chemical or mathematical formulae and certain characters which may be handwritten or drawn.

(11) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without colouring.

Unity of
invention

11. (1) Section 15(1) shall be construed as permitting, in particular, one of the following three possibilities:

- (a) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the said product, and the inclusion in the same application of an independent claim for a use of the said product;

- (b) in addition to an independent claim for a given process, the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the said process; or
- (c) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the process.

(2) Subject to section 15(1), it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.

(3) Subject to section 15(1), it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

12. (1) A divisional application shall contain a reference to the initial application.

Division of
application

(2) If the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application must contain a request to that effect, and in such a case, the declaration of priority and the documents furnished in accordance with regulation 20 for the initial application shall be deemed to relate also to the divisional application.

(3) Where the priorities of two or more earlier applications were claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.

13. (1) An applicant who wishes a disclosure of the invention to be disregarded, in accordance with section 8(4) (b), for prior art purposes, may so indicate on the application, or at a later date, and, in that case, shall furnish, in writing, within one month from such indication, full particulars of the disclosure.

Disclosures
to be
disregarded
for prior
art purposes

(2) Where the disclosure was made at an exhibition, the applicant shall file, within the said period of one month, a duly authenticated certificate issued by the authority responsible for the exhibition containing particulars of the exhibition and stating that the invention was in fact exhibited there.

14. (1) The declaration referred to in section 18(1), shall be made at the time of filing the application for the patent and shall indicate:

Declaration of
priority and
translation
of earlier
application

- (a) the date of filing of the earlier application;
- (b) the number of the earlier application, subject to sub-regulation (2);
- (c) the symbol of the International Patent Classification which has been allocated to the earlier application, subject to sub-regulation (3);
- (d) the country in which the earlier application was filed or, where the earlier application is a regional or an international application, the country or countries for which it was filed;
- (e) where the earlier application is a regional or an international application, the office with which it was filed.

(2) Where at the time of filing the declaration referred to in sub-regulation (1) the number of the earlier application is not known, that number shall be furnished within the period of 16 months after the priority date.

(3) Where a symbol of the International Patent Classification has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in sub-regulation (1), the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the declaration referred to in sub-regulation (1) hereof.

(5) The period for furnishing the certified copy of the earlier application, referred to in section 18(2), shall be three months from the date of filing the application, and where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.

(6) Where the earlier application is in a language other than English, the applicant shall, within six months from the date of the aforementioned request, furnish an English translation of the earlier application.

(7) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

Time for
furnishing
information
on foreign
applications
and other
titles of
protection

15. (1) Subject to the discretion of the Registrar, upon the receipt of a reasoned request, to extend the time limit for furnishing information requested under section 20, the time limits to be specified for furnishing the information shall not be less than two nor more than six months from the date such a request is made.

(2) Where the applicant informs the Registrar that the documents requested under section 20 are not yet available, the Registrar may suspend the procedure for the examination of the application until such time as the documents are furnished.

Withdrawal
and amend-
ment of
application

16. (1) The application shall be withdrawn by written declaration submitted to the Registrar and signed by each applicant.

(2) The application fee shall not be refunded if the application is withdrawn.

(3) Any amendment pursuant to section 14(1), shall be made together with the payment of the prescribed fee.

Marking
application

17. (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters BW, slant, the letter a, slant, the last two numbers of the year in which the initial papers were received, slant, and a five-digit number allotted in the sequential order in which applications are received and where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the application for grant of the patent.

(2) The application number allotted under sub-regulation (1) shall be quoted in all subsequent communications concerning the the application.

According
and notifying
filing date

18. (1) The Registrar shall examine whether the application fulfills the requirements of section 21(1).

(2) The request under section 21(2) shall specify the information, correction or corrections required and require that these be filed within two months from the date of the request, together with the payment of the prescribed fee.

(3) Once the Registrar accords a filing date, he shall notify the applicant in writing, and where the application is treated as if it had not been filed, as may be required under Section 21(3), the Registrar shall notify the applicant in writing, specifying the reasons.

Examination
as to form

19. (1) In addition to the requirements of section 13(1) and (2) and the Regulations pertaining thereto, the requirements of section 20 and 72 and regulations 9, 10 and 51 to the extent applicable, shall be considered formal requirements for the purposes.

(2) Where the Registrar finds that the conditions referred to in section 22(1) are not fulfilled, he shall require the applicant, in writing, to file the required correction within two months of the date of his communique, together with the payment of the prescribed fee and where no abstract is provided, the Registrar shall require the applicant to correct the deficiency either by providing an abstract or by paying the prescribed fee for the preparation of the abstract by the Registrar himself.

(3) If the applicant does not comply with the requirement to correct a deficiency, or where, despite the corrections submitted by the applicant, the Registrar is of the opinion that the conditions referred to in section 22(1) are not fulfilled, he shall reject the application and notify the applicant, in writing, stating the reasons.

(4) Refusal of the application shall not affect its filing date which shall remain valid.

20. (1) For purposes of the examination under section 22 (2), the Registrar may, subject to the payment of the prescribed search and examination fee, transmit the application together with all relevant documents, to an examining authority which has concluded an arrangement to this effect with the Registrar, requesting a search and examination report.

Examination
as to
substance;
decision to
grant or
refuse
patent

(2) Where, taking due account of the conclusions of the search and examination report referred to in sub-regulation (1), if any, the Registrar is of the opinion, subject to regulation 21, that the conditions referred to in section 22(2) are not fulfilled, he shall notify the applicant, in writing, inviting him, several times if necessary, to submit his observations and, where applicable, to amend or divide his application, within a specified period, and such specified period shall not be less than two nor more than six months from the date of the invitation.

(3) The invitation shall be made on Form No. 2 and it may be made several times, where necessary.

(4) A prescribed fee shall be paid for any amendment made under sub-regulation (2).

(5) Where the applicant does not respond to the said invitation or where, despite any observation, amendment or division submitted by the applicant, the Registrar, taking due account of the conclusions of the search and examination report referred to in sub-regulation (1), if any, is of the opinion, subject to regulation 21, that the conditions referred to in section 22 (1) and (2) are not fulfilled, he shall refuse to grant the patent.

(6) Where two or more applications for grant of a patent for the same invention, having the same filing or, where applicable, the same priority date, are filed by the same applicant, the Registrar may, on that ground, refuse to grant a patent in pursuance of more than one of the applications.

(7) Where the Registrar, taking due account of the conclusions of the search and examination report referred to in sub-regulation (1), if any, is of the opinion, subject to regulation 19, that the conditions referred to in section 22 (1) and (2) are fulfilled, he shall grant the patent.

(8) The Registrar shall notify the applicant, in writing, of his decision to grant or to refuse to grant a patent, attaching a copy of the search and examination report, if any, upon which the decision is based and, in the case of a decision to grant a patent, requesting the applicant to pay the grant and publication fee within three months from the date of the notification.

Novelty and
inventive step
examination

Grant of patent,
publication of
reference and
issuance of
certificate

21. In accordance with section 22(3) the examination shall cover the requirements of the novelty and inventive step under section 8(5) and (6) in respect of all categories of inventions.

22. (1) Subject to the payment of the grant and publication fee within the period prescribed in regulation 20(8), the Registrar shall grant the patent in accordance with section 23(2) and this regulation.

(2) the Registrar shall allot to each patent granted, a publication number of the patent in the sequential order of grant.

(3) The patent shall be granted on Form No. 3 and shall contain, in addition to the information indicated in sub-regulation (5), the date of publication of the patent, the documents or references cited of the prior art, the description, the claims and the drawings, if any.

(4) The patent shall be deemed to be granted on the date the Registrar publishes a reference to the grant in accordance with section 23(2)(c).

(5) The publication of the reference to the grant of the patent shall include:

- (i) the number of the patent;
- (ii) the name and address of the owner of the patent —
- (iii) the name and address of the inventor, except where he has asked not to be named in the patent;
- (iv) the name and address of the agent, if any;
- (v) the filing date;
- (vi) if priority has been claimed and the claim has been accepted, a reference to the declaration of priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;
- (vii) the effective date of grant of the patent;
- (viii) the title of the invention;
- (ix) the abstract;
- (x) the most illustrative of the drawings, if any; and
- (xi) the symbol of the International Patent Classification.

(6) The certificate of grant shall be issued on Form No. 4, shall be signed by the Registrar and shall contain —

- (i) the number of the patent;
- (ii) the name and address of the owner of the patent;
- (iii) the filing date and, where applicable, priority date of the application;
- (iv) the effective date of grant of the patent; and
- (v) the title of the invention.

Annual fees
and lapse of
patent

23. (1) Upon payment of an annual fee in accordance with section 27(2) the Registrar shall, within two weeks from the date payment is received, furnish or send to the applicant or to the owner of the patent a receipt of payment.

(2) The Registrar shall record and publish a notification of the lapse of a patent.

(3) Annual fees shall not be refundable.

Exploitation
of patented
invention

24. (1) The Minister shall, before making a decision under section 30(1), consult the Registrar and give the owner of the patent, beneficiaries of compulsory licences, and any other persons whose participation he considers useful, at least 21 days written notice of the date on which they may be heard; the owner of the patent shall give all licensees written notice of the hearing and they shall have the right to participate therein.

(2) The Minister shall make his decision after the hearing, in writing, stating the grounds upon which it is based, and, if he has decided that the invention shall be exploited under section 30(1), stating the terms of exploitation, and shall transmit the decision to the Registrar.

(3) The Registrar shall record and publish, by notice in the *Gazette*, the decision of the Minister and notify, in writing, the owner of the patent and other participants in the hearing.

(4) If the decision of the Minister is the subject of an appeal, the Registrar of the High Court shall notify the Registrar of the Court's decision once it becomes final, and the Registrar shall record the decision and publish it by notice in the *Gazette*.

(5) The Minister shall vary the terms of or revoke his decision as provided in section 30(3) and (4), subject to the procedure in sub-regulation (1) to (4) to the extent applicable.

25. The Registrar of the High Court shall notify the Registrar of the Court's decision regarding any application for the grant of a license, as provided in section 31, once the decision becomes final, and the Registrar shall record the decision and publish it by notice in the *Gazette*.

Compulsory
licenses

26. (1) Where the provisions of section 33(1) apply only to some of the claims or some parts of a claims, such claims or parts of a claim shall be invalidated.

Invalidation

(2) The patent owner shall, in writing, notify any licensee of any court proceeding instituted for the invalidation of the patent; the person requesting invalidation shall so notify any beneficiaries of compulsory licenses granted under section 31 and, where the ground of invalidity invoked is that the patent owner is not the inventor or his successor in title, also the person alleged to have the right to the patent.

PART III — *Utility Model Certificates*

27. (1) The conversion, under section 19 of an application for a patent into an application for a utility model certificate, or vice versa, shall be signed by the applicant and shall be accompanied by the prescribed fee.

Application of
provisions
relating to
patents;
conversion of
applications

(2) The Registrar shall, within two months of the receipt of the request to convert, notify the applicant of his decision thereon, in writing, and, where he refuses the request, he shall state the reasons.

(3) The regulations set out in Part II or these Regulations shall apply, *mutatis mutandis*, to utility model certificates, subject to the following exceptions —

- (i) the 'letter u' shall be substituted for 'letter a' in the application under regulation 17(1);
- (ii) the reference, in regulation 22(2)(b), to Form No. 3 shall read as reference to Form No. 3A;
- (iii) the reference, in regulation 26, to section 33(1) shall be read as a reference to section 37.

PART IV — *Industrial Designs*

28. Regulations 14, 16 and 17, shall apply, *mutatis matandis*, to industrial designs provided that the period of 16 months referred to in regulation 14(2) shall be substituted by a period of three months from the date on which the application containing the declaration was filed, and that for this purpose 'letter a' in regulation 17, shall be read as 'letter f'.

Application
on of
provisions
relating to
patents

29. (1) The application for the registration of an industrial design shall be made on Form No. 5 and shall be signed by each applicant.

Application
for registration
of an industrial
design

(2) The application shall indicate each applicant's name, address, nationality and residence.

(3) Where the applicant is the creator, the request shall contain a statement to that effect, and, where he is not, it shall indicate each creator's name and address and be accompanied by the statement justifying the applicant's right to the registration of the industrial design.

(4) If the applicant is represented by an agent, the request shall so indicate and state the agent's name and address.

Number and
size of
representa-
tions and
specimen

30. (1) The application shall be accompanied by the following —

- (i) four graphic representations or four drawings or tracings, if the industrial design is two-dimensional; or
- (ii) four graphic representations or four drawings or tracings of each of the different sides of the industrial design, if the industrial design is three-dimensional.

(2) A specimen shall be of a size not exceeding 20 centimeters x 20 centimeters x 20 centimeters.

(3) No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimeters x 20 centimeters and such representations, drawings or tracings, shall be affixed on four sheets of cardboard of A4 size.

(4) Drawings and tracings shall be in black ink.

According
and notifying
filing date;
examination;
decision to
grant or refuse
application

31. (1) The Registrar shall examine whether the application fulfills the requirements of section 44(1).

(2) The request to file any correction, under section 44(2), shall be in writing specifying the correction or corrections required and directing that these be filed within two months from the date of the said request, together with the payment of the prescribed fee.

(3) Once the Registrar accords a filing date, he shall so notify the applicant in writing or if the application is treated as if it had not been filed, under section 44(3), the Registrar shall so notify the applicant in writing, specifying the reasons.

(4) Where the Registrar finds that the conditions referred to in section 45 and the Regulations pertaining thereto are not fulfilled, he shall invite the applicant, in writing, to file the required correction within two months from the date of the request, together with the payment of the prescribed fee and where the applicant does not comply with the invitation to correct a deficiency, or where, despite corrections submitted by the applicant, the Registrar is of the opinion that the said conditions are not fulfilled, he shall reject the application and notify the applicant, in writing, stating the reasons.

(5) Refusal of an application shall not affect its filing date which shall remain valid.

(6) The Registrar shall notify the applicant, in writing of his decision to grant or to refuse the application, and, in the case of a decision to grant the application, he shall request the applicant to pay the registration and publication fee within one month from the date of the notification.

Registration of
industrial
design; publi-
cation of refer-
ence thereto;
issuance of
certificate

32. (1) Subject to the payment of the registration and publication fee within the period prescribed in regulation 31(6), the Registrar shall register the industrial design in accordance with section 46(1) and (2) and this regulation.

(2) The Registrar shall allot to each industrial design he registers the same number as the number allotted under regulation 28.

(3) The registration of an industrial design shall include a representation of the industrial design and shall specify —

- (i) the number of the industrial design;
- (ii) the name and address of the registered owner;
- (iii) the name and address of the agent, if any;
- (iv) the name and address of the creator, except where he has asked not to be named in the registration;
- (v) if the priority has been claimed, and the claim has been accepted, the priority date and the country or countries in which or for which the earlier application was filed; and
- (vi) the kind of products for which the industrial design is to be used.

(4) The publication of the reference to the registration of an industrial design, under section 44(2)(c), shall contain the particulars specified in sub-regulation (3) hereof.

(5) The certificate of registration of an industrial design shall be issued on Form No. 6.

33. (1) The renewal of the registration of an industrial design under section 49(1) may be made by the registered owner or his agent during the six month period preceding the expiry of the registration.

Renewal of
registration

(2) The renewal shall be made by payment of the renewal fee within the period specified in sub-regulation (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 49(2).

(3) The renewal of an industrial design registration shall be recorded in the register and shall be published.

(4) The Registrar shall issued to the registered owner a certificate of renewal which shall contain —

- (i) the registration number of the industrial design;
- (ii) the date of renewal and the date of expiry;
- (iii) the name and address of the registered owner; and
- (iv) an indication of the kind of products for which the industrial design has been registered.

PART V — Marks

34. The Registrar shall apply the International Classification of Goods and Services for the purposes of the registration of marks adopted by the Nice Agreement of June 15, 1957 together with any subsequent adaptations and as may be applicable, for all purposes relating to the registration and publication of marks.

Classification
of marks

35. (1) The application for the registration of a mark shall be made on Form No. 7 and shall be signed by the applicant.

Application
for
registration
of a mark

(2) An application may be made for the registration of a mark in respect of goods or services in one or more classes of the International Classification.

36. (1) The application shall contain a durable graphic reproduction of the mark in the space provided therefor on Form No. 7.

Reproduction
of the mark

(2) All applications for the registration of a mark shall be accompanied by three additional reproductions of the mark and the additional reproductions shall be identical to the mark on the applications and shall in all cases be noted with any such particulars, signed by the applicant or his authorized agent, as may from time to time be required by the Registrar.

(3) If the Registrar considers any reproduction of a mark unsuitable, he may, at any time, require a suitable reproduction to be substituted.

Transliteration and translation of the mark

Declaration of priority and translation of earlier application

Copy of earlier application

Withdrawal of application

Marking application and filing date

Objection to or conditional acceptance of application; hearing

(4) Where a drawing or other reproduction cannot be given in the aforesaid manner, a specimen or copy of the mark may be sent either of full size or on a reduced scale and in such a form as the Registrar may consider appropriate.

37. Where a mark consists of or contains a word or words in characters other than Roman, the application on Form No. 7, and the additional reproductions of the mark, shall be accompanied, unless the Registrar otherwise directs, by a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, stating the language to which each word belongs.

38. (1) The declaration referred to in section 54(2) shall indicate —

- (i) the date of the earlier application;
- (ii) the number of the earlier application, subject to sub-regulation (2); and
- (iii) the country in which the earlier application was filed or, where the earlier application is a regional or an international application, the office with which it was filed and the country or countries for which it was filed.

(2) Where at the time of filing the declaration referred to in sub-regulation (1), the number of any earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed, provided that the Registrar may extend the time limit referred to in this sub-regulation for an additional period of three months, if the applicant supplies evidence that, due to circumstances beyond his control, he was not able to comply with the prescribed time limit.

(3) Where the priorities of two or more earlier applications are claimed, in accordance with sub-regulation (1), the indication relating to those earlier applications may be included in a single declaration.

(4) The applicant may, at any time before the registration of the mark, amend the contents of the declaration referred to in the preceding sub-regulations.

39. The period for furnishing the certified copy of the earlier application shall be three months from the date of the request by the Registrar.

40. (1) The withdrawal of the application shall be made by a written declaration signed by the applicant and submitted to the Registrar.

(2) The application fee shall not be refunded if the application is withdrawn.

41. (1) Regulation 17 shall apply, *mutatis mutandis*, to marks and the 'letter a' therein shall be read as the 'letter m'.

(2) The Registrar shall accord as the filing date of the application the date on which the following elements are received —

- (i) the name of the applicant;
- (ii) an address to which communications can be directed;
- (iii) a reproduction of the mark;
- (iv) a specification of goods or services; and
- (v) the required filing fee for at least one class of goods or services.

(3) The Registrar shall, in writing, notify the applicant of the application number and the filing date.

42. If, upon examination in accordance with section 55, the Registrar objects to the application for registration of a mark, he shall notify the applicant in writing of his objections with all the relevant detail and require the applicant to amend the application, to submit his observations in writing or to apply for a hearing within two months from the date of the notification and where the applicant does not comply with the requirement within the set period, he shall be deemed to have withdrawn his application.

(2) If, upon examination in accordance with section 55, the Registrar decides to accept the application subject to amendments, modifications, conditions, disclaimers or limitations he shall communicate the decision to the applicant in writing and where —

- (a) the applicant objects to the amendments, modifications, conditions, disclaimers or limitations, he shall, within two months from the date of the communication, apply for a hearing or submit his observations in writing;
- (b) the applicant does not object to such amendments, modifications, conditions, disclaimers or limitations, he shall notify the Registrar in writing and amend his application accordingly; or
- (c) the applicant does not respond in one way or the other within the set period, he shall be deemed to have withdrawn his application.

(3) The request for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving the same, shall give the applicant at least one month's notice in writing of the date and time when he may be heard.

43. (1) If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar refuses the application or accepts it subject to any amendments, modifications, conditions, disclaimers or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing.

Refusal of application or conditional acceptance to which applicant objects

(2) The applicant may, within one month from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the materials used by him in arriving thereat.

44. If the Registrar accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall proceed to publish the application setting out —

Acceptance of application; publication

- (i) the filing date and, where applicable, the priority date;
- (ii) the representation of the mark;
- (iii) the goods or services in respect of which the registration of the mark is requested, with an indication of the corresponding class or classes of the International Classification;
- (iv) the name and address of the applicant; and
- (v) the name and address of the agent, if any.

45. (1) The notice of opposition under section 56(1) shall be given, within three months from the date of the publication referred to in regulation 44, on Form No. 8 together with payment of the prescribed fee and accompanied by supporting evidence if any.

Opposition

(2) The counter-statement referred to in section 56(2) shall be subject to payment of the prescribed fee and shall be given within two months from the date the notice of opposition is sent to the applicant, in writing, stating the grounds upon which the applicant relies for his application and accompanied by supporting evidence, if any.

Registration
of mark;
publication of
reference;
issuance of
certificate

46. (1) Where the Registrar finds that the conditions referred to in section 55 are fulfilled, and either —

- (a) the registration of the mark has not been opposed within the prescribed time limit; or
 - (b) the registration of the mark has been opposed and the opposition has been decided in the applicant's favour;
- the Registrar shall so notify the applicant in writing, requesting him to pay the registration fee within one month from the date of the notification, and, subject to the payment of the registration fee within the period prescribed, he shall register the mark in accordance with this regulation, publish by notice in the Gazette, a reference to the registration and issue to the applicant a *certificate of registration*.

(2) The Registrar shall allot to each mark he registers the same number as the number allotted under regulation 41(3).

(3) The registration of a mark shall include —

- (i) a representation of the mark;
- (ii) the number of the mark;
- (iii) the name and address of the registered owner;
- (iv) the name and address of the agent, if any;
- (v) the filing date and date of registration;
- (vi) if priority has been claimed and the claim has been accepted, the country or countries in which or for which the earlier application was filed; and
- (vii) the list of goods or services in respect of which the registration of the mark had been made with an indication of the corresponding class or classes of the International Classification.

(4) The publication of the reference to the registration of a mark under sub-regulation (1) shall contain the particulars specified in sub-regulation (3).

(5) The certificate of registration of a mark shall be issued on Form No.9.

Renewal of
registration

47. (1) The request for renewal of the registration of a mark under section 61 (1) may be made during the six month period preceding the expiry of the registration and shall be signed by the registered owner or his agent.

(2) The renewal shall be subject to payment of the renewal fee which shall be made within the period specified in sub-regulation (1) hereof or, upon payment of the prescribed surcharge, within the grace period allowed under section 61(2).

(3) The renewal of the registration of a mark shall be recorded in the register and shall be published by notice in the *Gazette*.

(4) The Registrar shall issue to the registered owner a certificate of renewal which shall contain —

- (i) the registration number of the mark;
- (ii) the date of renewal and the date of the expiry;
- (iii) the name and address of the registered owner; and
- (iv) the list of goods or services in respect of which the mark has been registered with an indication of the corresponding class or classes of the International Classification.

48. Regulations 34 to 47 shall apply, *mutatis mutandis*, to collective marks subject to the following —

Collective
marks

- (a) an application for registration of a collective mark shall not be accepted unless, in the application for registration, the mark is designated as a collective mark, and unless the application is accompanied by a copy of the rules governing the use of the mark, duly certified by the applicant;
- (b) the rules governing the use of the collective mark shall define the common characteristics or quality of the goods or services which the collective mark shall designate and the conditions under which, and the persons by whom, it may be used and they shall provide for the exercise of effective control of the use of the mark in compliance with those rules, and shall determine adequate sanctions for any use contrary to the said rules;
- (c) a copy of the rules governing the use of the mark shall be appended to the registration of a collective mark;
- (d) publication of a reference to the registration of the collective mark, in accordance with regulation 46(1), shall include a summary of the rules appended to the registration;
- (e) notification of changes effected in the rules governing the use of the mark shall be in writing;
- (f) all notifications of changes shall be recorded in the register and shall be published by notice in the *Gazette*, and all changes in the rules shall be regarded as having no effect until such recording; and
- (g) for the purposes of use of the collective mark in connection with section 64(1) the registered owner of a collective mark may use the mark himself provided it is also used by other authorized persons in accordance with the rules governing such use and use by such persons shall be deemed to be use by the registered owner.

49. (1) An Application, under section 64(1), to invalidate the registration of a mark, shall be made together with the payment of the prescribed fee.

Invalidation;
removal on the
ground of
non-use

(2) An Application, under section 64(1), to remove, from the register, a mark on ground of non-use shall be made together with the payment of the prescribed fee.

(3) The removal of a mark from the register on the grounds of non-use shall be published by notice in the *Gazette*.

PART VI — General

50. (1) The request, under section 70, for the recordal of a change of ownership of a title granted under the Act or of an application therefor shall be made to the Registrar on Form No. 10 and shall be subject to payment of the prescribed fee.

Changes in
ownership;
license
contracts

(2) The publication of the change of ownership shall specify —

- (i) the title of protection concerned;
- (ii) the filing date, the priority date, if any, and the date of registration or grant;
- (iii) the previous owner and the new owner; and
- (iv) the nature of the change of ownership.

	(3) A license contract submitted for recordal under section 71 shall be accompanied by the prescribed fee.
Appointment of agent; address for service	51. (1) The appointment of an agent shall be by a power of attorney which shall be signed by the applicant or, if there are more than one, by each applicant. (2) The address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted. (3) The power of attorney appointing an agent may be filed together with the application or within two months from its filing date and where the appointment is not thus made and is not in accordance with section 78 and this regulation, any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.
Excluded days	52. When the last day for doing any act or taking any proceeding falls on a day when the Registrar's Office is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the Registrar's Office is next open for business.
Consultation of registers; request for extracts and copies of documents	53. (1) Consultation of the registers shall be subject to payment of the prescribed fee. (2) Requests for certified copies of extracts from a register or for copies of documents shall be made to the Registrar in writing and shall be subject to payment of the prescribed fee.
Corrections of errors	54. (1) Corrections of errors, under section 73, may be made by the Registrar upon receipt of a request in writing and subject to such terms as he may consider appropriate, or on his own initiative. (2) Corrections made shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by notice in the <i>Gazette</i>.
Hearing	55. (1) Any intended adverse exercise of the discretionary powers bestowed on the Registrar by the Act or these Regulations, against any person shall not be performed until the Registrar has notified such person, in writing — (i) of his intention; (ii) the opportunity the person has to be heard thereon; and (iii) of the time limit, which shall not be less than one month, for filing a request for a hearing. (2) The request for a hearing shall be in writing and shall be subject to payment of the prescribed fee. (3) Upon receiving such request, the Registrar shall give the person applying, and any other interested persons, at least two weeks' notice, in writing, of the date and time of the hearing.
Forms and fees	56. (1) The forms referred to in these Regulations are those set out in First Schedule to these Regulations. (2) The fees to be paid in respect of matters arising under the Act or these Regulations shall be those specified in the Second Schedule to these Regulations.
Service by mail	57. (1) Any notice, application or other document sent to the Registrar by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the ordinary course of the mail. (2) In proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent by registered mail.

(3) Sub-regulation (1) does not apply to the accordance of the filing date.

58. Upon the coming into force of these Regulations, applications for the grant of patents or for the registration of industrial designs or marks, filed on or after August 27, 1996, and before the date of coming into force of these Regulations, may be supplemented or corrected by the filing of additional documents or particulars or the payments of the prescribed fees in accordance with these Regulations.

Transitional
provisions

**FIRST SCHEDULE
(Regulation 56 (1))**

FORMS

**OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 1**

INDUSTRIAL PROPERTY ACT, 1996

**REQUEST FOR GRANT OF PATENT
OR UTILITY MODEL CERTIFICATE**

**To: The Registrar
[Address]**

For Official Use

Date of Receipt by Registrar's Office:

APPLICATION No.:

(Office's Stamp)

FILING DATE:

Applicant's or Representative's File Reference:

THE APPLICANT(S) REQUEST(S) THE GRANT OF A

☐ **PATENT**

☐ **UTILITY MODEL CERTIFICATE**

IN RESPECT OF THE FOLLOWING PARTICULARS:

I. TITLE OF INVENTION:

II. APPLICANT(S)*

Additional information is contained in supplemental box

Name:

Address:

Nationality:

**Country of residence or
principal place of business:**

Tel No.:

Telegraphic Address:

Telex No.:

Fax No:

* The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.

III. AGENT

The following agent has been appointed by the applicant(s) in the power of attorney

☐ accompanying this Form

☐ to be filed within one month from the filing of this Form

Name:

Address:

Tel No.:

Telegraphic Address:

Telex No.:

Fax No.:

IV. INVENTOR

☐ The inventor is the applicant

Additional information is contained in supplemental box ☐

If inventor is not the applicant:

Name:

Address:

The statement justifying the applicant's right accompanies this form

☐

V. DIVISIONAL APPLICATION

This application is a divisional application

☐

The benefit of the

☐

filing date

☐ priority date of the initial application is claimed in as much as the subject matter of the present application is contained in the initial application identified below.

Initial Application No.:

Date of filing of initial application:

VI. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES

Disclosure occurred not more than twelve months before the filing date or priority date of the present application

☐ by reason or in consequence of acts of the applicant or his predecessor in title.

☐ of an abuse committed by a third party with regard to the rights of the applicant or his predecessor in title.

☐ additional information is contained in a statement accompanying this Form.

VII. PRIORITY DECLARATION (if any)

The priority of (an) earlier application(s) is claimed as follows ☐

The priority of more than one earlier application is claimed; the data are indicated in the supplemental box ☐

Country (if the earlier application is a regional or international application, indicate the office with which and the countries for which it was filed):

Filing date:

Application No.:

Symbol of the International Patent Classification:

☐ not yet allocated

The certified copy of the earlier application ☐ accompanies this Form.

☐ will be furnished upon request by the Registrar, as prescribed by Rule 20(5).

The English translation of the earlier application ☐ accompanies this Form. ☐ will be furnished upon request, as prescribed by Rule 20(6).

VIII. SUPPLEMENTAL BOX*

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their roman numerals and title (e.g., "II. APPLICANT(S) (continued)").

IX. CHECK LIST (TO BE FILLED IN BY THE APPLICANT(S))

A. This application contains the following:

1. request.....sheet(s)
2. description.....sheet(s)
3. claim(s).....(sheet(s)
4. abstract.....sheet(s)
5. drawing(s).....sheets)

Total ☐ sheets

B. This Form, as filed, is accompanied by the items ticked below:

- ☐ separate signed power of attorney
- ☐ statement justifying the applicant's right
- ☐ statement that certain disclosures be disregarded
- ☐ priority document(s) (certified copy of earlier application(s))
- ☐ English translation of earlier application(s) on which priority declared is based

C. Figure number.....of the drawings (if any) is suggested to accompany the abstract for publication

- ☐ application fee
- ☐ other document(s) (specify)

X. SIGNATURE(S)*	
.....(Applicant(s)/Agent)	 (Date)
.....(Applicant(s)/Agent)	 (Date)
 Type name(s) under signature. TO BE FILLED IN BY THE REGISTRAR	
 1. Date of receipt of corrections or later filed documents completing the application:	
 2. Date fees received:	

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 2

INDUSTRIAL PROPERTY ACT, 1996

For Official Use

**NOTIFICATION OF NON-COMPLIANCE
WITH SUBSTANTIVE REQUIREMENTS
AND INVITATION TO SUBMIT
OBSERVATIONS AND/OR AMENDED
APPLICATION FOR GRANT OF PATENT**

Fee received on:

**Applicant's or Representative's File
Reference:**

In the matter of Patent Application No.

**the Registrar hereby notifies the applicant(s) that the following substantive requirements have
not been fulfilled with respect to the above-identified application for the following reasons:***

The applicant(s) is/are hereby invited to submit, within

.....(specified period**),

**observations and, where applicable, an amended application. The amendment shall be made
to the Registrar, together with the prescribed fee.**

SIGNATURE.....

The Registrar

.....

Date

* Continue on a separate sheet, if space provided is insufficient.

** Insert time limit in accordance with [regulations 26(2)].

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 3

**(19) Office of the Registrar of
Patents, Marks and Designs**

"Logo"

(11) Publications Number:

(45) Publication Date:

(51) IPC:***

(12)**

PATENT

(21) Application Number:

(22) Filing Date:

(31) Priority Number:

(32) Priority Date:

(33) Priority Country:

(73) Owner(s):

(72) Inventor(s):

(74) Agent:

(54) Title:

(57) Abstract:

* This indication and the footnotes do not appear on the first page of the patent.

** The numbers in parentheses before the bibliographic data are the Internationally Agreed Numbers for the Identification of Data (INID codes), as defined in WIPO Standard ST.9, whereby the various bibliographic data appearing on the first page of a patent document can be identified without knowledge of the language used and the industrial laws applied.

(19) Office of the Registrar of
Patents, Marks and Designs

"Logo"

(11) Publications Number:

(45) Publication Date:

(12)**

UTILITY MODEL CERTIFICATE

(21) Application Number:

(22) Filing Date:

(31) Priority Number:

(32) Priority Date:

(33) Priority Country:

(73) Owner(s):

(72) Inventor(s):

(74) Agent:

(54) Title:

(57) Abstract:

This indication and the footnotes do not appear on the first page of the unitility model certificate.

** The numbers in parentheses before the bibliographic data are the Internationally Agreed Numbers for the Identification of Data (INID codes), as defined in WIPO Standard ST.9, whereby the various bibliographic data appearing on the first page of a patent document can be identified without knowledge of the language used and the industrial property laws applied.

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 4

INDUSTRIAL PROPERTY ACT, 1996

**CERTIFICATE OF GRANT OF PATENT/
UTILITY MODEL CERTIFICATE***

In accordance with Section 23(2)(a) of the Industrial Property Act, 1996, it is hereby certified that a patent/utility model certificate* having the Number has been granted to:

Name:

Address:

on (date), in respect of an invention disclosed in an application for that patent/utility model certificate* having the following:

filing date:

priority date:

being an invention for:
(title)

Dated this, day of, 19

.....
Registrar

***Delete which ever does not apply**

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 5

INDUSTRIAL PROPERTY ACT, 1996

**APPLICATION FOR REGISTRATION
OF INDUSTRIAL DESIGN**

**To: The Registrar
[Address]**

For Official Use

Date of Receipt by Registrar's Office

APPLICATION No.:
(Office's Stamp)

FILING DATE:

Applicant's or Representative's File Reference:

**THE APPLICANT(S) REQUEST(S) THAT THE ACCOMPANYING INDUSTRIAL
DESIGN BE REGISTERED IN RESPECT OF THE FOLLOWING PARTICULARS:**

1. APPLICANT(S)*

Additional information is contained in supplemental box ☐

Name:

Address:

Nationality:

**Country of residence or
principal place of business:**

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

* The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.

II. AGENT

The following agent has been appointed by the applicant(s) in the power of attorney

☐ accompanying this Form ☐ to be filed within one month from the filing of this Form

Name:

Address:

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

III. REPRESENTATIONS OF THE INDUSTRIAL DESIGN; SPECIMEN

This Form is accompanied by

☐ four graphic representations

☐ four drawings or tracings

☐ a specimen of the industrial design

IV. CREATOR

☐ The creator is the applicant

Additional information is contained in supplement box ☐

If creator is not the applicant:

Name:

Address:

The statement justifying the applicant's right accompanies this form ☐

V. PRODUCTS

The kind of products for which the industrial design is to be used is (are) the following:

VI. PRIORITY CLAIM (if any)

The priority of an earlier application is claimed as follows:

Country:

Filing Date:

Application No.:

The priority of more than one earlier application is claimed;

the data are indicated in the supplemental box

☐

The certified copy of the earlier application

☐ accompanies this Form

☐ will be furnished within three months of the filing of this Form

VII. FEES

accompany this Form

☐

VIII. SUPPLEMENTAL BOX*

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. APPLICANT(S) (continued)")

SUPPLEMENTAL BOX (cont'd)

IX. SIGNATURE(S)

..... (Applicant(s)/Agent*)
(Date)

..... (Applicant(s)/Agent*)
(Date)

* Type name(s) under signature and delete whichever does not apply.

TO BE FILLED IN BY THE REGISTRAR

1. Date application received:
2. Date of receipt of corrections, later filed papers completing the application:
3. Date fees received:

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 6

INDUSTRIAL PROPERTY ACT, 1996

CERTIFICATE OF REGISTRATION OF
INDUSTRIAL DESIGN

In accordance within Section 46(2) (a) of the Industrial Property Act, 1996, it is hereby
certified that an industrial design having the registration

No. has been registered for:

Name:

Address:

on (date)

in respect of an industrial design disclosed in an application for registration of that industrial
design, having the following

filing date:

priority date:

being an industrial design for:
(products)

created by:

Name:

Address:

A copy of the reproduction of the industrial design accompanies this Certificate.

Dated this , day of 19 ...

.....

Registrar

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 7

INDUSTRIAL PROPERTY ACT, 1996

**APPLICATION FOR REGISTRATION
OF A MARK**

To: The Registrar
[Address]

For Official Use

Date of Receipt by Registrar's Office:

APPLICATION No.:
(Office's Stamp)

FILING DATE:

Applicant's or Representative's File Reference:

**I. THE APPLICANT(S) REQUEST(S) THE REGISTRATION OF A MARK
IN RESPECT OF THE FOLLOWING PARTICULARS:**

Name:

Address:

Nationality:

Country of residence or principal place of business:

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

II AGENT

The following agent has been appointed by the applicant(s) in the power of attorney
☐ accompanying this Form ☐ to be filed within one month from the filing
of this Form

Name:

Address:

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

III. COLLECTIVE MARK

This application for registration concerns a collective mark ☐

The regulations governing the use of the collective mark are attached ☐

IV. REPRODUCTION OF MARK

Three additional reproductions on separate sheet are affixed ☐

Transliteration accompanies application ☐

Translation accompanies application ☐

Fees accompany application ☐

V. CLASSES

Registration is requested in respect of the following goods and/or services, listed under the applicable classes of the International Classification:*

VI. ADDITIONAL INFORMATION accompanies this Form (specify)

VII. SIGNATURE(S)

..... (Applicant(s)/Agent)**
(Date)

..... (Applicant(s)/Agent)**
(Date)

* Continue on a separate sheet, if the space provided is insufficient.

** Type name(s) under signature and delete whichever does not apply.

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 8

INDUSTRIAL PROPERTY ACT, 1996

**NOTICE OF OPPOSITION TO
REGISTRATION OF MARK**

For Official Use

Notice received on:

No. of Opposition:

**To: The Registrar
[Address]**

Opponent's or Representative's File Reference

In the matter of Application No.....for registration of a mark

I/We,

of

give notice of our opposition to the registration of the above identified mark published for

class(es).....in the Official Bulletin of the.....day of

.....19....., No....., page

The grounds for this opposition are as follows:**

*** Delete whichever does not apply.**

**** Continue on a separate sheet, if the space provided is insufficient,**

Name of agent (if any):

Address of Agent:

☐ Supporting evidence accompanies this Form

☐ Power of attorney accompanies this form

☐ Fees accompany this Form

SignatureOpponent(s)/Agent)* Date.....

.....Opponents(s)/Agent)* Date.....

* Delete whichever does not apply and type name(s) under signature.

Form No. 8, second and last page

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 9.

INDUSTRIAL PROPERTY ACT, 1996

CERTIFICATE OF REGISTRATION OF MARK

In accordance with section 57(1)(b) of the Industrial Property Act, 1996, it is hereby certified that the mark (being a collective mark)* shown below

Has been registered under No.

as of the..... in class(es).....
(Date)

in respect of the following goods or services:***

in the name of.....

address
.....

Dated this..... day of..... 19.....

.....
Registrar

Registration is for ten years from the date first above-mentioned and may then be renewed for additional successive ten-year-periods. This certificate is not for use in legal proceedings or for obtaining registration abroad.

* Delete if necessary.

** Insert/Attach reproduction of the mark.

*** Continue on separate sheet, if the space provided is insufficient.

OFFICE OF THE REGISTRAR OF PATENTS, MARKS AND DESIGNS
Form No. 10

INDUSTRIAL PROPERTY ACT, 1996 RECORDING OF CHANGE IN OWNERSHIP To: The Registrar [Address]	For Official Use Received on: Applicant's or Representative's File Reference
I. IN THE MATTER OF:	
Patent Application No.: Filing Date:	
Application for Utility Model Certificate No. : Filing Date:	
Application for Registration of Industrial Design No. : Filing Date:	
Patent No.: Date of Grant:	
Utility Model Certificate No.: Date of Grant:	
Industrial Design No. Date of Registration:	
Mark No.: Date of Registration:	
II. APPLICANT(S)/OWNER(S)* Name: Address:	
III. REQUEST The Registrar is hereby requested to record the change in ownership of the above-identified.....**	

The present applicant(s)/owner(s)* is/are identified above.

The new applicant(s)/new owner(s)* is/are identified below.

* Delete whichever does not apply.

** Indicate application or title concerned.

IV. NEW APPLICANT(S)/NEW OWNER(S)*

Name:

Address:

Nationality:

Country of residence or
principal place of business:

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

V. ADDITIONAL INFORMATION

The following items accompany this Form:

- ☐ The original or a certified copy of the document evidencing the change of ownership, signed by or on behalf of the contracting parties
- ☐ other documents evidencing the change in ownership (specify)
- ☐ fees
- ☐ other (specify)
- ☐ approval of the Minister**

VI. SIGNATURES

..... (New Applicant(s)/New Owner(s)***)

..... (New Applicant(s)/New Owner(s)***)
(Date)

..... (Applicant(s)/Owner(s)***)

..... (Applicant(s)/Owner(s)***)
(Date)

* Delete whichever does not apply.

** Required where the request is in respect of a collective mark or application therefore.

*** Delete whichever does not apply and type name(s) under signature.

SECOND SCHEDULE
(Regulation 56 (2))

**SCHEDULE OF FEES FOR PATENTS, UTILITY MODEL CERTIFICATES,
MARKS AND DESIGNS**

Column 1	Column 2	
Matter or Proceeding	Amount of Fee in Pula	
	Application by individuals or small entities*	Application by bodies other than small entities
Patent and Utility Model Certificates		
1. Application for a patent	100	200 Form 1
2. Each divisional application for a patent	100	200 Form 1
3. Application for a utility model certificate	50	100 Form 1
4. Each divisional application for a utility model certificate	30	60 Form 1
5. Amendment of application at instance of applicant	20	40
6. Correction of application on request of Registrar	20	40
7. Preparation of abstract by Registrar	20	40
8. Grant and publication fee	120	240
9. Annual fees for patents:		
1st anniversary of filing	25	50
2nd anniversary of filing	100	200
3rd anniversary of filing	120	240
4th anniversary of filing	140	280
5th anniversary of filing	160	320
6th anniversary of filing	180	360
7th anniversary of filing	200	400
8th anniversary of filing	220	400
9th anniversary of filing	240	480
10th anniversary of filing	260	520
11th anniversary of filing	280	560
12th anniversary of filing	300	600
13th anniversary of filing	320	640
14th anniversary of filing	340	680
15th anniversary of filing	360	720
16th anniversary of filing	380	760
17th anniversary of filing	400	800

18th anniversary of filing	420	840
19th anniversary of filing	440	880
20th anniversary of filing	460	920

*"small entities" means any business concern,
(1) Whose number of employees

including those of its affiliates does not exceed 100 persons; and (ii) which has not assigned, granted, conveyed, or licensed the title of protection or the right thereto, and is under no obligation under contract or law to do so.

The above-mentioned regarding the obligation to assign etc., also applies to individuals. The Registrar shall determine whether any entity is eligible as a small entity.

Matter or Proceeding	Amount of fee in Pula	
	Application by individuals or small entities*	Application by bodies other than small entities
Patent and Utility Model Certificates (cont'd)		
10. Annual fees for utility model certificates:		
1st anniversary of filing	40	80
2nd anniversary of filing	50	100
3rd anniversary of filing	60	120
4th anniversary of filing	70	140
	80	160
	90	180
11. Surcharge for late payment of annual fee	40	80
12. Request for extension of duration of a patent	252	504
13. Request for grant of a non-voluntary licence	100	200 Form 4
14. Request for conversion of a patent application into an application for a utility model certificate and vice versa	64	128
	32	64
15. Correction of application.	20	40
16. Request for grant of a none voluntary licence	60	120

Matter or Proceeding	Amount of fee in Pula	
	Application by individuals or small entities*	Appliation by bodies other than small entities*
Industrial Designs		
17. Application fee	30	60 Form 5
18. Correction of application on request of Registrar	20	40
19. Registration and publication fee	30	120
20. Renewal fee:		
(a) first renewal	64	128
(b) second renewal	72	144
21. Surcharge for late payment of renewal fee	40	80
Marks		
22. Application fee:	60	120
(a) for registration of a mark in one class	120	240 Form 7
(b) for registration of mark in each additional class	20	40
23. Request for statement of grounds for decision of Registrar	100	200
24. Filing notice of opposition	20	40 Form 8
25. Filing counter-statement	24	48
26. Filing request for hearing	60	120
27. Fee for hearing in opposition proceedings (to be paid by applicant and by opponent)	40	80
28. Registration fee	90	180
29. Renewal fee:		
(a) for mark in one class	120	240
(b) for a mark in each additional class	40	80

Matter or Proceeding	Amount of fee in Pula	
	Application by individuals or small entities*	Application by bodies other than small entities*
30. Surcharge for late payment or renewal fee	60	120
31. Filing request for invalidation or mark or for removal of mark from Register on grounds of non-use	40	80
32. Filing request for invalidation of mark or removal of mark from Registrar on grounds of none use		
General		
33. Filing request for recordal of change in ownership	60	120 Form 10
34. Submission of licence contract for recordal	60	120
35. Inspection of Register (for every quarter of an hour or part thereof)	40	80
36. Certified copies of documents (per page)	4	8
37. Change of address	20	40
38. Filing request for hearing	60	120

MADE this 25th day of August, 1997.

K.G. KGOROBA,
Minister of Commerce and Industry.

L2/7/316 I