

ANTIGUA AND BARBUDA



THE PATENT REGULATIONS, 2018.

STATUTORY INSTRUMENT

2018, No. 41

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ANTIGUA AND BARUDA
THE PATENTS REGULATIONS, 2018

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ANTIGUA AND BARBUDA
THE PATENTS REGULATIONS, 2018
2018, No. 41

THE PATENTS REGULATIONS made in exercise of the powers contained in section 68 of the Patents Act, 2018.

PART I
PRELIMINARY

1. Short title

These Regulations may be cited as the Patents Regulations, 2018.

2. Interpretation

In these Regulations—

“Act” means the Patents Act 2018;

“applicant” means the current owner of an application;

“application” means an application for a patent;

“Court” means the Supreme Court of the Eastern Caribbean;

“Minister” means the Minister for the time being with responsibility for Legal Affairs;

“Office” means the Intellectual Property Office;

“Register” means the Register of Patents referred to in section 3 of the Patents Act 2018;

“Registrar” means the Registrar of Intellectual Property.

PART II
FEES

3. Fees Set Out-Schedule I

The fees to be paid under the Act and these regulations shall be those fixed in Schedule I.

4. Currency

Payments shall be made in Eastern Caribbean currency.

5. Payment of Fees

(1) Fees that are paid by cheque, shall be made to the Registrar.

(2) Fees may be paid by cash at the Office.

(3) Fees may be paid by any other means prescribed by the Registrar upon the consultation with and subject to the written consent of the Minister.

6. Cheques

A payment of a fee by cheque may be accepted by the Registrar as being a payment of the fee when the cheque is received by him, but if the cheque is not paid when presented to the bank on which it is drawn and not made good within such time as the Registrar may fix, the acceptance of the fee is revoked and any thing done pursuant to the payment is void and, if appropriate, shall be so recorded in the Register.

PART III
FORMS

7. Forms Required-Schedule II

(1) In submitting a document to the Office for any purpose, the person submitting the document shall use the form set out in Schedule II that is appropriate for the purpose.

(2) In submitting a document to the Office, two copies of the document need be submitted.

8. Replacing Documents-Schedule II

If a document that is submitted to the Office differs significantly from the form in Schedule II intended to be used for the purpose of the submission, the Registrar may require that the document be replaced, within a time fixed by the Registrar, by one that conforms to the document required by Schedule II to be used for the purpose.

9. Paper Requirements

(1) All applications, notices, statements, papers having representations affixed, or other documents authorized or required by the Act or these regulations to be made, left with or sent to the Registrar shall be on strong, durable white paper and, except in the case of statutory documents and affidavits, shall be written on one side of the paper only.

(2) Each sheet of paper, other than drawings, shall have its short sides at the top and bottom of the sheet.

(3) Each sheet of paper shall be on either A4 (29.7 cm X 21.0 cm) or Letter (8 1/2x 11) size paper.

10. Page Requirements

(1) The pages of documents, other than drawings, shall be numbered consecutively, preferably at the top of the page.

(2) Page margins shall be at least 2 centimetres.

(3) Except for drawings, pages must be typed or printed, preferably with one and a half spacing or double spacing.

11. Language and marking of Documents

(1) An application shall be in English.

(2) Where the application is not in English, the Registrar may require a translation thereof in English verified by the translator that the translation is, to the best of his knowledge, complete and faithful.

(3) 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 AG, slant, the letter P, slant, the 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 request for grant of the patent (Form No. 1).

(4) The application number allotted under sub-regulation (3) shall be quoted in all subsequent communications concerning the application.

(5) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any partner qualified to sign, stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorised to sign the document and a document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document and shall bear the seal of the body corporate and a document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Registrar that he is duly authorised.

(6) The Registrar may, whenever he deems it necessary, request evidence of authorisation to sign.

PART IV PATENTS

12. Title

The title of an invention given in an application shall be precise and indicate the subject matter to which the invention relates.

13. Words of Title

The title of an invention shall not include any trade mark or personal name.

14. Request

(1) The request for the grant of a patent shall be made on Form No. 1 in Schedule II and shall be signed by each applicant.

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

(3) Where the applicant is the inventor, the request 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.

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

PART V DESCRIPTION OF INVENTION

15. Content of Description

(1) The description of an invention shall state the title of the invention as it appears in the petition for the patent and shall—

- (a) specify the technical field to which the invention relates;
- (b) indicate the background art that, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention;
- (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 any drawings;
- (e) set forth at length, in terms of examples when appropriate, and with reference to the drawings, if any, the best mode contemplated by the applicant for carrying out the invention; and
- (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 this provision in respect of a description shall be followed in all descriptions of inventions 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 practical presentation.

(3) 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 and for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(4) To the extent that the contents of an application for a patent or of a patent discloses an invention which requires for its performance the use of a micro-organism which is not available to the public at the date of filing, these contents shall be treated as disclosing the invention in a manner which is clear and complete enough for the invention to be performed by a person skilled in the art if the following conditions are satisfied—

- (a) a culture of the micro-organism has been effected with an international depository authority (IDA) recognized under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms or with another institution recognized by the competent national office;
- (b) the application as filed gives such relevant information as is available to the applicant on the characteristics of the micro-organism;
- (c) the name of the IDA, the date when the culture was deposited and the accession number of the deposit are given in the description of the application; and
- (d) the receipt of the deposit issued by the IDA shall be filed to the patent application, no later than 12 months counted from the filing date of the Patent Application.

16. Completeness

A description in an application shall be complete and not depend on any document not available to the public when the application was filed and shall, without reference to other applications mentioned in the description, be sufficient to support the claims made in the application.

17. Additions

No matter contained in a document referred to in a description in an application and not available to the public when the application was filed may be added to the description after the application is filed.

18. Identification

A document referred to in a description in an application shall be fully identified.

19. Measures, terminology and signs

- (1) Units of weights and measures in a description shall be expressed in the metric system.
- (2) Temperatures shall be expressed in degrees 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, and for chemical formulae, atomic weights and molecular formulae, the symbols in general use shall be employed.

(5) In general, only those technical terms, signs and symbols shall be used as are generally accepted in the art.

(6) The terminology and signs shall be consistent throughout the application.

PART VI

CLAIMS

20. Claims

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

(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;
- (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 paragraph (a), it is desired to protect.

(4) Claims may be written, where their understanding is thereby enhanced, in a single statement containing a recitation of a combination of several elements or steps which defines the matter for which protection is sought.

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

(6) No claim shall contain any drawing or graph but any claim may contain tables and chemical or mathematical formulae.

(7) Where the application contains any drawing, any technical feature mentioned in any claim may, if the intelligibility of that claim can thereby be enhanced, include a reference sign to that drawing or to the applicable part of that drawing and such a reference sign shall be placed between square brackets or parentheses and shall not be construed as limiting the claim.

(8) 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.

(9) 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".

(10) Any claim which includes all the features of one or more other claims of the same category (hereinafter referred to as "dependent claim" or "multiple dependent claim," respectively) shall preferably first refer to the other claim or claims by indicating the serial number of the other claim or the serial numbers of the other claims and then state those features claimed that are additional to the features claimed in the other claim or claims.

21. Numbering

Claims shall be numbered consecutively in Arabic numerals.

22. Dependent Claims

(1) Claims may be made dependent upon preceding claims in order to add features to what is claimed in the preceding claims.

(2) A dependent claim shall refer by number to the claim upon which it depends.

(3) All dependent claims referring to the same preceding claims, shall be grouped together in the most practical way possible.

PART VII

DRAWINGS

23. Drawing Requirements

All drawings in an application shall satisfy the following requirements—

- (a) the drawings are to be on white paper or other material suitable for reproduction;
- (b) the sheets of drawings are to be the same size as those used for the description in the application;
- (c) the drawings are to be prepared with durable dark lines suitable for reproduction;
- (d) the drawings are to be on a scale sufficiently large to show the invention clearly;
- (e) the drawings are to appear on only one side of the sheet;

- (f) figures in the drawings are to be numbered consecutively without regard to the number of sheets in the drawings and so far as possible the figures are to be arranged in numerical order;
- (g) the figures are to be identified and explained in the description;
- (h) figures in the drawings can be continued on subsequent sheets if necessary or several figures can appear on the same page;
- (i) the drawings are to be identified with the name of the applicant or inventor; and
- (j) the drawings are not to contain textual matter other than that needed to identify parts.

24. Photographs

Photographs may be used instead of drawings in an application if the photographs clearly illustrate the invention and can be readily reproduced.

25. No Drawing in Text

No drawings or sketches shall be placed in the textual part of a disclosure in an application except to show graphic chemical formulae, mathematical formulae, symbols or equations.

26. Folds, Breaks, etc

Drawings in an application shall be free of such folds, breaks or creases as render them unsuitable for reproduction.

27. Explanation of Drawings

The description in the application shall briefly explain the drawings in the application.

PART VIII

ABSTRACT

28. Abstract

(1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for the purposes of searching in the particular art.

(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, preferably 50 to 150 words.

(4) The abstract shall not contain statements on the alleged 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 any drawings furnished by the applicant.

(7) Where no abstract is provided, the Registrar shall invite 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.

PART IX CORRESPONDENCE

29. Communicating with Office

(1) Applications, correspondence related to any application, and all communications intended for the Office shall be deposited at the Office.

(2) When communicating with the Office about an application, patent or licence, the correspondent shall identify the application, patent or licence clearly and give such information as the date of filing, kind of invention, name of applicant, patentee or licensee and registration number.

30. Mode of Communication

Applications shall be proceeded with, and other communication with the Office effected by, written correspondence and, unless the Registrar for good reason decides otherwise, no regard need be given to any other mode of communication with the Office.

31. Communication from Office

All correspondence from the Office to an applicant shall be sent—

(a) to an attorney at law resident and practicing in Antigua and Barbuda or the registered patent agent of the applicant if one has been appointed in Antigua and Barbuda; or

(b) if no patent agent has been appointed in Antigua and Barbuda, to the address for service of the applicant in Antigua and Barbuda.

32. Multiple Applicants

When, in respect of an application, there is more than one applicant, correspondence shall be conducted—

(a) with the patent agent or attorney at law who has been named to represent all the applicants;

(b) with the applicant resident in Antigua and Barbuda who has been nominated to represent all the applicants, if no patent agent has been appointed; or

(c) with the first applicant named in the application, if there has been neither an agent appointed nor an applicant resident in Antigua and Barbuda nominated to represent the applicants.

33. Address for Service

A patentee, licensee, applicant and applicant for a licence shall maintain an address for service in Antigua and Barbuda and shall send, with the prescribed fee, a notice of that address to the Registrar for recording in the Register.

PART X TIME LIMITS

34. Filing Time

Any correspondence with the Office that is due on any day on which the Office is closed for business shall be accepted as properly filed if it is received on the next day that the Office is open for business.

PART XI JOINT APPLICANTS

35. Procedure with Regard to Withdrawal

When an application that is filed by joint applicants is being proceeded with by one of the joint applicants, it may not be withdrawn under section 14 (10) of the Act without the written permission of all the other joint applicants; and, if the application is in any danger, under section 26 (5) of the Act, of being deemed to have been withdrawn, the Registrar shall notify all joint applicants at the latest addresses provided him for the joint applicants.

**PART XII
JOINT INVENTORS**

36. Changes of Inventors' Names

When, after an application has been filed, it appears that the names of one or more inventors were improperly included in or omitted from the application, then, if the Registrar is satisfied, by an affidavit setting out all the relevant facts, that a correction should be made, the Registrar may delete or add, as the case requires, the names of those other inventors.

37. Inventors not Applying

When an invention is made by several inventors, and one or more of them refuses to make an application in respect of the invention, or the whereabouts of one or more of the inventors cannot be ascertained after a diligent inquiry, the other inventors may make an application in respect of that invention; and, if the Registrar is satisfied, by an affidavit setting out the relevant facts, that the inventors missing from the application either refuse to make application or cannot be located, the inventors making the application are entitled to be granted a patent if all other requirements of the Act and these regulations are complied with.

**PART XIII
CONVENTION PRIORITY**

38. When Priority Claimed

If a convention priority is requested in respect of an application, that is to say, a claim of priority under section 20 (1) of the Act, it may be claimed either at the time of filing the application or up to three (3) months from the filing date, in Antigua and Barbuda but not thereafter.

39. Required Information

When a convention priority is requested for an application, the applicant shall state when and where an application for the invention was first filed, and what its application number was.

**PART XIV
DIVISIONAL APPLICATIONS**

40. Divisional Application

If a convention priority is sought for a divisional application, it shall be requested separately from any request made with respect to the original application.

41. Requirements of Application

When a divisional application is filed, the petition shall identify the application by its application number and date of filing and shall identify any intermediate applications upon which divisional status is based.

42. Single Inventive Concept

Claims for a process, the product of that process, apparatus and means for carrying out the process, and the process of using the product shall be construed as relating to a single inventive concept.

43. Improper Application

No divisional application may be filed after a patent has been granted in respect of the application upon which the divisional application is based.

44. Proper Division

A properly filed divisional application may itself be divided after the original application to which it relates has been issued for patent, if the division is made while the divisional application is still pending.

45. Accorded Filing Date

A divisional application shall be accorded, as its filing date, the date of any of the preceding applications from which the divisional application is derived.

46. Convention Priority Date

When a divisional application is to be accorded the filing date of an earlier application, the applicant may request that there be accorded to it any convention priorities, within the meaning of regulation 41, applicable to the earlier application and relating to the invention claimed in the divisional application.

**PART XV
PATENT AGENTS**

47. Patent Agent

(1) The appointment of an agent shall be by an authorisation of agent set out in Form No. 7 in Schedule II, which shall be signed by the applicant or, if there are more than one, by each applicant.

(2) An attorney at law, resident in Antigua and Barbuda, who is the holder of a valid practicing certificate issued in Antigua and Barbuda may be appointed as an agent.

(3) An agent, resident in Antigua and Barbuda, who is not an attorney at law shall apply to the Registrar to be registered as an agent admitted to represent clients before the Office upon payment of the prescribed fee.

(4) When an application is filed for an applicant by an agent who is admitted to practise as a patent agent in Antigua and Barbuda, the agent is the representative of the applicant until such time as another agent is appointed.

(5) A person who is not an attorney at law and who, prior to the commencement of the Patents Act 2018, was appointed a patent agent and conducted business as a patent agent shall be deemed to be a patent agent for the purposes of these Regulations.

48. Registration of Patent Agents

(1) The Registrar may register qualified persons in Antigua and Barbuda to be patent agents for transacting business under the Act, and he shall record the names of registered patent agents in the register of patent agents.

(2) For the purpose of having their name entered on the register of patent agents, a person is eligible to be registered as a patent agent if—

- (a) the person resides in Antigua and Barbuda and has worked in Antigua and Barbuda in the area of patent law and practice, including the preparation and prosecution of applications, for a period of at least 12 months;
- (b) the person applies to sit for any available qualifying examination for patent agents.

(3) A person referred to in paragraph (2)(a) shall file with the Registrar an affidavit or statutory declaration setting out the person's experience and responsibilities in the area of patent law and practice.

(4) The Registrar shall have no dealings in respect of matters under the Act with an agent who is not registered to act as a patent agent.

49. Removal and restoration of a Patent Agent

(1) During the period beginning on January 1st and ending on March 31st in every year a person whose name is entered on the register of patent agents shall pay the fee set out in Schedule 1 in order to maintain their name on the register.

(2) The Registrar shall send to each Patent agent who fails to comply with sub-regulation (1), a notice requiring compliance within two weeks from the date of the notice.

(3) The Registrar shall remove from the register of patent agents, the name of any agent who fails to comply with the notice sent pursuant to sub-regulation (2).

(4) A patent agent whose name has been removed from the register of patent agents may apply in writing to the Registrar and pay the prescribed fee to have his name restored to the register.

50. Change of Agents

When an applicant under an application revokes the appointment of an agent and, when necessary, replaces him with another agent, the applicant shall notify the Registrar of the change of agents and send the latest address of his agent to the Registrar.

51. Service on Agent

When a patent agent has been appointed to represent an applicant in respect of an application, the address of the agent is the address for service of the patentee after the patent is granted until such time as another address for service is recorded in respect of the patentee.

PART XVI CLERICAL ERRORS

52. Correcting Errors

A document relating to an application or patent may be corrected if the Registrar is satisfied that the document contains an error of a clerical nature and that its correction would involve no change of substance in the application or patent.

PART XVII GENERAL

53. Grant of patent; publication of reference thereto; issuance of certificate.

(1) Registrar shall allot to each patent he grants—

- (a) a number (to be known as "the publication number of the patent") in the sequential order of grant; and
- (b) the International Patent Classification, as adopted under the Strasbourg Agreement of March 24, 1971, and updated in its subsequent editions, for all purposes relating to the grant and publication of patents.

(2) The grant of patent shall be issued on Form No. 3 in Schedule II and shall contain, in addition to the information indicated in sub-regulation (3), the date of publication of the patent, the documents or references cited of the prior art, the description, the claims and one of the drawings.

(3) The publication of the notice, under section 25 of the Act, of the grant of the patent shall include—

- (a) the application number and the publication number of the patent;
- (b) the name and address of the owner of the patent;

- (c) the name and address of the inventor, except where he has asked not to be named in the patent;
- (d) the name and address of the Attorney-at-law or patent agent if any;
- (e) the filing date;
- (f) if priority has been claimed and the claim has been accepted, a declaration of the priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;
- (g) in the case of PCT applications, the PCT application number;
- (h) the effective date of grant of the patent;
- (i) the title of the invention;
- (j) the abstract;
- (k) the most illustrative of the drawings, if any; and
- (l) the symbol of the International Patent Classification.

(4) The certificate of grant of patent, issued in accordance with section 25 of the Act, shall be issued on Form No.5 in Schedule II, shall be signed by the Registrar and shall contain—

- (a) the application number and publication number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the filing date and, where applicable, priority date of the application;
- (d) the effective date of grant of the patent; and
- (e) the title of the invention.
- (f) in the case of PCT applications, the PCT application number;

54. Change of ownership

(1) An application to register, or to give notice to the Registrar of, any change of ownership shall be made on Form No. 6 and be accompanied by the prescribed fee.

(2) Unless the Registrar otherwise directs, an application under sub-regulation (1) shall be accompanied by—

- (a) a certified copy of any document which establishes the transaction, instrument or event; or
- (b) a certified copy of such extracts from such documents as suffice to establish the transaction, instrument or event.

(3) In order to be accepted for record keeping purposes, an agreement assigning the ownership of the patent application or the patent must contain at least the number and date of the patent application or the patent, the title of the invention and the names, addresses, nationalities, and signatures of the assignor and assignee.

(4) The Registrar shall give notification of the change in ownership by Notice published in the *Gazette* and shall specify—

- (a) the number of the application or registration concerned;
- (b) the filing date, the priority date, if any, and the date of grant;
- (c) the owner and the new owner; and
- (d) the nature of the change of ownership.

(5) If the Registrar is satisfied that the request should be allowed, he shall cause the patent or application therefor and, where the ownership has been recorded in the register, the register to be altered accordingly.

55. Providing for Deficiencies

Where no provision is made in the Act or the regulations in respect of any matter arising in the administration of the Act, the Registrar may make such directions in respect of the matter as he considers necessary.

56. Annual fees

(1) Upon payment of an annual fee in accordance with section 26(2) of the Act, 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.

57. Unpaid annual fees

When any annual fee due on a patent has not been paid, the Registrar may inform a licensee of the patent of that fact, if the licensee has been recorded as such in the Office, but the Registrar is not obligated to do so.

58. Surrender of Patent

- (1) A surrender of patent may be made by the owner of a patent at any time.
- (2) A notice of surrender may be given to the Registrar, who shall—
 - (a) publish it in the *Gazette*;
 - (b) notify every person other than the owner of the patent whose name appears in the Patent Register as having an interest in the Patent.
- (3) Any person interested may, within 3 months from the date of publication of notice, oppose the surrender of a patent.
- (4) Upon receipt of the notice of opposition, the Registrar shall notify the owner of the patent.
- (5) Where the Registrar is satisfied (after hearing the owner of the patent and the opposition) that the patent may be surrendered, he may accept the offer and order the patent surrendered.

59. Inquiries Made to the Office

The Registrar may acknowledge inquiries made to the Office, but the Registrar need not furnish any applicant or other person with information that would require a search of the public records of the Office, or to provide advice on matters concerning the interpretation of the Act or regulations, or concerning other questions of law.

60. Use of the patented invention for services of the State

- (1) The Minister shall, before making a decision under section 34 of the Act, consult the Registrar, and give the owner of the patent, beneficiaries of non-voluntary licenses, and any other persons whose participation he considers useful, at least 21 days' written notice of the date on which they may be heard and 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, if any, in writing, stating the grounds upon which it is based and the terms of use, and shall transmit the decision to the Registrar.
- (3) The Registrar shall record and publish the decision of the Minister and, in writing, notify the owner of the patent and the other participants in the hearing.

(4) If the decision of the Minister is the subject of an appeal, the Registrar of the court shall notify the Registrar of the court's decision once it becomes final, and the Registrar shall record the decision and publish it.

61. Entries in the Register

- (1) The Registrar shall cause to be entered in the register in respect of every patent, in addition to the information indicated in regulation 53(3)-
 - (a) the address for service;
 - (b) the date on which the patent expired or was surrendered or revoked;
 - (c) any change in name, address, address for service and ownership;
 - (d) the fact that a license contract has been concluded and recorded in the special register pursuant to section 37 of the Act and regulation 60;
 - (e) the grant of any compulsory license with respect to the patent pursuant to section 34 of the Act and the terms, variation of terms and termination thereof; and
 - (f) any authorization by the Minister pursuant to section 50 of the Act and the terms, variation of terms and termination thereof.

(2) The Registrar may at any time enter in the Register such other particulars as he may think fit.

62. Amendment of specification after grant

- (1) An application to the Registrar to amend a patent shall be accompanied by a document clearly showing the amendment sought and the prescribed fee. The Registrar may request the applicant to file a copy of the unamended text patent on which the amendment is shown in red ink.
- (2) The application shall be advertised by publication of the application and the nature of the proposed amendment in a periodical and in such other manner, if any, as the Registrar may direct.
- (3) Any person wishing to oppose the application to amend shall, within two months from the date of the advertisement in a periodical give notice to the Registrar.
- (4) Such notice shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which the opponent relies and the relief which he seeks and the Registrar shall send a copy of the notice and of the statement to the applicant.
- (5) Within the period of two months beginning on the date when such copies are sent to him the applicant shall, if he wishes to continue with the application, file a counter-statement in

duplicate setting out fully the grounds upon which the opposition is resisted and the Registrar shall send a copy of the counter-statement to the opponent.

(6) The Registrar may give such direction as he may think fit with regard to the subsequent procedure.

63 Revocation (invalidation)

(1) Where the provisions of section 45(1) of the Act apply only to some of the claims or some parts of a claim and no amendment of the specification by the owner of the patent is required, such claims or parts of a claim shall be revoked.

(2) The patent owner shall, in writing, notify any licensee of any court proceeding instituted for the revocation of the patent and the person requesting revocation shall so notify any beneficiaries of non-voluntary licenses granted under section 48 and, where the ground of invalidity invoked is that the patent owner is not the inventor or his successor in title, the person alleged to have the right to the patent shall also be notified.

SCHEDULE I

(Regulation 3)

FEES	AMOUNT OF FEE
MATTER OF PROCEEDING	
	\$EC
Filing an application for a patent	800.00
Filing an application for a utility certificate	400.00
Each divisional application for a patent	400.00
Each divisional application for a utility certificate	200.00
Publication of application	75.00
Grant of a patent	1,000.00
Publication of a grant of patent	50.00 plus amount payable to Publisher
Annual fees for patents—	
2nd year -	200.00
3rd year -	300.00
4th year -	400.00
5th year -	500.00
6th year -	600.00
7th year -	700.00
8th year -	800.00
9th year -	900.00
10th year -	1,000.00
11th year -	1,100.00
12th year -	1,200.00
13th year -	1,300.00
14th year -	1,400.00
15th year -	1,500.00
16th year -	1,600.00
17th year -	1,700.00
18th year -	1,800.00
19th year -	1,900.00
20th year -	2,000.00

MATTER OF PROCEEDING	AMOUNT OF FEE
For inspection of the Register	50.00
For making late payment of the annual fee ...	400.00
For search of an extract [section 3 (2)]	50.00
For recognizing the transfer of an application for a patent [section 30]-	300.00
For registration of a contract and publication of reference to contract in <i>Gazette</i> [section 37 (2)]	250.00
For transfer of a voluntary licence	300.00
For examining of records in the register [section 3 (2)]	40.00
For a copy of a patent or any other document ...	5.00 per page
For a certified copy of a patent or any other document	250.00 plus 5.00 per page
For a statutory licence [section 34]	200.00
For the transfer of a statutory licence [section 34 (8)]	200.00
For requesting that the Registrar extend the time limit for doing any thing	300.00
For recording an address for service of a patent, or a change of address for service of a patent or a licence	100.00

MATTER OF PROCEEDING	Amount of Fee
For correction of application to comply with formal requirements	100.00
For filing an application for a utility certificate	400.00
For conversion of application [sections 21 (1) and 49 (1)]	400.00
For amendment of the text or drawings of the patent	150.00
For amendment of application at instance of applicant	400.00
For amendment of application at invitation of Registrar	200.00
For registration of an agent who is not an attorney at law	600.00
For maintenance fee of patent agent	400.00
For search and formal examination of a patent	600.00
For restoring name of an agent to register of patent agents	300.00
For Surrender of Patent	300.00
Preparation of abstract by Registrar [regulation 28(7)]	600.00
For restoration of rights	800.00
Any other fee not stated in Regulations	150.00
For each claim in excess of 20	10.00

SCHEDULE II

INTELLECTUAL PROPERTY OFFICE, ANTIGUA AND BARBUDA	
Form No. 1 PATENTS ACT REQUEST OF GRANT OF PATENT OR UTILITY CERTIFICATE To: The Registrar Intellectual Property Office	For Official use Date of Receipt by Intellectual Property Office: APPLICATION No: (Office's Stamp) FILING DATE: Applicant's or Representative's File Reference:
THE APPLICANT(S) REQUEST(S) <input type="checkbox"/> THE GRANT OF A PATENT <input type="checkbox"/> THE GRANT OF A UTILITY CERTIFICATE	
IN RESPECT OF THE FOLLOWING PARTICULARS: I. TITLE OF INVENTION: II. APPLICANT(S)* Additional information is contained in supplemental box Name(s): Address(es) Nationality/nationalities: Country/countries of residence or principal place(s) of business: Tel No: Fax No.: E-mail address:	
*The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.	
Address for service in Antigua and Barbuda*:	

(Form No. 1, first page).

III AGENT The following agent has been appointed by the applicant(s) in the authorization of agent <input type="checkbox"/> Accompanying this Form <input type="checkbox"/> to be filed within two months from the filing of this Form Name: Address: Tel. No.: Fax No.: E-mail address:
IV. INVENTOR <input type="checkbox"/> The Inventor is the applicant <input type="checkbox"/> 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 <input type="checkbox"/>
V. DIVISIONAL APPLICATION This application is a divisional application. <input type="checkbox"/> The benefit of the <input type="checkbox"/> filing date <input type="checkbox"/> 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:

*Where an Attorney-at-Law or a patent agent has been appointed, his address shall be treated as the address to which communications shall be transmitted.

(Form No.1, second page)

<p>VI. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES</p> <p><input type="checkbox"/> Disclosure occurred not more than one year before the filing date or priority date of the present application</p> <p><input type="checkbox"/> by reason or in consequence of acts of the applicant or his predecessor in title.</p> <p><input type="checkbox"/> Of an abuse committed by a third party with regard to the rights of the applicant or his predecessor in title.</p> <p><input type="checkbox"/> Additional information in a statement accompanying this Form.</p>	
<p>VII. PRIORITY DECLARATION (if any)</p> <p>The priority of (an) earlier application(s) is claimed as follows: <input type="checkbox"/></p> <p>The priority of more than one earlier application is claimed; the data are indicated in the supplemental box <input type="checkbox"/></p>	
<p>Country (if the earlier application is a regional or international application, indicate the office with which and the countries for which it was filed):</p>	<p>Filing Date:</p> <hr/> <p>Application No.:</p> <hr/> <p>Symbol of the International Patent Classification:</p> <p><input type="checkbox"/> not yet allocated</p>
<p><input type="checkbox"/> The certified copy of the earlier application accompanies this Form.</p> <p><input type="checkbox"/> will be furnished upon request by the Registrar as prescribed by section 20(2)</p> <p><input type="checkbox"/> has already been furnished with application No.</p>	
<p><input type="checkbox"/> The English translation of the earlier application accompanies this Form</p> <p><input type="checkbox"/> Will be furnished upon request, as prescribed by section 20(3)</p>	

(Form No.1, third page)

<p>VIII.. SUPPLEMENTAL BOX*</p>
<p style="font-size: small;">*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)"].</p>


(Form No. 1, fourth page)

IX. CHECK LIST (TO BE FILLED IN BY THE APPLICANT)	
<p>A. This application contains the following:</p> <p>1. request sheets(s) <input type="checkbox"/></p> <p>2. description sheet(s) <input type="checkbox"/></p> <p>3. claim(s) sheet(s) <input type="checkbox"/></p> <p>4. abstract sheet (s) <input type="checkbox"/></p> <p>5. drawing(s) sheet(s) <input type="checkbox"/></p> <p style="margin-left: 20px;">Total <input style="width: 40px; border: 1px solid black;" type="text"/> sheet(s)</p>	<p>B. This Form, as filed, is accompanied by the items ticked below:</p> <p><input type="checkbox"/> separate signed authorization of agent</p> <p><input type="checkbox"/> statement justifying the applicant's right</p> <p><input type="checkbox"/> statement that certain disclosures be disregarded</p> <p><input type="checkbox"/> priority document(s) [certified copy of earlier application(s)]</p> <p><input type="checkbox"/> English translation of earlier application (s) on which priority declaration is based</p>
<p>C. Figure number Of the drawings (if any) is suggested to accompany the abstract for publication</p> <p><input type="checkbox"/> application fee</p> <p><input type="checkbox"/> other document(s) (specify) See supplemental Box</p>	
<p>X. SIGNATURE(S)</p> <p style="text-align: right; margin-right: 100px;">Date</p> <p>Type name(s) under signature(s). Indicate whether applicant or agent.</p>	
TO BE FILLED IN BY THE REGISTRAR	
<p>1. Date of receipt of corrections or later filed documents completing the application:</p>	
<p>2. Date fees received:</p>	


(Form No. 1, fifth and last page).

FORM NO. 2	
INTELLECTUAL PROPERTY OFFICE, ANTIGUA AND BARBUDA	
FORM No. 2 PATENTS ACT	
<p>NOTIFICATION OF NON-COMPLIANCE WITH SUBSTANTIVE REQUIREMENTS AND INVITATION TO SUBMIT OBSERVATIONS AND/OR AMENDED APPLICATION FOR GRANT OF PATENT</p>	<p>For Official Use</p> <p>Fee received on</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
<p>In the matter of Patent Application No.</p> <p>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:*</p> <p>The applicant(s) is/are hereby invited to submit, within (specified period**), his/their observations and, where applicable, an amended application. The amendment shall be made to the Registrar, together with the prescribed fee.</p> <p>SIGNATURE</p> <p style="text-align: right; margin-right: 100px;">Date</p> <p style="text-align: center;">The Registrar</p>	
<p>* Continue on a separate sheet, if space provided is insufficient. ** Insert time limit in accordance with Regulation 35</p>	


FORM NO. 3 - THE PATENTS ACT

<p>(19) Intellectual Property Office Antigua and Barbuda</p> 	<p>(11) Publication Number: (45) Publication Date: (51) IPC:</p>
<p>(12) PATENT PUBLICATION</p>	
<p>(21) Application Number: (22) Filing Date: (31) Priority Number: (32) Priority Date: (33) Priority Country</p>	<p>(71) Owner(s): (72) Inventor(s): (74) Agent:</p>
<p>(54) Title:</p>	
<p>(57) Abstract:</p>	

FORM NO. 4 - THE PATENTS ACT

<p>(19) Intellectual Property Office Antigua and Barbuda</p> 	<p>(11) Publication Number: (45) Publication Date: (51) IPC:</p>
<p>(12) UTILITY CERTIFICATE PUBLICATION</p>	
<p>(21) Application Number: (22) Filing Date: (31) Priority Number: (32) Priority Date: (33) Priority Country</p>	<p>(71) Owner(s): (72) Inventor(s): (74) Agent:</p>
<p>(54) Title:</p>	
<p>(57) Abstract:</p>	

FORM NO. 5 - THE PATENTS ACT

(19) Intellectual Property Office Antigua and Barbuda	Form No. 5 PATENTS ACT CERTIFICATE OF GRANT OF PATENT/UTILITY CERTIFICATE*
	
Name: _____ Address: _____ On (date), in respect of an invention disclosed in an application for that patent/utility certificate* having the following: filing date: _____ priority date: _____ being an invention for <div style="text-align: right;">(title)</div> Signature <div style="display: flex; justify-content: space-between; width: 100%;"> The Registrar Date </div>	
*Delete whichever does not apply	

FORM NO. 6

INTELLECTUAL PROPERTY OFFICE, ANTIGUA AND BARBUDA	
Form No. 6 PATENTS ACT APPLICATION TO REGISTER, OR TO GIVE NOTICE OF TRANSACTION, ETC.;, RECORDING OF CHANGE IN OWNERSHIP To: The Registrar Intellectual Property Office	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 Certificate No.: _____	Filing Date: _____ Date of Grant: _____
Patent No.: _____	Date of Grant: _____
Utility Certificate No.: _____	Date of Grant: _____
II. APPLICATION TO REGISTER, OR TO GIVE NOTICE, OF TRANSACTION, ETC.	
PERSON(S) MAKING THE APPLICATION: Name(s): _____ Address(es): _____	
III. REQUEST FOR RECORDING OF CHANGE IN OWNERSHIP The Registrar is hereby requested to record the change in ownership of the above-identified* The present applicant(s)/owner(s) † is/are identified below. The new applicant(s)/new owner(s) † is/are identified below.	
FORMER APPLICANT(S) / OWNER(S):	
Name(s): _____ Address(s): _____	
*Indicate application or title concerned. †Delete whichever does not apply.	

(Form No. 6, first page)

NEW APPLICANT(S)/NEW OWNER(S)*	
Name(s):	
Address(es):	
Address for service in Antigua and Barbuda:	
Nationality/Nationalities:	
Country/Countries of residence or principal place(s) of business:	
Tel. No.	Fax No.:
IV. ADDITIONAL INFORMATION The following items accompany this Form: <ul style="list-style-type: none"> <input type="checkbox"/> The original or a certified copy of the document evidencing the change of ownership, signed by or on behalf of the contracting parties <input type="checkbox"/> other documents evidencing the change in ownership (specify) <input type="checkbox"/> fees <input type="checkbox"/> other (specify) 	
V. SIGNATURES _____ (Person(s) making the application†) _____ (Date) _____ [New Applicant(s)/New Owner(s)‡] _____ (Date) _____ [Former Applicant(s)/Owner(s)‡] _____ (Date)	
(Dat*Delete whichever does not apply. †Type name under signature(s). ‡ Delete whichever does not apply and type name(s) under signature(s).	

(Form No. 6, second and last page)

FORM NO. 7

In the matter of Patent Application No.

I.....

.....HEREBY APPOINT

Of.....

.....to be my attorney and generally in relation to my interest in the patent comprised in the above-mentioned title to do anything and everything that I myself could do, and for me and in my name to execute all such instruments to do all such acts, matter and things as may be necessary or expedient for carrying out the powers hereby given.

Made the 15th day of November, 2018.

Hon. Steadroy C.O. Benjamin.
*Attorney General
and Minister of Legal Affairs*