

S.I. No. 110/1978 — Patents (Amendment) Rules, 1978.

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PATENTS (AMENDMENT) RULES, 1978.

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I, DESMOND O'MALLEY, Minister for Industry, Commerce and Energy, in exercise of the powers conferred on me by [sections 80](#) and [96](#) of the [Patents Act, 1964](#) (No. 12 of 1964), and, insofar as the rules are made under the said section 80, with the sanction of the Minister for Finance, hereby make the following rules.

1. (1) These Rules may be cited as the Patents (Amendment) Rules 1978.
- (2) These Rules shall come into operation on the 1st day of July, 1978.
- (3) The Patents Rules, 1965 to 1976, and these Rules may be cited as the Patents Rules 1965 to 1978.
2. The Patents Rules, 1965 ([S.I. No. 268 of 1965](#)), are hereby amended by the substitution for schedule I (inserted by the Patents (Amendment) Rules, 1976 ([S.I. No. 165 of 1976](#))), of the Following.

"SCHEDULE I

FEES PAYABLE

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| 1. On Application for a patent, Rule 26(1) | 4.00 |
| 2. On convention application for a patent, Rule 26(1) and Section 7(5). | |
| In respect of each application for protection in a convention country | 4.00 |
| 3. On filing provisional specification, Rule 26(1) | Nil |
| 4. On filing complete specification, Rule 26(1) | 30.00 |
| 5. On application for extension of any of the periods allowed under Rules 26(2), 27(3) (other than the extension allowed for in the first proviso thereto), 34(5), 35(1) and 50(4) | 1.00 |
| For each month of the extension | |

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| 6. On application for extension of time for filing complete specification, Rule 28. | |
| For each month of extension | 3.00 |
| 7. On application for post-dating under section 11(3) For each month | 3.00 |
| 8. On request to the Controller to state grounds of his decision in any ex parte proceedings, Rule 19(2) | 2.00 |
| 9. On application for deletion of a reference, Rule 35(3) | 2.00 |
| 10. On application for extension of the period for putting an application in order, Rule 36(3). | |
| For each month of extension | 2.00 |
| 11. On application for postponement of acceptance of complete specification, Rule 36(4). | |
| For each month of extension | 2.00 |
| 12. On notice of opposition to the grant of a patent, Rule 38 | 2.00 |
| 13. On filing counter-statement in any inter partes proceeding, Rule 39 and Rules dependent thereon | 2.00 |
| 14. On notice of desire to be heard in any inter partes proceeding by Controller, Rule 46(2) and Rules dependent thereon. | |
| By each party | 2.00 |
| 15. On request to the Controller to state grounds of his decision in any inter partes proceeding, Rule 46 (5) and Rules dependent thereon | 3.00 |
| 16. On request under section 21(3), Rule 51, or claim under section 21(4), Rule 52 | 1.00 |
| 17. On application for extension of period under section 21(5), Rule 53 | 1.00 |
| 18. On application for certificate under section 21(8), Rule 54 | 2.00 |
| 19. On making claim under section 22(1) for change of applicant, Rule 56 | 2.00 |
| 20. On application for directions under section 22(5), Rule 57 | 5.00 |
| 21. On request for the sealing of a patent, Rule 58(1) | 15.00 |
| 22. On application for extension of time for the | |

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| sealing of a patent, Rule 58(3). | |
| For each month | 2.00 |
| 23. On application for amendment of patent under section 24, Rule 60 | 5.00 |
| 24. For renewal of a patent, Rule 61. | |
| Before the expiry of the 4th year from the date of patent and in respect of the 5th year | 25.00 |
| Before the expiry of the 5th year from the date of the patent and in respect of the 6th year | 30.00 |
| Before the expiry of the 6th year from the date of the patent and in respect of the 7th year | 35.00 |
| Before the expiry of the 7th year from the date of the patent and in respect of the 8th year | 40.00 |
| Before the expiry of the 8th year from the date of the patent and in respect of the 9th year | 45.00 |
| Before the expiry of the 9th year from the date of the patent and in respect of the 10th year | 50.00 |
| Before the expiry of the 10th year from the date of the patent and in respect of the 11th year | 55.00 |
| Before the expiry of the 11th year from the date of the patent and in respect of the 12th year | 60.00 |
| Before the expiry of the 12th year from the date of the patent and in respect of the 13th year | 65.00 |
| Before the expiry of the 13th year from the date of the patent and in respect of the 14th year | 70.00 |
| Before the expiry of the 14th year from the date of the patent and in respect of the 15th year | 75.00 |
| Before the expiry of the 15th year from the date of the patent and in respect of the 16th year | 80.00 |

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| 25. On application for extension of period for payment of renewal fees, Rule 62. | |
| For the first month | 2.00 |
| For the second month | 2.00 |
| For the third month | 2.00 |
| For the fourth month | 4.00 |
| For the fifth month | 4.00 |
| For the sixth month | 4.00 |
| 26. On petition to Controller for extension of term of a patent, Rule 65 | 10.00 |
| 27. On opposition to extension of term, Rule 67(2) | 2.00 |
| 28. On application for grant of a patent of addition in place of an independent patent, Rule 69 | 5.00 |
| 29. On application for restoration of a patent, Rule 70 | 15.00 |
| 30. On opposition to restoration of a patent, Rule 72 | 2.00 |
| 31. Additional fee on restoration of a patent, Rule 74 | 5.00 |
| 32. On application for restoration of an application for a patent, Rule 76 | 15.00 |
| 33. On opposition to restoration of application for a patent, Rule 77 | 2.00 |
| 34. Additional fee on restoration of an application for a patent, Rule 77 | 5.00 |
| 35. On application to amend a specification. | |
| Before acceptance of specification, Rule 83 | 2.00 |
| After acceptance but before sealing, Rule 79 | 3.00 |
| After sealing, Rule 79 | 5.00 |
| 36. On opposition to amendment of specification, Rule 80 | 2.00 |
| 37. On application to amend an application for a patent, Rule 84 | 2.00 |
| 38. On application for revocation of patent under section 35, Rule 87 | 2.00 |
| 39. On opposition to surrender of patent, Rule 91 | 2.00 |
| 40. On application under section 37 for endorsement of patent "Licences of Right", Rule 93 | 5.00 |

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| 41. On application for settlement of terms, Rule 94 | 5.00 |
| 42. On application for cancellation of endorsement "Licences of Right", Rule 95 | 5.00 |
| 43. On opposition to cancellation of endorsement "Licences of Right", Rule 96 | 2.00 |
| 44. On application for compulsory licence or endorsement under section 39, Rule 98 | 5.00 |
| 45. On application for compulsory licence under section 42, Rule 99 | 5.00 |
| 46. On application for revocation of a patent under section 43, Rule 98 | 5.00 |
| 47. On opposition to compulsory licence, endorsement or revocation of a patent under section 44 (3), Rule 101 | 2.00 |
| 48. On notice of intention to exhibit or publish under section 48 (2), Rule 112 | 2.00 |
| 49. On application for directions to co-owners under section 52, Rule 103 | 5.00 |
| 50. On application to determine a dispute under section 53, Rule 104 | 5.00 |
| 51. On application to alter name or nationality or address or address for service in register, Rule 106. | |
| For each patent | 0.25 |
| 52. On application to register a subsequent proprietor of, or a mortgage, licence or other instrument concerning a patent, or of, or concerning two or more patents standing in the same name and where the change of title or interest is the same in each case, Rule 107. | |
| (a) If made within six months from the date of acquisition of proprietorship or interest | |
| (i) For one patent | 2.00 |
| (ii) For every other patent included in the application | 0.50 |
| (b) If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or interest | |

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| (i) For one patent | 4.00 |
| (ii) For every other patent included in the application | 0.50 |
| (c) If made after expiration of twelve months but within twenty-four months from the date of acquisition of proprietorship or interest | |
| (i) For one patent | 6.00 |
| (ii) For every other patent included in the application | 0.50 |
| (d) If made more than twenty-four months after the date of acquisition of proprietorship or interest | |
| (i) For one patent | 8.00 |
| (ii) For every other patent included in the application | 0.50 |
| 53. On application for the cancellation of an entry in the register of patents, Rule 109 | 1.00 |
| 54. On application to the Controller for rectification of the register of patents under section 65, Rule 110 | 3.00 |
| 55. On opposition to rectification by the Controller of the register of patents, Rule 110 | 2.00 |
| 56. On application to correct a clerical error, Rule 113 | |
| (a) Up to sealing of the patent | 0.50 |
| (b) After sealing of the patent | 1.00 |
| 57. For certificate of Controller other than a certificate under Item 58, Rule 114 | 1.00 |
| 58. For certifying office copies, MSS., typed, printed or photographic, Rule 114 each | 0.50 |
| 59. On request— | |
| (a) for the furnishing, within three years of the date of the request, of information of the kind referred to in | |

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| sub-paragraph (a) or (b) of Rule 116 (1), or | |
| (b) for the furnishing, within one year of the date of the request, of information of the kind referred to in sub-paragraph (c), (d), (e) or (f) of the said Rule 116 (1) or in 116 (2) | 1.00 |
| 60. On application for a duplicate patent, Rule 118 | 5.00 |
| 61. On lodgement of notice of Order of Court, Rule 123 | 1.00 |
| 62. For typed copies of documents, Rule 115. | |
| For each 100 words or less | 0.15 |
| 63. For photographic copies of documents, Rule 115. | |
| For each foolscap sheet | 0.05 |
| 64. For inspection of a register or other document or thing open to public inspection Rules 37, 111 and 117. | |
| For every quarter of an hour | 0.15 |
| 65. On application for insertion of notice in the Journal for the purposes of section 13 (7) of the Copyright Act, 1963 | 1.00 |
| 66. On application under Rule 17 for a hearing | 4.00 |
| 67. On filing evidence of novelty in relation to applications filed on or after 1st November, 1976 (Rule 27 (1)) | 20.00" |

GIVEN under my Official Seal this 5th day of April 1978.

DESMOND O'MALLEY

Minister for Industry, Commerce and
Energy.

The Minister for Finance hereby sanctions the making of the foregoing Rules insofar as they are made under [section 80](#) of the [Patents Act, 1964](#) (No. 12 of 1964).

GIVEN under the Official Seal of the Minister for Finance, this 5th day

of April 1978.

SEOIRSE Ó COLLA

Minister for Finance.

EXPLANATORY NOTE.

These Rules provide for certain revisions of the fees payable in respect of patents.