



REGISTERS OF PATENTS AGENTS AND CLERKS RULES, 1966.

STATUTORY INSTRUMENTS

S.I. No. 139 of 1966.

Published by Stationery Office, Dublin.

Price One shilling.

(Pr. 8946).

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I, PÁDRAIG S. Ó hIRIGHILE, Minister for Industry and Commerce, in exercise of the powers conferred on me by sections 86 and 96 of the Patents Act, 1964 (No. 12 of 1964), hereby make the following rules, that is to say:

Short title.

1. These Rules may be cited as the Registers of Patent Agents and Clerks Rules, 1966.

Interpretations

2.—

- (1) In these Rules, unless the context otherwise requires —
- “the Controller” means the Controller of Patents, Designs and Trade Marks appointed under the Patents Act, 1964 (No. 12 of 1964);
- “the Court” means the High Court;
- “the Journal” means the journal issued by the Controller pursuant to section 81;
- “the Office” means the Patents Office, situate at 45, Merrion Square, Dublin 2.

(2) In these Rules references to sections are references to sections of the Patents Act, 1964 (No. 12 of 1964) and a subsection in any such section is indicated by a number in brackets immediately following the section.

Fees.

3. The fees to be paid in relation to the registration of patent agents and clerks shall be those specified in the Schedule to these Rules.

Method of payment of fees.

4. Payment of a fee or fees by any person shall be made —

- (a) by lodgment of the sum at any branch in the State of the Bank of Ireland to the credit of the Paymaster-General's Supply Account at the Bank of Ireland, College Green, Dublin 2, accompanied by a Receivable Order in the form to be obtained at the Office, the lower part of which when receipted by the Bank shall be presented at the Office with the application, or
- (b) by cheque payable to the Minister for Industry and Commerce and crossed "& Co." and drawn on any bank carrying on business in the State, and presented at the Office with the application.

Application for entry in register of patent agents.

5. An application under section 86 for entry in the register of patent agents shall be made in writing to the Controller, and shall be accompanied by the prescribed fee provided for by these Rules or evidence of payment thereof, and shall state —

- (a) the full name, including Christian names, and private address of the person making the application and the name or style under which he proposes to carry on business as a patent agent (if other than his full name) or, if the application is by a partnership, the name or style under which the partnership proposes to carry on business as a patent agent, together with the full names, including Christian names, of each partner,
- (b) the address at which the person proposes to carry on business as a patent agent,
- (c) the date of birth and the nationality of the person or, if the application is by a partnership, the date of birth and nationality of each partner,
- (d) if the person is a member of a partnership, the full name or style and the address of the partnership,
- (e) full particulars of the education and professional qualifications of the person, including the name of any registered patent agent by whom he has been employed and the duration of such employment,
- (f) the names and addresses of three references to whom inquiries about the person's personal character may be made,
- (g) in the case of any application by a partnership, that each partner is registered as a patent agent.

Consideration of applicants.

6.—

(1) An application under section 86 shall be considered by a board consisting of the person who is the Controller for the time being, and such other persons as may be nominated for the purpose by the Minister.

(2) The board shall consider the fitness of such person making the application to perform the professional duties of a patent agent in the light of his educational and professional qualifications. If the board is in doubt as to the fitness of the person, it may require him to submit himself for written or oral tests in such subjects as it considers necessary.

(3) The board shall fix the time and place for the holding of any test, shall appoint examiners to conduct the tests and shall make such other arrangements as may be necessary in relation to the tests.

The consideration of applications, including the holding of any necessary tests, shall be carried out as expeditiously as is practicable having regard to the number of applications received.

(4) The board shall make a report to the Minister on the applications considered and furnish to him the names of persons considered suitable to be entered in the register of patent agents having regard to their educational and professional fitness and personal character.

Qualifications of applicants.

7.—

(1) Subject to paragraph (2) of this Rule, a person shall not be entered in the register of patent agents unless —

- (a) he is the holder of a Certificate awarded by the Department of Education on the result of a Leaving Certificate Examination conducted by that Department or a qualification which, in the opinion of the board, is of equivalent standing,
- (b) he has a knowledge of engineering and either chemistry or physics of the standard of the first university examination in those subjects,
- (c) he has a knowledge of the law and practice of patents, including the ability to prepare, interpret and criticise patent specifications, and
- (d) he has been employed for not less than three years in the office of a registered patent agent in the State or the United Kingdom.

(2) The board may, however, waive or vary any of the requirements specified in subparagraphs (a), (b) and (d) of paragraph (1) of this Rule if it is otherwise satisfied under Rule 6(2) of these Rules that the applicant is fit to perform the professional duties of a patent agent.

Entry in register of patent agents.

8. Subject to the provisions of section 86 and these Rules, a person applying under that section for registration in the register of patent agents who has been approved by the Minister shall, upon payment of the prescribed fee, be registered by the Controller in the register. The entry in the said register shall include the date of registration and, in case the entry is of a partnership, the business name and address thereof and the full name and private address and particulars of the qualifications for entry of each partner or, in any other case, the full name and the business name (if any) and private and business address of the applicant together with particulars of his qualification for entry, and such other particulars as the Controller considers desirable.

Application for entry in register of clerks.

9. An application for entry in the register of clerks shall be accompanied by the prescribed fee and shall state —

- (a) the surname, full Christian names and private address of the person making the application,
- (b) the nationality of the person,
- (c) the full name or title and address of the patent agent by whom the person is employed,
- (d) the date of entry into such employment,
- (e) the educational and technical attainments of the person, and

- (f) the names and addresses of two references to whom inquiries as to the personal character of the person may be made, and shall bear a certificate by the person's employer as to the accuracy of the facts stated.

Entry in register of clerks.

10.—

(1) The Controller shall decide whether the names of a person applying for entry in the register of clerks shall, upon payment of the prescribed fee or evidence of payment thereof, be entered therein. In any case of refusal of entry there shall be a right of appeal to the Minister, and no fees shall be payable in relation to such appeal. Before deciding to refuse an application the Controller shall give the person an opportunity of being heard by the Controller.

(2) An entry in the register of clerks shall include the full name and private and business addresses of the applicant, the date of registration, and such other particulars as the Controller may deem desirable.

Publication of entries in registers of patent agents and clerks.

11. The Controller shall publish in the Journal the particulars of every entry made in the registers of patent agents and clerks, and shall so publish before the 31st day of March in each year a list in alphabetical order of the names entered in each register.

Annual registration fee

12. The prescribed annual fee in respect of each registration shall be payable before the 1st day of December in each year in respect of the following year, and in case it is not paid within one month from that date, the Controller shall send to the registered patent agent or clerk at his registered business address a notice in writing requiring him to pay the fee on or before a date to be mentioned in the notice, and, in the case of failure to pay the fee within the time specified in the notice, the Controller may cause his name to be erased from the register of patent agents or register of clerks, as the case may be.

Request for removal from the register of patent agents or clerks.

13. Upon request in writing by a person, the Controller shall remove the name of the person from the register of patent agents or the register of clerks, as the case may be.

Removal from registers on death etc.

14. The Controller may remove from the register of patent agents or the register of clerks, as the case may be, the name of a person who has died or has ceased to serve as clerk to a patent agent, but, in the case of a person who has ceased so to serve, the name shall not be removed unless he has given his consent to the removal or been given an opportunity of being heard by the Controller.

Removal from register of patent agents under section 86(10)(a).

15. Before proceeding under section 86(10)(a) to remove a person's name from the register of patent agents on the ground that the said person has ceased to be eligible to be so registered, the Controller shall give to that person notice of his intention so to do and shall, if that person informs the Controller that he wishes to be heard, give him an opportunity of being heard.

If no request for a hearing be made within one month from the date on which the notice aforesaid is given, or within such further period as the Controller may allow, the Controller shall amend the said register accordingly.



Notice to Controller of application to the Court under section 86(11) (c).

16. Any person who applies to the Court under section 86(11)(c) for cancellation of a decision by the Controller to remove that person from the register of patent agents shall at the same time give notice to the Controller of his application to the Court.

Application for restoration to register of patent agents.

17. Application under section 86(11)(g) by a person desiring to be restored to the register of patent agents shall be made in writing to the Controller.

Removal from register of clerks for criminal or discreditable conduct.

18. If a person registered in the register of clerks is convicted of an offence and sentenced to a term of imprisonment or is proved to the satisfaction of the Controller to have been guilty of discreditable conduct, he shall, if the Controller so directs, cease to be eligible for registration in the register of clerks and his name may be removed from the register, or the Controller may refuse to recognise him as a clerk in any transactions under the Act for such period as he may specify and may make an entry to that effect in the register, but no such action shall be taken without the clerk being given an opportunity of being heard.

Appeal to Minister.

19. A decision of the Controller under Rule 14, 15 or 18 of these Rules shall be subject to an appeal to the Minister.

Alteration of address.

20. Where a person who is entered in the register of patent agents or the register of clerks changes his private or business address, he shall forthwith notify the Controller accordingly in writing.

The Controller shall thereupon amend the entry in the said register accordingly.

Revocations.

21. The Registers of Patent Agents and Clerks Rules, 1927 (S.R. & O. No. 79 of 1927), and the Register of Patent Agents and Clerks Rules (Amendment) Rules, 1950 (S.I. No. 56 of 1950), are hereby revoked.



SCHEDULE
FEES PAYABLE IN RELATION TO THE REGISTRATION
OF PATENT AGENTS AND CLERKS.

	£.	s.	d.
1. On application for entry in the register of patent agents (Rule 5)	2.	2.	0.
2. For tests considered necessary by a Board, constituted under Rule 6(3): For each subject tested	2.	2.	0.
3. For entry in register of patent agents (Rule 8)	5.	5.	0.
4. Annual fee for registration as patent agent payable before 1st December in each year in respect of the following year (Rule 12)	5.	5.	0.
5. On application for entry in the register of clerks (including fee for entry) (Rule 9)	0.	10.	0.
6. Annual fee for registration as clerk payable before 1st December in each year in respect of the following year (Rule 12).	0.	5.	0.

GIVEN under my Official Seal, this 20th
day of June, 1966.

P. Ó hRÍGHILE
MINISTER FOR INDUSTRY AND COMMERCE.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

These Rules prescribe matters relating to the registration of Patent Agents and Clerks pursuant to section 86 of the Patents Act, 1964 (No. 12 of 1964).