



## REGISTER OF PATENT AGENTS RULES, 1992

S.I. No. 180 of 1992.

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**REGISTER OF PATENT AGENTS RULES, 1992.**

I, DESMOND O'MALLEY, Minister for Industry and Commerce, in exercise of the powers conferred on me by sections 109 and 114 of the Patents Act, 1992 (No. 1 of 1992), hereby make the following Rules:

Citation and commencement.

**1.—**

- (1) These Rules may be cited as the Register of Patent Agents Rules, 1992.
- (2) These Rules shall come into operation on such day as the Minister appoints under section 1(2) for the commencement of the Act.

Interpretation.

**2.** In these Rules “the Act” means the Patents Act, 1992.

Fees.

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

Method of payment of fees.

**4.—**

- (1) Payment of a fee or fees by any person shall be made by cheque payable to the Minister for Industry & Commerce and crossed “& Co.”, guaranteed to the satisfaction of the Controller, drawn on any bank carrying on business in the State and presented at the Office with the application or the matter to which it relates.
- (2) Any fee or fees, paid at the Office not exceeding £50 may be paid in cash.
- (3) Fees shall be payable in the currency of the State.

Application for entry in register of patent agents.

**5.** An application for entry in the register of patent agents shall be made in writing to the Controller, and shall be accompanied by the prescribed fee, and shall state –

- (a) the full name and private address of the person making the application and the name or style under which the person 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 name 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 the person 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 in accordance with Rule 5 of these Rules 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 the applicant to perform the professional duties of a patent agent in the light of the educational and professional qualifications which the applicant possesses. If the board is in doubt as to the fitness of the person making the application, it may require the person to undergo written or oral examinations or tests in such subjects as it considers necessary. The board may allow exemptions in respect of particular subjects on the basis of the results achieved at previous examinations in those subjects.

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

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

(5) The board shall cause a report to be made to the Minister on the applications considered by it and shall 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.

**7.—**

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

- (a) he has sat a Leaving Certificate Examination conducted by the Department of Education and attained, on the basis of the results in such examination, a C grade in at least two subjects on the higher course (or a B grade on the ordinary course) and a D grade in at least three other subjects, or has attained a qualification which, in the opinion of the board, is of equivalent standing,
- (b) he has a knowledge of engineering, or chemistry, or physics (or such other scientific or technical subjects as the board may deem appropriate) of the standard of the first university examination in those subjects, or has passed any other examination which, in the opinion of the board, is equivalent to such examination,
- (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, the United Kingdom or another member state of the European Community.

(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 106 of the Act and these Rules, a person who has applied in accordance with Rule 5 of these Rules for registration in the register of patent agents and whose name has been approved by the Minister to be entered in the register 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 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 and such other particulars as the Controller considers desirable.

Publication of entries in register.

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

Annual registration fee.

**10.** The prescribed annual fee in respect of each registration shall be payable on or before the 31st 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, at his registered business address, a notice in writing requesting payment of 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 the name of the agent to be erased from the register.

Request for removal from register.

**11.** Upon request in writing by a person, the Controller shall remove the name of the person from the register.

Removal from register on death.

**12.** The Controller may remove from the register the name of a person who has died.

Notice to Controller of application to the Court under section 108(4).

**13.** Any person who applies to the Court under section 108(4) of the Act for cancellation of a decision on the Controller under that section shall, at the same time, give notice to the Controller of his application. The notice shall be accompanied by a copy of the application.

Action following decision of Court.

**14.** Any decision of the Court under section 108 of the Act shall provide for service of notice of the decision on the Controller and on receipt of any such notice the Controller shall amend the register in accordance with the terms of the decision to which the notice relates.

Restoration to register.

**15.** Where the name of a person has been erased from the register that person shall, if desirous of having his name restored to the register, apply in writing to the Controller for restoration.

Alteration of address.

**16.** Where a person who is entered in the register of patent agents changes his private or business address, he shall forthwith notify the Controller in writing and the Controller shall thereupon enter in the register the new address notified to him.

Revocations.

**17.** The Registers of Patent Agents and Clerks Rules, 1966 (S.I. No. 139 of 1966) and the Registers of Patent Agents and Clerks (Amendment) Rules, 1987 (S.I. No. 285 of 1987) are hereby revoked.



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

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1. On application for entry in the register of patent agents (Rule 5)	40.00
2. For tests considered necessary by a Board constituted under Rule 6(3):	
For each subject tested	50.00
3. For entry in register of patent agents (Rule 8)	50.00
4. Annual fee for registration as patent agent payable before 31st December in each year in respect of the following year (Rule 10)	100.00

GIVEN under my Official Seal, this 17th day of June, 1992.  
DESMOND O'MALLEY,  
Minister for Industry & Commerce.

(Pl. 9004)

EXPLANATORY NOTE

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

These Rules prescribe the fees and procedures connected with the registration of Patent Agents pursuant to Part X of the Patents Act, 1992. They come into operation on 1st August, 1992.

Price 85p