

Patents Regulations
(Office Practice, Rules of Procedure, Documents and Fees), 5728—1968

Authorised Translation from the Hebrew,
 Prepared at the Ministry of Justice

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In exercise of the powers vested in me by section 194 of the Patents Law, 5727—1967¹, I hereby make the following Regulations:

Part One General

Chapter One General Office Procedure

[Powers of Deputy Registrar and examiners]

1. Wherever these Regulations empower the Registrar to do anything, the Deputy Registrar and the examiners shall be deemed to be likewise so empowered unless the Law empowers only the Registrar in that behalf.

[Reception of callers and inspection of documents]

2. The Office shall be open to the public from 08.30 to 13.30 on weekdays, other than Fridays and eves of holydays, and during those hours, all the documents permitted to be inspected under the Law or these Regulations, except a document required at the time for the work of the Office, shall be available for inspection.

[Forms]

3.—(a) Where the Law or these Regulations prescribes or prescribe that any application or notice shall be filed on a form, such application or notice shall be filed only on the form prescribed therefor in the First Schedule.

(b) Where a form as referred to in subregulation *(a)* has not been prescribed, the application or notice shall be filed in writing in the form prescribed for the filing of documents with the Office, indicating the name and address for service in Israel of the person filing it.

[Times]

4. The time for doing any thing which the Law or these Regulations requires or require, or permits or permit, to be done after or in consequence of an act of the Registrar shall be reckoned from the day on which a notice of the act of the Registrar is delivered to the Post

Office in a letter addressed to the address for service of the person required or permitted to do such thing.

[Extension of times]

5.—(a) An application for an extension of time under section 164 of the Law shall be filed with the Registrar in writing, stating reasons, accompanied by the prescribed fee.

(b) Where an application for an extension of the time for doing any thing is filed after such time has elapsed, such fact shall be indicated in the application in red.

(c) The Registrar shall consider the application, and he may demand evidence of the facts alleged therein. He shall notify his decision to the applicant in writing, stating reasons if the application is dismissed.

(d) Where the Registrar has dismissed the application, the applicant may, within ten days from the day on which the decision of the Registrar is notified to him, apply to him for a hearing of his arguments.

(e) Where application for extension of time is made in a contentious proceeding and the applicant's opponent wishes to oppose the application, he shall notify the Registrar to that effect within ten days from the date of the application.

(f) Where the opponent has made notification to the Registrar under subregulation (e), the Registrar shall appoint a time for a hearing of the arguments of the parties and shall decide after hearing such arguments. The Registrar may, if he deems it right so to do, request the parties to submit evidence and arguments in writing before he appoints a time for a hearing of their arguments.

Chapter Two *Fees*

[Duty to pay fees]

6. The Registrar shall not entertain any application or proceeding specified in the Second Schedule and shall not perform any act specified in such Schedule unless the fee prescribed therefor in the said Schedule has been paid. However, unless otherwise expressly prescribed, non-payment of the fee or part thereof shall not invalidate the application, proceeding or act *ex post facto*.

[Who pays the fee and when?]

7.—(a) Save as otherwise provided, a person who files an application with the Registrar or takes a proceeding before him or requests him to do an act for which a fee is due shall pay the fee immediately upon filing the application, taking the proceeding or requesting the act.

(b) Where the Law or these Regulations prescribes or prescribe that a fee is payable for the publication of any matter, and the Registrar has notified that the matter is to be published, the fee shall be paid within one month from the date of the Registrar's notification.

[Form of payment]

8.—(a) Every fee shall be paid with an indication of its destination and of the matter to which it relates.

(b) Where a person pays a fee in respect of more than one matter by one draft or cheque, he shall add to the payment, besides an indication under subregulation (a), a notice in accordance with Form No. 1 set out in the First Schedule.

[Unpaid fee to be treated as adjudged debt]

9. A fee, or a fee differential, which has not been paid shall be treated as a debt adjudged against the person liable to pay it and shall be collected by the Execution Office under an order made by a judge or court registrar on the basis of a notice of the debt by the Registrar. An order as aforesaid shall not be made until the person liable to pay, or any other person whom the judge or court registrar sees fit to summon, has been given an opportunity to be heard.

[Refund of erroneously paid fee]

10. A fee paid for the doing of any act by the Registrar or for the validation of any matter shall be refunded to the person who paid it if an application not to do the act or not to validate the matter is submitted within one month from the date of payment and if it is proved to the satisfaction of the Registrar or Deputy Registrar that the payment was made owing to a factual error, and at the time of receipt of the application at the Office the Registrar had not yet done the act for which the fee was paid or not yet entered the validation in the Register.

Part Two Registration Procedure

Chapter One Documents

[Form of documents]

- 11.**—(a) Every document, and every copy of a document, filed with the Office shall—
- (1) be written in dark indelible ink or colour;
 - (2) be written on sheets of strong white paper, 29 to 34 cm. by 20 to 22 cm.;
 - (3) have a margin of at least 5 cm. at the top of every sheet, of 3 to 4 cm. on the right-hand side of a sheet written in Hebrew or Arabic and on the left-hand side of a sheet written in English, and of at least 3 cm. at the end of every line;
 - (4) be written in lines with sufficient space between them to permit the interlineation of corrections;
 - (5) be written on one side of the sheet only.
- (b) Where the document comprises more than one sheet, all the sheets shall be numbered and shall be properly connected together in such a way that they can be separated and re-written without difficulty and without causing damage to them.
- (c) Every document, other than a specification and accompanying documents when first submitted to the Office, shall indicate at the top of each sheet the number of the patent or patent application to which the document relates, and the subject of the document shall be indicated in the centre of the upper part of the first sheet.
- (d) Every document filed with the Office shall deal with one subject only.

(e) Where the document filed amends or replaces a document filed previously, such fact shall be indicated at the top of each sheet.

(f) Every document filed with the Office shall be signed at the end by the person who files or made it.

(g) Items (2) to (4) of subregulation (a) shall not apply to covering letters and other routine letters.

(h) This regulation shall not apply to a document which is a drawing, affidavit or official document issued by an authority of the State or of a foreign state.

[Handwritten documents]

12. Where a document, other than a covering letter or routine letter, is filed written wholly or partly by hand, it shall be accompanied by the fee prescribed for typing it at the Office.

[Affidavits]

13.—(a) An affidavit filed with the office shall be drawn up under the provisions of the Evidence Ordinance².

(b) An affidavit or declaration on oath drawn up in a foreign state shall be drawn up and signed before an Israeli diplomatic or consular representative competent therefor or before a person empowered to receive it according to the laws of that state.

(c) An affidavit shall be drawn up in the first person and divided into paragraphs, and it shall contain only facts which the declarant can attest from personal knowledge or, provided he states the reasons, to the best of his belief.

(d) Every affidavit shall be filed with a copy thereof.

[Sending of documents]

14. Everything which according to the Law or these Regulations must or may be filed, served or delivered may be sent by post.

[Filing of documents in contentious proceedings]

15.—(a) Save as otherwise provided, where one of the parties to a contentious proceeding may or must file with the Registrar any notice, application, reply, statement of arguments or evidence or any other document for the purposes of that proceeding, the party filing the document shall, at the time of filing it with the Registrar, deliver two copies thereof to every other person who is a party to the proceeding.

(b) The Registrar may at any time request any party bound under subregulation (a) to deliver a document to another party to the proceeding, to file with the Registrar a confirmation of delivery or other evidence, to his satisfaction, that the document has been delivered as aforesaid.

(c) Where a person has delivered a document to the Office but has not delivered to his opponent copies thereof which he is bound to deliver to him under subregulation (a), the document delivered to the Office shall be deemed not to have been delivered so long as copies thereof have not been delivered to the opponent. For the present purpose, delivery to the opponent includes delivery to the Post Office in a properly addressed letter and postage paid.

(d) Where a person has filed with the Office a document to which subregulation (a) applies, and such document is not in order on the face of it or is not accompanied by the prescribed fee, the Registrar shall give the litigants notice to such effect as soon as possible after the document was delivered to the Office, and the document shall be deemed not to have been delivered so long as the defect has not been remedied or the fee has not been paid.

[Address for service]

16.—(a) Every person who files with the Office a patent application, notice of opposition, revocation application or any other application under the Law or these Regulations and who has not yet filed a document with the Registrar in the same matter shall notify the Registrar of an address for service in Israel.

(b) An address as referred to in subregulation (a) given by an applicant for a patent, a patentee or a licensee under a patent shall be regarded as his address for the purpose of any duty or permission of service upon him under the Law or these Regulations.

(c) Where a person has given an authorisation under regulation 17, the address of the authorisee shall be regarded as the address for service upon the authoriser so long as the authorisation is in force and the authoriser or authorisee does not otherwise notify.

[Authorisation]

17.—(a) Where a person is required or permitted to do any act under the Law or these Regulations, he may, by written power of attorney delivered to the Office, authorise a patent attorney or advocate licensed to practise his profession to do it.

(b) Not more than one authorisee shall be authorised in respect of the same matter, unless several authorisees who are partners or who work together in the same office are authorised together; however, a person may authorise more than one authorisee to appear and plead in his name.

(c) Where several authorisees have been authorised under the provisions of subregulation (b), and the partnership is subsequently dissolved or the authorisees cease to work together, then, unless otherwise notified by the authoriser or the authorisees, the authorisee whose address was given as the address of the authorisees before they ceased to work together shall be deemed to be authorised.

[Replacement of authorisee]

18.—(a) A person represented by an authorisee in a proceeding before the Registrar may replace or remove the authorisee, provided that he gives notice to the Registrar; so long as such has not been done, the previous authorisee shall be regarded as the authorisee of that person until the final termination of the hearing of the application or until the completion of the proceeding in respect of which the authorisee has been authorised. Unless replaced in the manner aforesaid, the authorisee shall not withdraw from the handling of the matter or of any part thereof, save with the permission of the Registrar.

(b) The Registrar may, if he sees reasonable cause for doing so, refuse to recognise the power of attorney given to an authorisee if ten years have elapsed since the day it was given.

(c) The provisions of this regulation shall also apply to proceedings before any other person under the Law or these Regulations, and the powers conferred on the Registrar shall vest in that person or, in proceedings before several persons, in the chairman.

Chapter Two
Application and Specification

[Application]

19.—(a) An application for a patent, including an application for a patent of addition, shall be filed with the Office on Form No. 2 set out in the First Schedule (such form hereinafter referred to as “the application form”), in three copies, and shall be accompanied by the specification, including drawings as may be necessary, in two copies, as well as by the filing fee and the publication fee prescribed for the purposes of section 16 of the Law.

(b) Any applicant may, in lieu of the filing fee and publication fee referred to in subregulation (a), pay the fee under item 1(b) of the Second Schedule, and if he has paid such fee, he shall not be liable to pay any fee until the application is accepted, except a fee to which he may have become liable under item 3 of the said Schedule.

[Drawing up of specification]

20.—(a) The specification shall include the following subjects, in the order in which they are here enumerated: (1) an introduction, explaining the purpose of the invention, and a concise description of the state of prior art—as far as known to the applicant in view of the invention—in the technical field in which the invention was made;

(2) a description of the invention, with reference to drawings or examples as far as necessary in order to understand the invention;

(3) a claim defining the invention concisely and clearly.

(b) The first sheet shall be a title-page which shall not be numbered, showing in its centre the title of the invention in Hebrew with an English translation. The other sheets of the specification shall have the form prescribed by regulation 11 for documents.

[Drawings]

21.—(a) Drawings shall be on smooth, white, strong, non-shiny paper, but it is permitted to submit one of the copies of the drawings on a sheet or sheets of transparent, flexible, strong, non-shiny material.

(b) A drawing sheet shall be 29 to 34 cm. long and 21 cm. or 42 cm. wide. The surface used for writing shall not, in the case of a sheet 21 cm. wide, exceed 25.7 cm. in length and 17 cm. in width, and in the case of a sheet 42 cm. wide, 25.7 in length and 34 cm. in width.

(c) The sheets shall be numbered, and each sheet shall indicate in the margin the name of the applicant, the total number of sheets and the number of the sheet.

(d) The drawings shall be filed in such a way as to be free from creases or cracks unfavourable to photographic reproduction.

(e) The following rules shall apply to the execution of the drawings:

(1) all the parts shall be executed in durable, dark (if possible, black) markings with no figures in colour washes or colours, and shall lend themselves to photographic or other reproduction without any intermediate steps on a stereotype;

(2) sections shall be indicated by means of oblique hatching, which shall not impede the clear reading of reference signs and leading lines;

(3) the scale shall be such that, depending on the degree of complexity of the figure, a photographic reproduction with a linear reduction in size to two thirds, allows all the detail to be seen without difficulty;

(4) the figures shall be clearly separated from one another, arranged on as few sheets as possible, and numbered consecutively and independently of the number of sheets;

(5) each detail of a figure shall be marked throughout—as far as necessary in order to understand the specification—with reference signs corresponding to those used in the specification;

(6) all the numerals, letters and reference marks appearing in a drawing shall be simple and clear, and the letters and numerals shall be at least 0.32 cm. high;

(7) the drawing shall contain no explanatory matter, with the exception of such terms as “water”, “steam”, “section on AB”, “open” or “shut” and, in the case of electric block sheet diagrams or flow sheet diagrams, explanatory matter sufficient to enable them to be understood; such terms and explanatory matter shall be in the same language as the specification.

[Amendments to specification]

22.—(a) Where the applicant wishes to amend the specification, whether of his own motion or following notification of defects therein, he shall submit the new pages of the specification, which contain the amendments, in such a manner that they can be substituted for the pages previously submitted.

(b) Where the amendment is made in answer to a notification of defects in the application or specification, the applicant shall attach to the amendment a statement specifying the defects notified to him as aforesaid and which the amendment is intended to remove, and he shall also attach the pages of the specification which have been delivered to him with the notification of the defects.

(c) Where the Registrar, under section 23 of the Law, has prescribed a date for the amendment submitted, such date shall be indicated in the specification in the margin of the passage containing the amendment.

Chapter Three *Claim for Priority Right*

[Application for priority right]

23.—(a) A claim for a priority right, under section 10 of the Law, shall be made on the application form.

(b) A claim for a priority right, or a claim for an additional priority right, relating to an application already submitted to the Office shall be made by way of an application to amend the application form.

[Filing of specification filed abroad]

24.—(a) A person claiming a priority right shall file a certified copy of the specification, as referred to in section 10(a)(3) of the Law, which was filed with the foreign application on which the claim for a priority right is based, and of the drawings accompanying such specification, within twelve months after the filing of the application.

(b) Where application for an advancement of the examination, under regulation 35, is made before the expiration of the period referred to in subregulation (a), a copy of the specification as aforesaid shall be filed together with the said application.

[Translation of foreign specification]

25. A person claiming a priority right on the basis of a specification drawn up in a language other than an official language shall file a translation thereof into an official language, to the satisfaction of the Registrar, within three months from the date on which the Registrar requests him to do so.

[Substantial identity of invention]

26.—(a) The applicant shall show, within three months from the date on which the Registrar requests him to do so, that the invention described in the foreign application and the invention for which a patent is applied for in Israel are substantially identical.

(b) When a claim for a priority right is based on more than one foreign application, as envisaged in section 10(b) of the Law, and the Registrar exercises his power under subregulation (a), the applicant shall indicate in the margin of the respective passages of the specification the dates of the foreign applications on which those passages are based.

[Division of patent application in which priority right is claimed]

27. Where an applicant wishes to divide an application for which a priority right is claimed, regulations 24 and 26 shall apply to every application resulting from the division; however, it shall not be necessary to file with such application a copy of the specification referred to in section 10(a)(3) of the Law; rather, it shall be sufficient to indicate in such application the number of the divided application with which a copy of that specification was filed under regulation 24 and to indicate in that copy the passages describing the part of the invention for which a patent is sought by the application resulting from the division.

[Claim for priority right after publication of application]

28. Where a priority right is claimed after the publication of the application under section 16 of the Law, the claim shall be accompanied by the publication fee prescribed for the re-publication of the fact of the application.

Chapter Four
Dealing with Filed Application
and Publication of Fact of Filing

[Certification of filing]

29.—(a) The filing of an application shall be certified on one of the copies of the application form which have been filed with the Office, and that copy shall be served upon the applicant. The certification shall indicate the number and date of the application.

(b) Where the application form has been filed in only one or two copies, the missing documents shall be prepared at the Office at the expense of the applicant.

[Application not in order]

30.—(a) Where an application has been filed which is found defective under section 15 of the Law, the Office shall notify the applicant of the defects and not give him a certificate of filing under regulation 29.

(b) The applicant may rectify the defects notified to him by the Office under subregulation (a) within three months from the date on which the notification was delivered to him. If he does not do so, the application form and accompanying documents shall be returned to him; if they cannot be returned because he gave no address or an incorrect address, the application shall be kept at the Office for one year and then destroyed.

(c) Where the applicant has rectified the defects notified to him under subregulation (a), the Registrar shall certify the filing in the manner prescribed in regulation 29 and shall determine the application date as provided in section 15 of the Law.

[Want of form in application]

31.—(a) Where an application has been filed and found to be defective in one of the following ways:

- (1) It has not been submitted on an application form or the form has not been completely filled in as required;
- (2) the drawings mentioned in the specification have not been filed;
- (3) only one copy of the specification or the drawings has been filed;
- (4) the specification and drawings filed do not comply with the provisions enacted by these Regulations concerning the form of documents and drawings;
- (5) the invention described in the specification has not been defined in the claim;
- (6) the application has been filed by a person who alleges that he is authorised, but his authorisation has not been delivered to the Office as provided in regulation 17(a);
- (7) the fee for publication under section 16 of the Law has not been enclosed,

the Registrar shall notify the applicant, on serving the certificate of filing under regulation 29, of the defects which have been discovered.

(b) The applicant may, within three months from the date of the Registrar's notification under subregulation (a), ask to rectify the defects notified thereby and shall enclose the prescribed fee with the rectification.

(c) If the applicant does not rectify the defects notified to him as aforesaid, he shall be deemed to be a person who has not rectified defects notified to him under section 20 of the Law.

[Publication of fact of filing]

32. (a) The Registrar shall publish in *Reshumot*, under section 16 of the Law, the fact of the filing of the application if—

- (1) the publication fee has been paid;
- (2) all the particulars necessary for publication under the said section 16 have been supplied;
- (3) he is satisfied that the title given the invention by the applicant makes it possible to identify the invention;
- (4) a translation of the title into the English language has been supplied to his satisfaction.

(b) Where the application and specification do not contain any of the particulars necessary for publication under section 16, the Registrar shall notify the applicant to such effect, and the applicant shall supply such particular within three months from the date of the notification; the notification shall have the effect of a notification of defects under section 20 of the Law.

[Classification of application]

33.—(a) As soon as possible after its filing with the Office, the application shall be classified according to the classification adopted by the Office.

(b) Where the Registrar is of the opinion that the specification is not sufficiently clear for classifying the invention, he may request the applicant to supply him with further particulars for the identification thereof and the applicant shall supply such further particulars within three months from the date of the request.

(c) A request as referred to in subregulation (b) shall have the effect of a notification that the application does not, as to the matter in which the further particulars are requested, describe the invention in such a way that a man of the art can perform it.

Part Three **Acceptance of Application**

Chapter One *Examination of Application*

[Order of examination of applications]

34.—(a) Applications shall be examined, having regard to the classification adopted by the Office, in the order in which they have been filed.

(b) Notwithstanding the provision of subregulation (a), an application resulting from a division shall be examined together with the divided application.

[Advancement of date of examination]

35.—(a) An applicant who has reasonable cause for doing so may submit to the Registrar a reasoned request, accompanied by the prescribed fee, for the immediate examination of the application.

(b) Where it appears to the Registrar that a request under subregulation (a) is well-founded, the examination shall be carried out as soon as possible after the date of the request, but having regard to the work procedures of the Office.

(c) Where an application examined as aforesaid has been accepted, the fact of its examination shall be indicated in the publication under section 26 of the Law and in the Register, and the date of the examination, and the date and number of the application of the same class—according to the classification adopted by the Office—which was examined immediately before the examination advanced by virtue of this regulation, shall likewise be indicated.

(d) The provisions of this regulation shall not derogate from the power of the Registrar or an examiner under section 19 of the Law.

[Request for material relied upon]

36. The following rules shall apply to a request under section 18(a)(2) of the Law:

(1) Approximately four months before the date on which the application is to be examined, the Registrar shall send the applicant a notification requesting of him the following particulars:

(a) The countries in which the applicant or his predecessor in the ownership of the invention has applied for protection of the invention which is the subject-matter of the application;

(b) the material relied upon by the authority in the state in which an application as aforesaid was examined;

(2) the applicant shall reply to the request within four months from the date thereof and he may attach to his reply documents which he or his predecessor in ownership submitted to the abovementioned authority in reply to objections concerning the application filed with it; where the said documents are in a language other than an official language, the applicant shall attach to them a translation into an official language;

(3) where the applicant's reply under paragraph (2) mentions material being patent specifications, designs, utility designs, or other documents, not issued for sale to the public, the Registrar may request a copy thereof if they are not in the possession of the Office.

[Postponement of examination by reason of defects]

37. The Registrar may postpone the carrying out of part of the stages of the examination to a date on which an amended or rewritten or redrafted specification is filed if he is satisfied that defects in the specification do not permit him to complete the examination.

[Postponement of examination by Registrar by reason of existence of earlier application]

38.—(a) Where the Registrar has directed that the examination of a later application shall be postponed until after the publication of an earlier application under section 19 of the Law, he shall notify the later applicant to such effect, indicating the number of the earlier application.

(b) The later applicant may, within one month from the date of the notification under subregulation (a), request that the examination of his application be continued notwithstanding the existence of the earlier application, and the Registrar shall accede to the request if he thinks it fit so to do.

(c) Where the Registrar accedes to a request under subregulation (b), the later applicant shall, immediately upon acceptance of his application, notify such acceptance to the earlier applicant and shall send a copy of the notification to the Registrar.

[Postponement of examination at request of applicant]

39.—(a) Where the Registrar does not see fit to direct that the examination of the later application be postponed, under section 19 of the Law, until after the publication of the earlier application, he shall notify the applicant of the earlier application and of the number thereof and that his application is to be examined before the publication of the earlier application.

(b) The later applicant may, within one month of the date of the notification under subregulation (a), request that his application be examined only after the publication of the earlier application.

[Notification of publication of earlier application]

40. Where the examination of a later application has been postponed under regulation 38 or 39, the Registrar shall notify the later applicant of the publication of the earlier application as soon as possible after such publication.

Chapter Two
Defects in Application and Specification,
and Rectification Thereof

[Notification of defects]

41. A notification of defects under section 20 of the Law shall be in writing and shall set out the following:

- (1) If it is found that the invention is unpatentable under section 3 of the Law—the reasons of such unpatentability;
- (2) if it is found that section 7 of the Law applies—a reference to something which permits the conclusion that a patent for the invention should not be granted;
- (3) if it is found that the invention is not new within the meaning of section 4 of the Law—a reference to something which disproves the novelty of the invention;
- (4) if it is found that the invention involves no inventive step, within the meaning of section 5 of the Law—a reference to something which permits this conclusion, and the manner in which this conclusion is arrived at;
- (5) if it is found that a patent or earlier application for the same invention exists, as envisaged by section 9 of the Law—a reference to such patent or earlier invention.
- (6) if it is found that the specification contains more than one invention, as envisaged by section 8 of the Law, or if the Registrar sees fit to exercise his power under section 24(b) of the Law—a reference to the parts of the specification respectively dealing with the several inventions;
- (7) if amendments have been made in the application which in the opinion of the Registrar are of a substantive nature—a notification of the date which the Registrar sees fit to prescribe for the application, or for part thereof, under section 23 of the Law;
- (8) if it is found that the provisions of Article One of Chapter Three of the Law or the provisions of these Regulations have not been complied with—the defects in the form or contents of the application or specification; all or any of these defects may be indicated in pencil in the body of the specification or in the margin of the pages thereof.

[Applicant's reply to notification]

42. The applicant may, within four months from the date of the notification under regulation 41, in reply thereto, rectify the defects of which he has been notified or give reasons why he need not rectify all or part of them or request to have his arguments heard by the Registrar.

[Examination of amendments]

43.—(a) Where the applicant has rectified defects under regulation 42, the Registrar shall examine the application and specification, as amended, as if they had been so filed from the outset, and he shall examine each amendment as to the following matters:

- (1) whether it removes the defects notified to the applicant under regulation 41;

(2) whether it complies with the provisions of the Law and these Regulations as regards both contents and form;

(3) whether it is of a substantive nature.

(b) The Registrar shall notify the applicant of any defects he may have found in the amended specification. Such a notification shall be treated like a notification under regulation 41, and the applicant may reply to it as provided in regulation 42.

(c) This regulation shall also apply to the examination of amendments made by the applicant either before the date of the examination of the application under regulation 34 or after completion of the examination of the application but before its acceptance: Provided that an amendment in an application shall not be examined before the date for the examination of the application as a whole.

[Consideration of reasons]

44. Where the applicant, under regulation 42, gives reasons why he need not rectify any defects, the Registrar shall consider such reasons and, if he sees fit to reject them, shall notify the applicant to such effect; a notification as aforesaid shall be treated like a notification under regulation 41.

[Refusal by reason of non-reply or rejection of reply]

45. Where the applicant does not reply to a notification under regulation 41, or the Registrar finds that the reply does not remove the defects, or he rejects the reasons of the applicant under regulation 44, the Registrar shall refuse the application and shall notify the applicant accordingly.

[Request for hearing of arguments]

46.—(a) Where the Registrar refuses an application under regulation 45, the applicant may, within one month from the date of the notification, request to have his arguments heard by the Registrar.

(b) The provisions of subregulation (a) and regulations 44 and 45 shall not derogate from the right of an applicant to contest the decision of an examiner before the Registrar, under section 161 of the Law, after every notification made to him under this chapter.

[Demand for written summary of arguments before fixing time]

47.—(a) The Registrar may demand that a person who requests to have his arguments heard by him under regulation 42 or 46(a) submit a written summary of his arguments within one month from the date of the demand if the applicant has not previously submitted arguments in writing in the same matter or if it appears to the Registrar that a summary as aforesaid will be useful at the hearing of the arguments before him.

(b) If the applicant does not submit a summary of his arguments within the stated time, he shall be deemed to have waived his request for the hearing of arguments, and the Registrar shall decide upon the application accordingly.

[Fixing time for hearing of arguments]

48. Where a request for the hearing of arguments has been made under regulation 42 or 46(a), and the applicant has submitted a summary of his arguments under regulation 47 or the Registrar has not seen fit to demand a summary as aforesaid, the Registrar shall fix a time for

the hearing of the applicant's arguments and shall notify the applicant accordingly not later than ten days before the time fixed.

[Proposal of amendments]

49. If the applicant wishes to amend the specification at the time fixed for the hearing of his arguments, he shall submit the proposed amendments to the Office not later than five days before the said time.

[Amendment after hearing of arguments]

50.—(a) Where the Registrar, after hearing the arguments, permits the applicant to make amendments in the application and specification, the applicant may amend the same within two months from being permitted to do so.

(b) Amendments under subregulation (a) shall be treated like amendments made in reply to a notification made under regulation 41.

Chapter Three *Division of Application*

[Application resulting from division]

51.—(a) A patent application resulting from the division of an application filed previously shall be filed in the manner prescribed for a patent application, but not later than four months from the date on which the applicant notified the division of the application or from the day on which the Registrar directed that it should be divided.

(b) A direction of the Registrar as referred to in subregulation (a) shall be treated like a notification under regulation 41 and the relative regulations shall apply.

Chapter Four *Acceptance and Publication of Application*

[Notification of acceptance]

52. Where the application has been accepted, under section 17 of the Law, the Registrar shall notify the applicant to such effect and shall demand in the notification that the publication fee for the purposes of section 26 of the Law shall be paid.

[Payment of publication fee]

53. If the publication fee is not paid at the time prescribed in regulation 7(b), the Registrar shall send the applicant a further notification, and if the publication fee, with the addition of a fee for the period from the time fixed for its payment until the time when it is actually paid, is not paid within one month from the date on which the further notification is sent, the applicant shall be considered to have abandoned the application.

[Exemption from publication fee]

54. Where an applicant, at the time of filing the application, pays a fee under item 1(b) of the Second Schedule, he shall not have to pay for the publication of the application, and the application shall be published immediately upon its acceptance.

Chapter Five *Return of Documents*

[Loan of documents]

55. An applicant may request of the Registrar that documents submitted by him for the purpose of claiming a priority right be left with him on condition that he places them at the disposal of the Office or of any other person immediately upon receipt of a demand therefor, and the Registrar shall accede to the request if it is proved to his satisfaction that the applicant is able to keep the documents properly.

[Return of documents]

56. Where the Registrar refuses the application or where the application is abandoned by the applicant before its publication under section 26 of the Law, the Registrar may, if six months have passed from the date of the final refusal or the abandonment, return to the applicant the copies of the specification, as well as the documents submitted for the purpose of claiming a priority right.

Part Four Opposition to Grant of Patent

Chapter One Filing of Statements of Arguments and Evidence

[Notice of opposition]

57. Notice of opposition to the grant of a patent shall be given to the Registrar under section 30 of the Law, accompanied by the prescribed fee.

[Statement of arguments and evidence on behalf of opponent]

58.—(a) Within one month from the date of notice under regulation 57, the opponent shall submit to the Registrar his statement of arguments, setting out the grounds of opposition, the facts on which he bases his different arguments and the requested relief.

(b) The opponent may attach his evidence to his statement of arguments.

(c) If the opponent does not intend to submit evidence, he shall so notify in his statement of arguments.

[Statement of arguments and evidence on behalf of applicant]

59.—(a) Within three months from the date on which the statement of arguments on behalf of the opponent is filed under regulation 58, the applicant shall file with the Registrar a statement of counter-arguments.

(b) Where evidence was attached to the statement of arguments on behalf of the opponent, under regulation 58(b), or where the opponent has notified that he will not submit evidence, the applicant shall submit his evidence to the Registrar together with his statement of arguments.

(c) Where the applicant does not file a statement of arguments under subregulation (a), or does not submit his evidence with his statement of arguments although he is required to do so under subregulation (b), he shall be deemed to have admitted the facts alleged by the opponent and consented to the grant of the relief requested by him.

[Evidence on behalf of opponent]

60. Where the opponent does not submit evidence under regulation 58(b) and does not notify as specified in regulation 58(c), he may submit his evidence to the Registrar within three months from the date on which a statement of arguments on behalf of the applicant is submitted to the Registrar under regulation 59(a); if he does not do so, he shall be deemed to have admitted the facts alleged by the applicant, and the Registrar shall decide accordingly.

[Evidence on behalf of applicant]

61. Where evidence on behalf of the opponent is submitted under regulation 60, the applicant may, within three months from the date of submission thereof, submit his evidence to the Registrar.

[Rebutting evidence on behalf of opponent]

62. The opponent may, within three months from the date on which evidence on behalf of the applicant is submitted under regulation 59(b) or 61, submit rebutting evidence to the Registrar, relating to facts explicitly denied by the applicant in his evidence or first arising in such evidence.

[Termination of evidence]

63. No further evidence shall be submitted by either opponent or the applicant, save with the permission of the Registrar.

[Translation of documents submitted in evidence]

64. Unless the Registrar otherwise directs, where a document submitted in evidence is in a language other than an official language, a translation into an official language, certified to the satisfaction of the Registrar, shall be attached to it.

Chapter Two *Hearing of Opposition before Registrar*

[Fixing time for hearing arguments of parties]

65.—(a) Where the statements of arguments and the evidence have been submitted or where the period allowed for the submission of evidence has elapsed without evidence having been submitted, the Registrar shall appoint a time for the hearing of the arguments of the parties, and shall notify the parties of the time appointed by him at least one month in advance, unless the parties have agreed upon an earlier time.

(b) A party who wishes to appear shall notify the Registrar to such effect, in writing, not later than ten days before the appointed time; the Registrar may refuse to hear the arguments of a party who has not so notified.

[Material not previously mentioned]

66.—(a) At the hearing, either party may rely on material not previously mentioned in the statements of arguments or the evidence, provided that he has notified the Registrar to such effect at least ten days in advance, adding particulars of the material in question.

(b) Where material as referred to in subregulation (a) is not available at the library of the Office, the material or a book containing it shall be furnished to the Registrar: Provided that if the material, though included in a book, forms a self-contained portion thereof, it shall be sufficient to furnish, a copy of the material.

[Non-appearance for hearing of arguments]

67. The following procedure shall be adopted on the day fixed for the hearing of the arguments of the parties:

(1) Where neither party has notified that he will appear, and the parties have in fact not appeared, the Registrar shall decide in reliance on the material before him;

(2) where one of the parties has not appeared, the Registrar shall hear the other party: Provided that if it appears to the Registrar that the party who has not appeared has abandoned his case, he shall dismiss his application;

(3) where the Registrar has reasonable grounds for believing that one of the parties has not been notified, or is unable to appear before him owing to special circumstances, he shall adjourn the hearing to another date.

[Order of hearing arguments of parties]

68.—(a) Where the applicant does not admit the facts alleged by the opponent, the opponent shall state his case first, and thereafter the applicant shall state his case.

(b) Where the applicant admits the facts alleged by the opponent, but prefers counter-arguments, he shall state his case first, and thereafter the opponent shall state his case.

(c) The Registrar shall permit the party who stated his case first to reply briefly to the arguments of the other party, but such first-mentioned party shall not at this stage prefer new arguments, save with the permission of the Registrar; if he prefers new arguments as aforesaid, the Registrar shall permit the other party to reply thereto.

(d) Where the parties have concluded their arguments, the Registrar may direct them, by order, to summarise their arguments in writing as regards the whole case or as regards a particular question designated by him. An order as aforesaid shall prescribe the arrangement of the arguments and all other things which in the opinion of the Registrar require regulation in consequence of the making of the order.

(e) A party who has not submitted a summary of his arguments in accordance with an order under subregulation (d) shall, unless the Registrar otherwise directs, be treated like a party who has not appeared at the time fixed for the hearing of the arguments of the parties.

[Examination of deponents]

69.—(a) Where a party wishes to cross-examine a deponent, he shall notify the Registrar to such effect not later than fifteen days before the time fixed for the hearing of the arguments of the parties, demanding the appearance of the deponent at the said time. If the deponent is a non-resident, the notification shall be made not later than one month before the said time.

(b) A party who alleges that no reasonable ground exists for permitting the examination of a particular deponent whose appearance is demanded under subregulation (a) shall notify the Registrar to such effect not later than seven days from the day on which a copy of the demand of the other party was delivered to him, and the Registrar shall hear his arguments at the time fixed for the hearing of the arguments of the parties, unless the Registrar fixes an earlier time in view of the urgency of the matter.

(c) If the Registrar dismisses the arguments preferred by the party under subregulation (b), and the deponent does not appear at the time of the hearing, the Registrar shall adjourn the hearing of the arguments of the parties unless there is a reasonable ground for not doing so.

(d) If the deponents have appeared, the witnesses for the party who has stated his case first shall be examined first, and thereafter the witnesses of the opposite party, unless the Registrar sees a reasonable ground for proceeding otherwise.

(e) If notification under subregulation (b) has not been made, and the deponent does not appear in accordance with the notification under subregulation (a), his affidavit shall not be used as evidence unless the Registrar is satisfied that its admission as evidence is necessary in the interests of justice.

(f) The Registrar may at any time, of his own motion, demand the appearance of a particular deponent for examination.

[Taking minutes]

70.—(a) In every contentious proceeding before the Registrar, minutes shall be taken by the Registrar, by a recorder designated by the Registrar or by recording devices or other mechanical means.

(b) The statements of arguments and every document relating to the proceeding shall be attached to the minutes and shall form a part thereof.

[Correction of minutes]

71. The Registrar may, on the application of a party and after giving the other parties an opportunity to be heard, correct any entry in the minutes either before or after the decision.

[Decision by Registrar]

72.—(a) At the end of the hearing, or as soon afterwards as the circumstances permit, the Registrar shall give his decision; however—

(1) the Registrar may, at any stage of the hearing, give a decision on one of the applications for relief if it appears to him that the further course of the hearing will not alter the findings as to the facts relevant to that application or as to the questions to be determined in connection therewith;

(2) the Registrar may, if he sees fit to do so, give an interim decision determining questions at issue or enabling the application and specification to be amended or otherwise dealt with.

(b) The Registrar's decision shall contain a concise statement of the case, his findings as to the relevant facts, the questions to be determined and the decision and the reasons thereof.

(c) The Registrar's decision shall be in writing and shall be signed by him.

[Delivery of decision to parties]

73. The Registrar shall deliver the decision to the parties, and the date on which it is so delivered shall be the date thereof.

[Refusal to grant patent by reason of material discovered as a result of opposition subsequently withdrawn]

74.—(a) Where the Registrar sees reason to exercise his powers under section 34 of the Law in respect of a particular application, he shall notify the applicant to such effect in writing, assigning reasons.

(b) The applicant may reply to a notification as aforesaid, in writing, within thirty days from the day on which it is made to him, showing cause why the Registrar should not exercise his powers; if the applicant does not reply, the patent shall not be granted.

(c) If the applicant replies to the Registrar's notification, the Registrar shall give him an opportunity to state his case before him.

[Notification of appeal]

75. Where appeal is filed against a decision of the Registrar in a proceeding under this chapter, the appellant shall notify the Registrar to such effect at the time of filing notice of appeal with the Court.

Part Five Grant of Patent

Chapter One Patent Certificate

[Patent certificate]

76. A patent certificate shall be made out on Form No. 3 set out in the First Schedule, shall bear the signature or seal of the Registrar and, after registration of the grant of the patent in the Register, shall be delivered to the person registered therein at the time as the owner of the invention.

[Copy of certificate]

77. The owner of a patent may apply, in writing, for a copy of the patent certificate, and such a copy shall be delivered to him after payment of the prescribed fee; the copy shall be marked as such.

Chapter Two Demand for Indication of Name of Inventor

[Demand for indication of name of inventor]

78. A demand for the indication of the name of the inventor, under section 39 of the Law, shall be submitted to the Office in writing, signed by the applicant, and accompanied by the prescribed fee.

[Where name of inventor shall be indicated]

79. The name of the inventor shall be indicated in the Register and the specification, and it shall also be indicated in the patent certificate if the demand is submitted not later than the expiration of one month from the date of publication of acceptance.

[Notification by Registrar]

80. Where the indication of the name of the inventor is demanded, and the Registrar is bound to notify the owner of the invention or the owner of the patent or any other person under section 40 of the Law, the Registrar shall notify as aforesaid as soon as possible after the demand is submitted to him.

[Opposition to indication of name of inventor]

81. A person wishing to oppose a demand notified to him under regulation 80 shall notify the Registrar to such effect within one month from the date on which notification was made to him.

[Procedure on opposition to indication of name of inventor]

82. Notification under regulation 81 shall be treated like the filing of opposition, and the procedure prescribed in Part Four of these Regulations in respect of opposition to the grant of a patent shall apply to it and to the further proceedings under this chapter. For this purpose, every person who has made notification under regulation 81 shall be regarded as an opponent, and the person who demands the indication of the name shall be regarded as the applicant, and a person who has been notified under regulation 80 and who has not filed opposition shall be joined to the proceedings as a respondent unless he asks not to be so joined.

[Notification of non-entertainment of application]

83. Where, at any time after statements of arguments have been submitted to him under regulation 82, it appears to the Registrar that the demand for the indication of the name of the inventor should be dealt with as an application made on the grounds mentioned in section 31(3) or 73 of the Law, he shall notify the parties to such effect, assigning reasons.

[Substitution of proceedings]

84. Where the Registrar has made notification under regulation 83, the person who demands the indication of the name of the inventor may, within one month from the date of the notification, request that his application be regarded as a notice of opposition to the grant of a patent or as an application for revocation, as the case may be, and the procedure prescribed for such shall thereupon apply; the request shall be accompanied by the prescribed fee.

Part Six **Payment of Renewal Fees**

Chapter One *Renewal Fee*

[Renewal fee]

85.—(a) The renewal fees payable under section 56 of the Law in order to maintain a patent shall be of the amounts prescribed in the Second Schedule with the approval of the Finance Committee of the Knesset and shall be paid at the prescribed times.

(b) A person who, at the time when he is liable to pay the first renewal fee, pays a fee under item 9(i) of the Second Schedule shall not have to pay any further renewal fee and shall be deemed to have paid in due time and manner all the renewal fees to which he is liable.

[Reminder to pay]

86. The Registrar shall give the patentee notice of every date at which he must pay a renewal fee not later than three months before that date.

[Payment of fee]

87.—(a) A renewal fee shall be paid not earlier than one month before the time prescribed for its payment.

(b) The payment of every renewal fee shall be entered in the Register, and the patentee shall be given a confirmation of the entry.

(c) A person who pays a renewal fee under section 56 of the Law after the time at which he was liable to pay it in accordance with regulation 85 and the Second Schedule shall, in addition to the renewal fee, in respect of every month or fraction of a month of delay, pay the fee prescribed in the said Schedule in respect of an application for a month's extension.

[Lapse of patent]

88. Where a renewal fee is not paid by the end of the period of extension referred to in section 57 of the Law, an entry shall be made in the Register that the patent has lapsed.

Chapter Two *Restoration of Patent*

[Application for restoration]

89. An application to the Registrar for the restoration of a patent shall be in writing, specifying the facts on which it is based; it shall be supported by an affidavit and accompanied by the prescribed fee.

[Refusal of application]

90.—(a) If the Registrar is not satisfied that the application for restoration of the patent should be granted, he shall notify the applicant to such effect, and the applicant may, within one month from the date of the notification, request to have his arguments heard before the Registrar.

(b) If the applicant does not request to have his arguments heard, he shall be deemed to have abandoned his application.

[Acceptance of application for restoration]

91.—(a) Where the Registrar accepts the application for restoration of the patent—whether after considering the application only or after hearing the arguments of the applicant—he shall notify the applicant to such effect, and the applicant shall, within one month from the date of the notification, pay all the unpaid renewal fees and the prescribed publication fee.

(b) If the applicant does not pay as specified in subregulation (a), he shall be deemed to have abandoned his application.

[Notice of opposition to restoration]

92. Where a person wishes to oppose the application for restoration, he shall give written notice to such effect, specifying the grounds of opposition and enclosing the prescribed fee.

[Procedure on opposition to restoration]

93. Notice under regulation 92 shall be treated like the filing of opposition, and the procedure prescribed in Part Four of these Regulations for opposition to the grant of a patent shall apply to it and to the further proceedings under these Regulations; for this purpose, everyone who has given notice under regulation 92 shall be considered an opponent, and the patentee and an exclusive licensee of the patent shall be considered applicants.

[Entry in Register and issue of certificate]

94. Where the Registrar has ordered the restoration of a patent, an entry to such effect shall be made in the Register and the patentee shall be given a certificate of the entry.

Part Seven Amendment of Patent

Chapter One Application for Permission to Amend Patent

[Application for permission to amend]

95.—(a) An application for permission to amend a patent specification shall be filed with the Registrar accompanied by the prescribed fee, specifying the requested amendment and the purpose thereof.

(b) The application shall be accompanied by two copies of the pages of the specification or drawings in which an amendment is requested, and the requested amendment shall be clearly indicated therein, distinct from the earlier version. The form of the copies shall be as required in Part Two of these Regulations in respect of the specification and the form thereof.

(c) The patentee shall attach to the amendment application an affidavit that no proceeding is pending at the time for infringement or revocation of the patent or, if such a proceeding is pending, an authorisation by the Court for the Registrar to hear the application.

[Hearing of arguments of applicant for amendment]

96.—(a) The Registrar shall examine the proposed amendment and, if he is not satisfied that it should be permitted or it appears to him that permission should be made subject to conditions, he shall notify the applicant to such effect.

(b) Within two months from the day on which notification under subregulation (a) is made to him, the applicant may again amend the specification or demand to have his arguments heard before the Registrar; if he neither amends nor demands as aforesaid, he shall be deemed to have abandoned his application or consented to the conditions prescribed by the Registrar, as the case may be.

(c) If the applicant for the amendment wishes to have his arguments heard, he shall submit to the Registrar, together with his notification, a written summary of such arguments, and the Registrar shall fix a time for the hearing of the arguments and shall notify the applicant accordingly.

[Publication of amendment]

97.—(a) If the Registrar permits the amendment of the specification—whether after merely considering the application or after hearing the arguments of the applicant—he shall notify the applicant to such effect. Where notification as aforesaid has been made, the applicant shall pay the prescribed publication fee within one month from the date of the notification and, if the amendment has been permitted in a different form than applied for, shall deliver to the Registrar two copies of the pages of the specification or drawings in which the amendment has been permitted; the permitted amendment shall be clearly indicated in those copies, distinct from the earlier version.

(b) Where the fee under subregulation (a) has not been paid, or where no copies have been delivered or the copies delivered are not in order according to the requirements of Part Two of these Regulations, the applicant shall be deemed to have abandoned the application.

[Notice of opposition]

98. Where a person wishes to oppose the amendment, he shall give written notice to the Registrar, enclosing the prescribed fee and specifying the grounds of opposition.

[Procedure on opposition to permission for amendment of specification]

99. Notice under regulation 98 shall be treated like the filing of opposition, and the procedure prescribed in Part Four of these Regulations for opposition to the grant of a patent shall apply to it and to the further proceedings under this chapter; for this purpose, everyone who has given notice of opposition under regulation 98 shall be considered as an opponent, and the patentee and an exclusive licensee under the patent shall be considered as applicants.

[Filing of new specification]

100.—(a) The Registrar may require a person permitted to make an amendment under the provisions of this chapter to file the patent specification in two copies, with the permitted amendment clearly indicated therein, distinct from the earlier version. A specification filed as aforesaid shall comply with the requirements of Part Two of these Regulations relating to the specification and the form thereof.

(b) Where the patentee has been required to file a new specification under subregulation (a), the Registrar shall not enter the amendment in the Register so long as the specification has not been filed.

[Amendment of specification after acceptance]

101. The provisions of this chapter shall also apply to an application to amend a specification of a patent after acceptance of the patent application but before the patent is granted, and where an application to amend as aforesaid is filed, the patent shall be granted for the invention as described and claimed in the amended specification, but not before the completion of the proceedings in connection with the amendment.

[Amendment of specification where opposition proceedings are taken]

102.—(a) Where an application for permission to amend is filed after acceptance of the patent application but before the patent is granted, and opposition to the grant of the patent is subsequently filed, or an application for permission as aforesaid is filed while opposition proceedings are pending, the applicant shall deliver a copy of the amendment application to the opponent within seven days from the date on which the notice of opposition is delivered to him.

(b) If the opponent agrees to the requested amendment, the Registrar shall suspend the opposition proceedings against the grant of the patent until the specification is amended in the manner prescribed in this chapter.

(c) The opponent may, within two months from the date on which a copy of the amendment application is delivered to him under subregulation (a) or within the time during which he must submit evidence under regulation 60 if he has not yet submitted it, whichever period ends last, give notice of opposition to the amendment of the specification, attaching his statement of arguments and evidence in the matter. The Registrar shall hear the opposition to the amendment in the presence of the parties to the opposition proceedings against the grant of the patent.

(d) If the Registrar grants the application for the amendment, he shall suspend the opposition proceedings against the grant of the patent until completion of the amendment proceedings under regulations 95 to 97, and the opposition shall be deemed to have been filed in respect of the specification as amended.

(e) Where opposition to the grant of permission to amend is filed while opposition proceedings against the grant of the patent are pending, the Registrar shall deal with the oppositions simultaneously unless the parties have requested that he proceed otherwise and the Registrar is satisfied that it is reasonable so to do.

(f) This regulation shall not apply if the parties have agreed that the amendment application shall be heard after the decision upon the opposition and it appears to the Registrar that the amendment should *prima facie* be permitted; and if it has been so agreed—

(1) the Registrar shall deal with the opposition as if the amendment had been accepted;

(2) the Registrar shall publish the fact of the amendment application in *Reshumot* after the decision upon the opposition.

Part Eight Revocation of Patent

Chapter One Revocation Proceedings

[Application for revocation]

103.—(a) An application for revocation of a patent shall be submitted to the Registrar in writing, specifying the grounds and facts on which the applicant bases his application, and accompanied by his evidence.

(b) Upon submitting the application, the applicant shall pay a fee of an amount twice the amount of the fee payable upon filing a contentious proceeding.

[Notification of proceedings]

104.—(a) Where an application for revocation of a patent is filed, and at the same time a proceeding for infringement or revocation of the patent is pending before the Court, and the applicant for revocation is a party to that proceeding, such applicant shall make notification thereof in his application to the Registrar for revocation of the patent, and he may add his evidence within two months from the date of the notification. If the applicant for revocation is not a party to the proceeding, he shall notify the patentee to such effect, and he shall submit his arguments—in writing—only after the Court has authorised the Registrar to deal with the application.

(b) In the notification of a proceeding as aforesaid, the person making the notification shall indicate the parties to such proceeding.

(c) Every person who is a party to the proceeding before the Court and who has not joined the applicant for revocation of the patent shall be regarded as a respondent in the proceedings on the revocation application.

(d) Where notification of a proceeding as aforesaid is made by the applicant for revocation, the patentee shall not deliver his statements of arguments until two months from

the date on which the applicant delivers to the Registrar an authorisation by the Court to deal with the matter.

[Answer by the patentee]

105.—(a) The patentee shall, within three months from the date of the application for revocation of the patent, submit his statement of arguments to the Registrar, accompanied by his evidence.

(b) If the patentee does not file a statement of arguments within the time stated in subregulation (a), he shall be deemed to have admitted the contentions of the applicant for revocation, unless a proceeding for infringement or revocation of the patent is pending before the Court at the time and the patentee has notified the Registrar thereof, and the Court has not authorised the Registrar to deal with the application.

[Rebutting evidence]

106. Where evidence has been submitted by the patentee under regulation 105, the applicant for revocation of the patent may, within two months from the date on which the evidence was delivered to the Registrar, submit rebutting evidence relating to facts expressly denied by the patentee in his evidence or facts first arising in that evidence.

[Procedure upon application for revocation]

107. The submission of statements of arguments and evidence under regulations 103 to 106 shall be treated like the submission of statements of arguments and evidence in opposition proceedings, and the procedure prescribed in Part Four of these Regulations for opposition to the grant of a patent shall apply to such first-mentioned submission and to the further proceedings under this chapter; for the purposes of these proceedings, the applicant for revocation shall be regarded as an opponent and the patentee shall be regarded as an applicant.

[Application for amendment where revocation proceedings are taken]

108. Where an application to amend a patent specification is pending when an application for revocation of the patent is filed or where an application to amend a patent specification is filed, while an application for revocation of the patent is pending, the procedure prescribed in regulation 102 shall apply *mutatis mutandis*.

Chapter Two

Validation of Patent of Addition

[Application for independent validation of patent of addition]

109. Where the owner of a patent revoked under the provision of Article Four of Chapter Four of the Law or Article Two of Chapter Seven of the Law sees fit to exercise his right under section 48 of the Law, he shall make application accordingly to the Registrar not later than two months from the date when the main patent was finally revoked.

[Delay in payment of renewal fee]

110. If the patentee, during the period in which he may make application under regulation 109, has not paid the renewal fees in respect of the main patent, he may pay them not later than the expiration of the said period.

[Patents of addition of which none constitutes an improvement on or modification of another]

111. If it appears to the Registrar that the provision of section 48(b)(2) of the Law should be applied to two or more patents of addition where the main patent has been revoked, he shall notify the owner of the patents to such effect, and the latter may, within one month of the date of the notification, apply to have his arguments heard before the Registrar, and the duty to pay a fee on each patent of addition separately shall not apply until the matter has been finally decided.

Part Nine Compulsory Licenses

Chapter One Notification as to Exploitation of Invention

[Request to demand notification]

112.—(a) A request to demand a notification as to the exploitation of a patent, under section 118 of the Law, shall be submitted to the Registrar in two copies, on Form No. 3 set out in the Second Schedule, accompanied by the prescribed fee.

(b) The request shall specify the interest therein of the person making it and facts suggesting that he is *prima facie* entitled to receive a compulsory licence.

[Demand for notification]

113. In the Registrar's demand for a notification as to the exploitation of the invention, the patentee shall be called upon to state—

(1) whether the invention is being exploited in Israel, by way of manufacture or otherwise;

(2) whether, in the opinion of the patentee, the extent of manufacture answers the requirements of the public in Israel;

(3) the place of manufacture.

A copy of the request to demand a notification, under regulation 112, shall be attached to the demand.

[Notification by patentee]

114. A patentee making a notification in answer to a demand under regulation 113 may attach thereto documents and evidence in support thereof.

[Notification to person who made the request]

115. Where the patentee's notification has been received, the Registrar shall notify such fact to the person who made the request, and he shall also notify him of the particulars of its contents in so far as they relate to the question whether an abuse of monopoly exists, but he shall not notify him of particulars which, in the opinion of the Registrar, come within the definition of trade secrets.

[Restriction as to evidence]

116. In dealing with an application for a compulsory licence, the Registrar shall not use as evidence any material submitted to him under this chapter, except a notification under regulation 115.

Chapter Two
Application for Compulsory Licence

[Application for compulsory licence]

117.—(a) An application for a compulsory licence shall be submitted to the Registrar in writing, accompanied by the prescribed fee and the publication fee, and shall set out the grounds why the licence should be issued, factors justifying its grant and facts showing that the applicant is entitled to receive it. The application shall be accompanied by evidence substantiating it and indicating the ability of the applicant to exploit the invention and the possible extent of manufacture.

(b) For the purposes of the delivery of copies of the application under regulation 15, the patentee and every licensee registered in the Register shall be regarded as parties.

[Publication of application]

118. When the fact of the application has been published in *Reshumot* under section 124(a) of the Law, the application and all the material attached thereto shall be open for inspection, provided that the fee prescribed therefor is paid.

[Notice of joinder]

119.—(a) If any person wishes to join the proceeding as an applicant or respondent (such a person hereinafter referred to as “the person joining”), he shall, within two months from the date of publication under regulation 118, submit to the Registrar a notice, accompanied by the prescribed fee, stating his interest and the relief for which he applies or the application for which he supports.

(b) The provisions of regulation 15 shall apply to the delivery of a notice under subregulation (a).

(c) The parties shall deliver to every person joining, within one month from the date on which a copy of the notice under subregulation (a) is delivered to them, copies of all the documents submitted by them to the Registrar up to that date, and the person joining shall thenceforth be regarded as a party to all intents and purposes.

(d) A person who has given notice of joinder may submit his evidence to the Registrar within two months from the date of submission of the notice.

[Further proceedings]

120.—(a) The patentee shall, within three months from the date of submission of the application for a compulsory licence, present to the Registrar his statement of arguments, accompanied by his evidence.

(b) If the patentee does not submit a statement of arguments within the time allowed by subregulation (a), he shall be deemed to have agreed to the grant of a compulsory licence.

(c) The procedure prescribed in Chapter Two of Part Four of these Regulations for the hearing of opposition before the Registrar shall apply to the further proceedings under this chapter; for the purpose of these proceedings, the applicant for a compulsory licence shall be regarded as the opponent and the patentee as the applicant.

Chapter Three
Reconsideration of Decision to Grant Compulsory Licence

[Application for reconsideration]

121. An application to reconsider a compulsory licence which has been granted shall be submitted to the Registrar in writing, accompanied by the fee prescribed for an application for a compulsory licence, and the patentee shall set out in his statement of arguments the facts on which he bases his application, accompanied by evidence substantiating them.

[Reply by licensee]

122.—(a) The licensee may, within three months from the date of submission of the documents referred to in regulation 121, submit to the Registrar his statement of arguments and evidence to substantiate his opposition to the application.

(b) If the licensee does not submit the documents referred to in subregulation (a), he shall be deemed to have agreed to waive the licence granted to him or to have it altered in accordance with the application of the patentee.

[Further proceedings]

123.—(a) In a proceeding under this chapter, additional evidence on behalf of any party may only be submitted with the permission of the Registrar.

(b) Where statements of arguments and evidence have been submitted, or where the licensee has submitted only a statement of arguments, and the period stated in section 122(a) has elapsed, the Registrar shall appoint a time for hearing the arguments of the parties and shall notify it at least one month in advance.

(c) The procedure prescribed in Chapter Two of Part Four of these Regulations for the hearing of opposition before the Registrar shall apply to the further proceedings under this chapter; for the purpose of those proceedings, the patentee shall be regarded as the opponent and the licensee as the applicant.

Part Ten Patent Attorneys

Chapter One Examinations

[Times of examinations]

124.—(a) Examinations for persons wishing to be registered as patent attorneys shall be held three times a year.

(b) The Registrar shall prescribe the exact time for holding of the examinations and shall notify it in *Reshumot* at least two months before the prescribed date.

[Designation of examiners]

125. When the Registrar has prescribed the time for an examination, the Director General of the Ministry of Justice shall designate the examiners selected by him from the panel of examiners and the subjects in which they shall examine, and shall notify the Registrar accordingly.

[Application for examination]

126.—(a) A person wishing to be examined at a particular time shall notify the Registrar to such effect not later than one month before that time, indicating the subjects in which he wishes to be examined and enclosing the examination fee.

(b) As to the language examination, the applicant shall notify in what two languages, in addition to Hebrew, he wishes to be examined.

[Acknowledgement of receipt of notification]

127. The Registrar shall acknowledge receipt of the notification and shall notify the examinee of the place of the examination.

[Examination in law]

128.—(a) The examination shall be conducted orally in the following subjects:

- (1) Israeli legislation relating to patents, designs and trade marks;
- (2) principles of Israeli copyright legislation;
- (3) principles of essential legislation in industrial countries as to patents, designs and trade marks;
- (4) principles of international legislation as to the protection of intellectual and industrial property;
- (5) rules of evidence as far as required for the conduct of proceedings before the Registrar.

[Examination in languages]

129. The examination in languages shall be in writing and shall include—

- (1) the writing of a technical description, in accordance with particulars supplied to the examinee, in Hebrew and in English, French, Russian, German or Spanish, at the examinee's choice;
- (2) a translation into Hebrew of two technical descriptions drawn up in two of the languages mentioned in paragraph (1), at the examinee's choice;
- (3) a translation into one of the said languages, at the examinee's choice, of a letter drawn up in Hebrew and containing instructions for proceedings concerning the protection of intellectual and industrial property in a foreign country.

[Drawing up of specification]

130. The examinee shall be required to draw up, in an official language chosen by him, a specification describing an invention on which explanations and particulars have been given him in writing. The specification shall comply with the requirements of the Law and these Regulations as to contents and form.

[Results of examination]

131.—(a) Immediately upon completion of the oral examination, the examiners shall establish their conclusions and shall submit them to the Registrar.

(b) The papers of the written examination shall be checked by the examiners, and the results of the checking shall be delivered to the Registrar.

(c) The Registrar shall notify the results of the examination to the examinee in writing.

(d) A person who has failed in the whole or part of an examination may ask to repeat it, or the part in which he failed, upon the expiration of at least six months from the date of the examination.

Chapter Two *Exemptions from Examinations*

[Exemption from examination in foreign law]

132. There shall be exempt from the requirement of an examination in subjects relating to foreign law a person originating from abroad who was licensed to practise as a patent attorney under the law of his country of origin if under that law it was necessary to evince a knowledge of foreign law in order to become thus licensed.

[Exemption from Hebrew language examination]

133. There shall be exempt from the requirement of an examination in the Hebrew language a person who completed his studies at a secondary school or institution of higher education in Israel or who studied abroad at a secondary school the language of instruction of which was Hebrew to a considerable extent.

[Exemption from examination in foreign language]

134. There shall be exempt from the requirement of an examination in a foreign language a person who completed his studies at a secondary school or institution of higher education abroad if his studies were conducted there in that foreign language or who studied that foreign language extensively in regular studies at a school or institution of higher education and has been given a certificate to such effect.

[Proof of knowledge in other manner]

135. Where a person wishes to prove in the manner referred to in section 143(c) of the Law that he has all or part of the necessary knowledge, having acquired it in regular studies at an institution of higher education or another institution and having received a certificate to such effect, he may submit an application to the Minister of Justice, accompanied by supporting documents.

Chapter Three *Qualifying Service*

[Qualifying service]

136.—(a) Qualifying service shall be proved by a certificate from the instructor, specifying the kind of work in which the person undergoing qualifying service was employed, the number of working-hours per week, and the additional work, if any, done by him in the period of his qualifying service. The Registrar may require a person to show five specimens of different kinds of patent attorney's work done by him in the period of his qualifying service under the supervision and in accordance with the directions of his instructor.

(b) The provisions of this regulation shall not apply to a person who has undergone qualifying service at a Patent Office.

[Shortening of period of qualifying service]

137. The period of qualifying service shall be shortened by three months for every year that the applicant worked abroad in a patent attorney's office or in the patent department of an

industrial enterprise: Provided that such period shall not in the aggregate be shortened by more than eighteen months.

Chapter Four *Registration in Register of Patent Attorneys*

[Application for registration]

138. A person wishing to be registered in the Register of Patent Attorneys shall submit an application to the Registrar, accompanied by documents attesting that he meets all the requirements of section 142 of the Law.

[Notification of eligibility for registration]

139. If the Registrar finds that the applicant meets all the requirements, he shall notify him to such effect.

[Publication fee]

140. An applicant to whom notification has been made under regulation 139, shall pay the prescribed publication fee, and when he has paid it, his name shall be inscribed in the Register and the fact of the registration shall be published in *Reshumot*.

[Register of Patent Attorneys]

141. The Registrar shall keep a Register in which the names of all patent attorneys registered in Israel, as well as their addresses, the dates of their registration and particulars of the renewal or deletion of such registration shall be inscribed.

[Annual fees]

142.—(a) A patent attorney registered in the Register shall, before the 1st January of every year, pay the prescribed annual fee.

(b) An addition equal to one third of the amount of the annual fee shall be paid in respect of each month, or fraction of a month, of delay in paying such fee. Where a patent attorney has not paid the fee for the duration of one year, his name shall be struck off the Register.

[Publication of list of patent attorneys]

143.—(a) One month after the time for the payment of the annual fee, the Registrar shall publish in *Reshumot* the names of the patent attorneys who have paid the fee in time.

(b) Where a patent attorney has paid the fee out of time, his name shall be published after he has paid the prescribed publication fee.

[Restoration of registration]

144. A person whose name has been struck off the Register under regulation 142 may apply for re-registration after he has met all the requirements: Provided that he shall not be required to be again examined under section 143 of the Law.

Part Eleven **The Office and The Registrar**

Chapter One *Registration in Register and Rectification of Documents*

[Register of Patents]

145. The following particulars shall be entered in the Register in respect of every patent:

(1) The name, address and address for service in Israel of the patentee or the owner of any right in the patent;

(2) the title of the invention, the date of the application, the date of the grant of the patent and, where a priority right is claimed, the Convention country in which the foreign application was filed, the date of filing thereof and the number or other identification mark given it by the authority with which it was filed;

(3) the renewal fee paid, amendments in the specification of the patent, and the expiration, restoration and revocation of the patent;

(4) the grant of full or partial title to the patent or a charge upon such title, and the name and address of the grantee and the date of the grant; for the purposes of this paragraph, “grant title” means the conferment, transfer or devolution of any right in the patent or the grant of an exclusive or non-exclusive licence thereunder;

(5) any other particular the Registrar may have been requested to enter if, in his opinion, the publication thereof is in the public interest.

[Registration of alterations]

146.—(a) An application to register alterations of particulars as referred to in regulation 145(1) shall be submitted to the Registrar, specifying the reasons for the application and accompanied by evidence supporting it, as well as by the prescribed fee; and the Registrar may demand further particulars or evidence to satisfy himself that the requested alteration should indeed be registered.

(b) If the application is submitted by a person other than the registered owner or exclusive licensee, and otherwise than on their behalf or with their consent, the applicant shall furnish the registered owner and the exclusive licensee with a copy of his application and of the accompanying documents.

(c) If a person to whom a copy of the application is delivered under subregulation (b) does not notify his opposition to the registration within one month from the date on which the documents referred to in subregulation (b) are delivered to him, and the Registrar is satisfied that such documents were in fact delivered to him, such person shall be deemed to have agreed to the registration.

(d) If the registered owner notifies his opposition to the requested amendment, the Registrar shall appoint a time for hearing the arguments of the parties.

[Registration of transfer of title]

147.—(a) An application for the registration of a transfer of title shall be submitted to the Registrar in two copies, accompanied by the document by which the transfer was effected and by the prescribed fee, and shall be signed by the transferee.

(b) The Registrar shall register the transfer if he is satisfied that the documents are in order and that title has in fact been transferred.

[Receipt of extracts]

148. An application for a certified extract from the Register shall be submitted in writing, accompanied by the prescribed fee.

[Rectification of entries and documents]

149.—(a) Any such application for the rectification of any entry or document as is not provided for elsewhere in the Law or in these Regulations shall be submitted to the Registrar in two copies, accompanied by the prescribed fee, and shall specify the requested rectification and the reasons for the application. If the Registrar is satisfied that the rectification should be permitted, he shall act in accordance with the provisions of this regulation.

(b) If it appears to the Registrar that no person's right is likely to be adversely affected thereby, he shall notify the applicant, on one of the copies of the application, that he has permitted or carried out the rectification.

(c) If the Registrar is of the opinion that any applicant for a patent, or any patentee, licensee or compulsory licensee, or the owner of any other right in a patent, is likely to be adversely affected by the requested rectification, he shall make notification to him.

(d) Within one month from the date on which notification under subregulation (c) is made to any person, such person may file opposition to the rectification, specifying in his statement of arguments the facts on which he bases such arguments and enclosing his evidence.

(e) Where opposition as aforesaid has been filed, the Registrar shall appoint a time for hearing the arguments of the parties.

Chapter Two *Registrar and Examiners*

[Contestation of acts of examiner]

150. Where a person wishes to contest an act of an examiner and no other procedure is provided for by these Regulations, he shall lodge a notice to such effect with the Registrar, in two copies, specifying the act of the examiner which is the subject of the contestation. The Registrar may direct the applicant to submit a written summary of his arguments if it appears to him that it is necessary so to do for the efficient handling of the contestation.

[Registrar's reply to contestation]

151. The Registrar shall reply to the contestation in writing, assigning reasons.

[Application for hearing of arguments]

152. A contestor to whom a reply has been delivered under regulation 151 may, within one month from the date of delivery thereof, apply to have his arguments heard before the Registrar. If he so applies, the Registrar shall appoint a time for the hearing of his arguments and shall notify him thereof at least ten days in advance unless the contestor agrees to a shorter period.

Chapter Three *Receipt of Permits for the Purpose of Chapter Six of the Law*

[Application through Registrar]

153. An application for a permit under section 98(1) or 103 of the Law shall be lodged with the Registrar, who shall forward it to its destination.

Part Twelve Committees

Chapter One Objection Committee

[Definitions]

154. In this chapter—

“committee” means an objection committee appointed by the Minister of Justice under section 96 or 101 of the Law;

“order” means an order under section 94 or 99 of the Law;

“the Minister” means the Minister of Defence or the Minister designated by the Government under section 112 of the Law, as the case may be.

[Filing of notice of objection]

155. Objection under section 96 or 101 of the Law shall be by notice filed with the Registrar in four copies, accompanied by the prescribed fee.

[Particulars of notice of objection]

156.—(a) The notice of objection shall specify—

- (1) the name and address of the objector and an address for service;
- (2) the number and date of the patent application to which the order relates, and the title of the invention;
- (3) the date of dismissal and file number of an earlier appeal, if any;
- (4) the reasons for objection, including legal reasons, each reason to be stated briefly in a separate paragraph.

(b) The notice of objection shall be signed by the applicant.

(c) The notice of objection shall be accompanied by the following documents, each in four copies:

- (1) An affidavit to verify the facts on which the objector relies;
- (2) a copy of the order objected to.

(d) The Minister who made the order shall be indicated in the notice of objection as the respondent.

[Service of notice on respondent]

157. The Registrar shall serve a copy of the notice of objection on the respondent and the chairman of the committee.

[Respondent's answer]

158.—(a) The respondent may, within one month from the date on which a copy of the notice of objection is served on him as aforesaid, file with the Registrar, in four copies, a reasoned answer supported by an affidavit.

(b) Where the respondent's answer has been filed as provided in this regulation, the Registrar shall serve copies of such answer and of the affidavit on the objector.

[Fixing time for hearing of objection]

159. The chairman of the committee shall, within two months from the date of service of the notice of objection, fix a time for the hearing of the objection and shall give the objector and the respondent at least fifteen days' advance notice of the time fixed as aforesaid.

[Appearance for cross-examination]

160.—(a) A party who wishes to cross-examine any person who has made an affidavit to verify the facts on which another party relies shall notify the chairman of the committee and that party to such effect at least seven days before the time fixed for the hearing of the objection.

(b) A party to whom notification has been made under subregulation (a) shall produce to the committee, at the time fixed for the hearing of the objection, the deponent required for cross-examination as aforesaid.

(c) If the party does not produce the deponent for cross-examination as provided in subregulation (b), or if the deponent, without reasonable justification, refuses to answer questions put to him in cross-examination, the affidavit shall not be used as evidence unless the committee is satisfied that the admission of the affidavit as evidence is necessary in the interests of justice.

[Hearing of arguments of parties]

161.—(a) The committee shall first hear the arguments of the objector and thereafter those of the respondent.

(b) The committee may permit the objector to answer the arguments of the respondent as it may see fit.

[Hearing in absence of parties]

162. Where a party, though duly summoned, does not appear before the committee at the time fixed for the hearing of the objection or the time to which the further hearing has been postponed under regulation 166, the following provisions shall apply:

(1) Where the objector appears and the respondent does not appear, the committee may postpone the hearing of the objection or may hear the objection in the absence of the respondent;

(2) where the objector does not appear, the committee may postpone the hearing of the objection or may set aside the objection.

[Plea of defect in written reasons]

163.—(a) In hearing an objection, the committee shall not entertain any plea of a defect in the form of the notice of objection unless written notice of such plea was given to the objector at least seven days before the time fixed for the hearing of the objection and he has not remedied the defect before that time.

(b) Where notice was given as provided in subregulation (a) and the objector has not remedied the defect in time, the committee may, for special reasons, permit the objector to remedy the defect on such conditions as it shall prescribe.

[Hearing confined to written reasons]

164. In hearing an objection, the committee shall not entertain any reason not mentioned in the notice of objection or the respondent's answer unless it is satisfied that the omission was due to no fault of the party wishing to avail himself of that reason or that the hearing of the additional reason is necessary in the interests of justice.

[Powers of chairman of committee]

165. The chairman of the committee may—

- (1) extend any time prescribed in this chapter;
- (2) permit the parties to submit documents in addition to those specified in this chapter.

[Postponement of hearing]

166. The committee may postpone the hearing of the objection and, when it has begun to hear it, may postpone the further hearing thereof, if, in its opinion, the postponement is necessary in the interests of justice.

[Decision of committee]

167.—(a) The committee may pass decisions by a majority of votes.

(b) A decision of the committee shall be drawn up in writing and shall be signed by all the members of the committee.

(c) A copy of the decision, certified by the chairman of the committee, shall be delivered to the objector and the respondent as soon as possible after the decision is given, but the committee may, for security reasons, decide not to deliver the reasons of the decision to the objector in writing.

[Costs of objection]

168. The committee may decide to impose costs and may prescribe on whom they shall be imposed.

[Consolidation of objections]

169. The committee may consolidate objections pending before it, hear them jointly and give one decision in respect of all of them, if—

- (1) they relate to the same order or patent application;
- (2) they involve identical or similar points of law or fact.

[Joinder of parties]

170. The committee may, at any stage of the proceedings, include therein as objector or respondent any person who appears to it to be interested in the objection.

Chapter Two *Compensation and Royalty Committee*

[Definitions]

171. In this chapter—

“committee” means the compensation and royalty committee appointed under section 109 of the Law; “application” means an application for determination by the committee of a matter coming within its competence according to section 108 or 134 of the Law; “permit” means a permit granted under section 98(1) or 103(1) of the Law;

“respondent” means a person who may become liable to pay compensation or royalties by virtue of the determination of the committee;

“order” means an order under section 94 or 99 of the Law.

[Submission of application]

172.—(a) The application shall be submitted to the Registrar, specifying—

(1) the name and address of the applicant and an address for service;

(2) the name and address of the respondent;

(3) where the applicant is the owner of an invention—the title of the invention, the number of the patent or patent application, or other particulars for identification of the invention;

(4) the facts relevant to the fixing of the amount of the compensation or royalties;

(5) the reasons on which the application is based, each reason in a separate paragraph;

(6) the relief sought.

(b) The application and annexed documents shall be submitted to the Registrar in four copies, accompanied by the prescribed fee, and it shall be signed by the applicant.

[Annexed documents]

173. The application shall be accompanied by affidavits to verify the facts on which the applicant relies and by copies of the order or permit, as the case may be.

[Respondent’s answer]

174.—(a) The respondent may, within one month from the date of submission of the application, submit to the Registrar a reasoned answer, accompanied by affidavits to verify the facts on which he relies.

(b) The answer and annexed documents shall be submitted in four copies.

(c) If the respondent does not submit an answer as aforesaid, he shall be deemed to agree to the grant of the requested relief.

[Delivery of documents]

175. Where the application and answer have been submitted, the Registrar shall deliver them to the chairman of the committee.

[Appointment of time for hearing of application]

176. The chairman of the committee shall fix a time for hearing the arguments of the parties and shall notify them of the time fixed by him at least ten days in advance.

[Appearance for cross-examination]

177.—(a) If one of the parties wishes to cross-examine a person who has made an affidavit to verify the facts on which the opposite party relies (such person hereinafter referred to as “the deponent”), he shall notify the chairman of the committee and the opposite party to such effect at least seven days before the time fixed for the hearing of the application.

(b) A party to whom notification has been made under subregulation (a) shall produce the deponent to the committee at the time fixed for the hearing of the application.

(c) If the party does not produce the deponent or if the deponent, without reasonable justification, refuses to answer questions put to him in cross-examination, the affidavit shall not be used as evidence unless the committee is satisfied that the admission of the affidavit as evidence is necessary in the interests of justice.

[Hearing of arguments of parties]

178.—(a) The committee shall first hear the arguments of the applicant and thereafter those of the respondent.

(b) The committee may permit the applicant to answer the arguments of the respondent.

[Plea of defect]

179. In hearing the application, the committee shall not entertain any plea of a defect in the form thereof unless written notice of such plea was given to the applicant at least seven days before the time fixed for the hearing of the application, and he has not remedied the defect before that time.

[Reasons not to be heard]

180. In hearing the application, the committee shall not entertain any reason not mentioned in the application or in the respondent’s answer unless it is satisfied that the omission was due to no fault of the person wishing to avail himself of that reason or that the hearing of the additional reason is necessary in the interests of justice.

[Powers of chairman of committee]

181. The chairman of the committee may—

(1) extend any time prescribed in this chapter;

(2) permit the parties to submit documents in addition to the documents specified in this chapter.

[Postponement of hearing]

182. The committee may postpone the hearing of the application and, when it has begun such hearing, may postpone the further hearing thereof, if, in its opinion, the postponement is necessary in the interests of justice.

[Decision of committee]

183.—(a) The committee may pass decisions by a majority of votes.

(b) A decision of the committee shall be drawn up in writing and shall be signed by all the members of the committee.

(c) A copy of the decision, certified by the chairman of the committee, shall be delivered to the applicant and the respondent as soon as possible after the decision is given,

but the committee may, for security reasons, decide not to deliver the reasons of the decision to the parties in writing.

[Costs of application]

184. The committee may decide to impose costs and may prescribe on whom they shall be imposed.

[Non-appearance for hearing]

185. Where a party, though duly summoned, does not appear before the committee at the time fixed for the hearing of the application or at the time to which the further hearing has been postponed under regulation 182, the following provisions shall apply:

(1) Where the applicant appears and the respondent does not appear, the committee shall postpone the hearing or may hear and decide upon the application;

(2) where the applicant does not appear, the committee may postpone the hearing or may set aside the application.

[Consolidation of applications]

186. The committee may consolidate applications pending before it, hear them jointly and give one decision in respect of all of them, if—

(1) they relate to the same order or permit; or

(2) they involve identical or similar points of law or fact.

[Joinder of parties]

187. At any stage of the proceedings, the committee may, at the request of the applicant, the respondent or any other interested person, include therein as applicant or respondent any person interested in the outcome of the application.

Part Thirteen Auxiliary Powers

[Power to permit rectification]

188.—(a) Unless otherwise provided in the Law or these Regulations, the Registrar may rectify or permit the rectification of any error in an application or document submitted to him in any proceeding if, in his opinion, the rectification will not adversely affect the rights of another person.

(b) Where the application for rectification concerns any matter in a contentious proceeding, the Registrar shall decide after hearing the arguments of the parties.

[Written summary of arguments]

189. The Registrar may require any applicant or party before him to summarise in writing the arguments such applicant or party has preferred before him, and if he so requires, the person required shall comply with the requisition within one month from the day on which it is made.

[Demand for explanations]

190. The Registrar may require an applicant or a person instituting a non-contentious proceeding to appear before him and give him oral explanations as to any matter relating to his application or to the proceeding instituted by him.

Part Fourteen Appeals

[Time for appeal]

191. An appeal against any such decision under the Law or these Regulations as is appealable to the Court shall be filed within two months from the date of the decision.

[Procedure]

192. The procedure in an appeal shall be the same as in an appeal against a judgment of a Magistrates' Court.

[Evidence]

193. Where the appellate court decides to hear evidence, the procedure shall be that obtaining in taking evidence in that court sitting as a court of first instance.

[Copy of decision to Registrar]

194. The appellate court shall transmit a copy of its decision to the Registrar.

Part Fifteen Service Inventions

Chapter One Dispute in Respect of Invention

[Application to Registrar]

195. An application to the Registrar to decide whether a particular invention is a service invention shall be submitted to the Registrar in writing, accompanied by the prescribed fee, and shall set out the facts material to deciding the question and evidence to substantiate them, and it shall also indicate the respondent.

[Answer by opposite party]

196. The respondent indicated as provided in regulation 195 may, within two months from the date of receipt of notice of the application, submit to the Registrar his reasoned answer and evidence.

[Termination of receipt of evidence]

197. No further evidence shall be submitted by a party, save with the permission of the Registrar.

[Hearing of arguments]

198.—(a) Where statements of arguments have been filed under regulations 195 and 196, or where statements of arguments have been filed by the applicant only and the period allowed by regulation 196 has expired, the Registrar shall appoint a time for hearing the arguments of the parties and shall notify them of such time at least one month in advance.

(b) Where a party does not appear at the time fixed and does not give a reasonable explanation for his non-appearance, he shall be deemed to admit the contentions of the opposite party.

Chapter Two *Registration of Service Inventions*

[Register of Service Inventions]

199.—(a) For the registration of service inventions, a research institution of the State shall keep a register of service inventions.

(b) The register shall be bound, and each entry therein shall be made in duplicate on consecutively numbered pages.

(c) The following particulars shall be entered in the register:

(1) The name of the subject of the research;

(2) the name of the researcher;

(3) a concise description, by means of sketches as far as necessary, to be made from time to time, but in any case at the termination of each stage of the research, indicating the stage of the research reached by the researcher; and references to records prepared by the researcher in connection with the research;

(4) the date of termination of the stage referred to in paragraph (3) and the date of the entry in the register;

(d) Each entry under subregulation (c) shall be signed by the researcher, and the pages of the register shall be signed by the person in charge of the unit in which the researcher is employed.

(e) Registration in a register as aforesaid shall be valid for the purposes of registration in a register as referred to in section 55(a)(3) of the Law.

Part Sixteen **Miscellaneous**

[Commencement]

200. These Regulations shall come into force on the 3rd Nisan, 5728 (1st April, 1968).

[Registration of patent attorneys who were patent agents]

201.—(a) An application for registration as a patent attorney under section 196 of the Law shall be submitted to the Registrar in writing, and the Registrar shall acknowledge its submission.

(b) Where the Registrar is of the opinion that a person as dealt with by section 196(2) of the Law who has submitted an application has not engaged to a considerable extent in work reserved by the Law to a patent attorney, he shall notify that person to such effect in writing, and he shall give him an opportunity to have his arguments heard before him on condition that seven days before the time fixed for the hearing of his arguments that person furnishes the Registrar with evidence substantiating them.

[Continuity of acts]

202. Any act permitted or required to be done, in respect of patent applications submitted but not yet accepted, both under the Patents and Designs Ordinance³ and the Patents Rules⁴ and under the provisions of the Law and these Regulations shall be deemed to be permitted or required to be done under these Regulations, and notice by the Registrar to any person to do an act as aforesaid shall be regarded as a valid demand thereunder; however—

(1) the amount of the fee prescribed for the doing of the act shall be the amount prescribed in the First Schedule to these Regulations;

(2) the said notice shall be deemed to have been delivered on the date of the coming into force of the Law: Provided that a notice delivered under rule 21A, 22 or 26(b) of the Patent Rules shall be deemed to have been delivered under these Regulations at the time of its actual delivery.

[Rectification of defects in form of application and specification]

203.—(a) The provisions of these Regulations relating to the form of the specification shall apply also to applications submitted under the Patents and Designs Ordinance, and notification of defects under regulation 31(a) may be made in respect of patent applications pending upon the coming into force of the Law; however, in the case of a defect under regulation 31(a)(1), the applicant shall not have to pay the fee prescribed for those matters.

(b) A notification by the Registrar of defects found in an application, under regulation 31(a), shall be delivered to the applicant not later than four months before the application is to be examined.

[Filing of specification filed in foreign country]

204. An applicant whose patent application has been pending since before the coming into force of the Law shall file the specification filed in a foreign country three months after the date on which the Registrar requires him to do so.

[Citation]

205. These Regulations shall be cited as the Patents (Office Practice, Rules of Procedure, Documents and Fees) Regulations, 5728—1968.

¹ Sefer Ha-Chukkim No. 510 of 5727, p. 148.

² Laws of Palestine Vol. I, cap. 54, p. 670 (English Edition); Se fer Ha-Chukkim of 5716, p. 10.

³ Laws o f Palestine Vol. II, cap. 105, p. 1076 (English Edition).

⁴ Laws of Palestine Vol. III, p. 1925 (English Edition).

FIRST SCHEDULE

Form No. 2
(regulation 19)

Patents Law, 5727—1967
Application for Patent

For Office Use

Number
Date: Ante-/Post-dated

I (name and address of applicant, and in case of body corporate, place of incorporation)

Owner, by virtue of, of an invention the title of which is

(Hebrew)

(English)

hereby apply for a patent to be granted to me in respect thereof.

Priority Claim*			Application for Patent of Addition*	Application for Division
Convention Country	Date	Number/Mark	to Appl. /Patent* No..... dated	of Application No. dated
			P.O. A.: General/Individual - Attached To be filed later Filed in Case	
			
Thisofof the year			Signature of Applicant	
For Office Use				

This form, impressed with the seal of the Patent Office and indicating the number and date of filing, certifies the filing of the application the particulars of which are set out above.

* Delete whatever is inapplicable.

Form No. 1
(regulation 8(b))

To:Registrar of Patents
P.O.B. 767

Jerusalem

Date . . .

Dear Sir,

I herewith transmit the inclusive payment to cover the following fees:

	No. of File at Office	Our No.	Particulars of Payment	Amount	
1					
2					
3					
4					
5					
6					
7					
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11					
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26					
27					
28					
29					
30					
			Total		

State of Israel Patent Office		
Payment		
Patents		
Designs		
Publications (Notices)		
Other pub- lications		
Photographs		
Total		

Date

Signature

Cashier's Seal

Fol. No.

A cheque for the above amount, No. _____
on the _____ Bank, is enclosed herewith.

Yours faithfully,

For Office Use

PATENTS LAW, 5727 – 1967

Form No. 3

(regulation 76)

CERTIFICATE OF PATENT

This is to certify that the following particulars have been recorded in the Register of Patents:—

No. of Application for Patent

Date of Application

Patentee

Title of Invention

Priority Right

Convention Country	Date	Number or Identification Mark

Date of Publication of Acceptance of Application

Date of Grant of Patent

This Certificate, impressed with the seal of the Office, certifies that the grant of the Patent* has been recorded in the Register of Patents.

* Conditions of Patent

The grant of the patent and rights of the patentee are subject to the provisions of the Patents Law, 5727 - 1967, and the provisions of any other law.

The patent remains in force for a period of twenty years from the date of the application if the renewal fees are paid at the rates and times prescribed by the regulations, and if it does not become otherwise invalid. A patent of addition remains in force as long as the main patent and no renewal fees are due thereon.

Any change in the ownership of a patent must be recorded in the Register of Patents in order to become effective with regard to a third party.

PATENTS LAW, 5727 – 1967
Form No. 4 (regulation 112)

I _____

whose address is _____

hereby request the Registrar of Patents to demand a notification as to the exploitation of the invention patented under Israel Patent No. _____

I am interested in such a demand because _____

I hereby declare that I have no interest in this request but the aforesaid, and especially, that I do not request the material for the purpose of unfairly competing with the patentee or of utilising the information to be delivered to me for any object but an application for a compulsory licence if there are grounds for making it.

I undertake not to publish the information which will be delivered to me by the Registrar unless I file an application for a compulsory licence.

Applicant

SECOND SCHEDULE
(regulation 6)

FEEES

	Amount of Fee in Pounds
1. (a) Upon filing patent application	50
(b) Inclusive fee, in lieu of all fees leviable up to acceptance, inclusive, except fees leviable in respect of extension of time - upon filing patent application	100
2. Upon filing application for rectification or completion of register, or of any document, where no other fee is prescribed	10

3.	Upon filing application for extension of time, for each month or part thereof—	10
	(a) before expiration of period	
	(b) thereafter	20
4.	Upon filing contentious proceeding	50
5.	Upon filing application for registration of right in respect of patent in Register of Patents, or for alteration or cancellation of any such registration—	10
	(a) within six months from date of acquisition of right	
	(b) thereafter	40
6.	Upon filing application for receipt of document or certificate issued by Registrar or Office and for which no other fee is prescribed	5
7.	Upon filing demand for indication of name of inventor	10
8.	Upon filing application for amendment of specification of patent which has been granted, including specification of patent the application for which has been accepted	20
9.	Upon filing application for renewal of patent, the fee shall be, with the approval of the Finance Committee of the Knesset—	20
	(a) before the expiration of three months from the date of the grant of the patent, for the period remaining until the expiration of six years from such date	
	(b) before the expiration of the sixth year from such date, for the succeeding two years	30
	(c) before the expiration of the eighth year from such date, for the succeeding two years	40
	(d) before the expiration of the tenth year from such date, for the succeeding two years	60
	(e) before the expiration of the twelfth year from such date, for the succeeding two years	90
	(f) before the expiration of the fourteenth year from such date, for the succeeding two years	120
	(g) before the expiration of the sixteenth year from such date, for the succeeding two years	150
	(h) before the expiration of the eighteenth year from such date, for the succeeding two years	200
	(i) before the expiration of three months from such date, for the whole period of the patent (inclusive fee)	700
10.	Upon filing application for restoration of patent after lapse thereof	200
11.	Upon filing request to demand notification as to exploitation of invention	100
12.	Upon filing application for decision whether a	50

	particular invention is a service invention	
13.	Upon filing application to examine applicant for the purpose of registration as a patent attorney—	25
	(a) orally	
	(b) in writing	50
14.	Upon filing application for registration as a patent attorney	50
15.	Annual fee payable by patent attorney	25
16.	For inspection—	2.50
	(a) of Register of Patents	
	(b) of patent specifications, for twenty files or part thereof	2.50
	(c) of application file	5
	(d) of other documents open for inspection by the public where no other fee is prescribed	5
17.	(a) For certification of copy of patent specification, including drawings made at the Office and used for the purposes of a claim for a priority right or of a legal proceeding	5
	(b) For certification of any other document, per page	1
18.	For extract from Register	2.50
19.	For copying document, other than certificate, wholly or in part, by typewriter, for each page or part thereof	2
20.	(a) For copying specification, including drawing, by duplicator, per page	0.70
	(b) For copying as aforesaid of other document, per page	1
21.	Upon filing objection with Objection Committee	7.50
22.	Upon filing application with Compensation and Royalty Committee	20
23.	Upon filing application to advance date of examination of patent application	200
24.	Publication fee	The amount prescribed therefor and published in <i>Reshumot</i>

29th Adar, 5728 (29th March, 1968)

YAAKOV S. SHAPIRO

Minister of Justice