

**REGULATIONS UNDER THE LAW ON PATENTS FOR INVENTIONS,
UTILITY MODELS AND INDUSTRIAL DESIGNS**

Decree No. 88-2001, Adopted on September 12, 2001

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THE PRESIDENT OF THE REPUBLIC OF NICARAGUA,

By virtue of the powers conferred upon him by the Political Constitution,

HAS ISSUED

The following:

**REGULATIONS UNDER THE LAW ON PATENTS FOR INVENTIONS,
UTILITY MODELS AND INDUSTRIAL DESIGNS**

Chapter I

Definitions

Article 1. Purpose

The purpose of this Decree is to establish the regulatory provisions of Law No. 354, Law on Patents for Inventions, Utility Models and Industrial Designs, of September 19, 2000, published in La Gaceta, Nos. 179 and 180 of September 22 and 25, 2000, hereinafter referred as to "the Law".

Article 2. Terms employed

Any reference to articles, where no other instrument is indicated, is to that of these Regulations.

Law: Law No. 354, Law on Patents for Inventions, Utility Models and Industrial Designs, of September 19, 2000, published in La Gaceta, Nos. 179 and 180, of September 22 and 25, 2000;

Regulations: These Regulations;

Registrar: The official who manages the Registry, as well as the official who exercises the functions of the Registrar, where appropriate; and

Official Journal: La Gaceta or the official publication which consists of the organ of publication for purposes of intellectual property.

Chapter II

Inventions

Conditions of patentability

Article 3. Definition of an invention

A product invention may refer, inter alia, to any substance, composition or material, including that of a biological nature, or to any apparatus, machinery, equipment, mechanism, device or other object or tangible result, as well as to any part of the same.

A procedural invention may refer, inter alia, to any method, operation or body of operations, use or application of a product or procedure, or to its parts and stages, leading to the production, manufacture or conversion of a product or the achievement of a result.

Article 4. Inventive step

For the purposes of assessing whether the invention meets the inventive step requirement, each claim in the application shall be compared with the prior art taken as a whole. Each claim shall be compared not only with each existing element in the prior art, but also with any series or juxtaposition of elements that is obvious or clear for a person normally skilled in the corresponding technical art.

Article 5. Subject matter excluded from protection

In accordance with Article 7 of the Law, patents shall not be granted for animal breeds; therapeutic, surgical or diagnostic methods applicable to persons or animals; or for any inventions whose commercial exploitation must be prevented to protect public policy and morals, health or human, animal or plant life, or preserve the environment, provided that such exclusion is not due to the fact that the exploitation of the product is prohibited, limited or determined by any legal or administrative provision.

Chapter III

Patent registration procedure

Article 6. Patent application

The application shall be filed in two copies and shall contain the information set out in Article 19 of the Law. It shall also contain the following elements: particulars of the applicant, his representative or agent, description of the documents proving their status; title of the invention, classification, information on priority(ies) claimed, place of service for notification, name and signature of the applicant. All of the pages of the documents shall be numbered consecutively.

Article 7. Reference to the inventor

The declaration of the inventor provided for in Article 17 of the Law, where this was not made initially, may be made at any time while the application is pending.

Article 8. Address of the applicant

The address of the applicant shall contain the necessary particulars to allow speedy communication. In addition to the address, the application shall indicate a special postal address for purposes of correspondence by mail.

The address indicated shall mention at least a telephone number, a fax number and an e-mail address, where appropriate.

In the event that there are several applicants, they shall indicate a single address for the purposes of the application.

Article 9. Withdrawal

Withdrawal of the application for patent registration shall be made in accordance with Article 97 of the Law and shall further contain the following elements: particulars of the applicant, his representative or agent, title of the invention, the application subject to withdrawal, classification, the place of service for notifications, and the name and signature of the applicant.

Two or more pending applications may be withdrawn by means of a single act. In such cases, each of the applications subject to withdrawal shall be clearly identified.

Once the request for withdrawal has been submitted, the Intellectual Property Registry shall order that the corresponding application be shelved. If the withdrawal is submitted prior to publication, the

application shall remain confidential. In such cases, access to the respective file shall require the written authorization of the applicant or his assignee.

Article 10. Abandonment and lapse

The period that shall apply to the abandonment of the application for patent registration and lapse shall be eight months, in accordance with Article 397 of the Code of Civil Procedure.

Abandonment of the application for patent registration shall also comply with the forms set out in Articles 30 and 31 of the Law. The provisions on **Lapse** contained in Title XV Book I of the Code of Civil Procedure shall apply in this connection.

Article 11. Name of the invention

The name of the invention shall be subject to at least the following rules:

- (a) It shall be brief, no more than ten words long;
- (b) It shall refer to the core of the invention;
- (c) It shall denote the type or category of invention it designates. In the case of a product, it shall indicate, for example, the substance, compound, apparatus, machinery, etc.; in the case of a procedure, it shall indicate the method, use, etc.;
- (d) It shall not contain proper names, fantasy names, marks or other distinctive signs or particular designations; and
- (e) It shall employ the commonly used or recognized terminology in the corresponding technical field.

Article 12. Description of the invention

The description of the invention shall comply with the order indicated in Article 21 of the Law, unless owing to the nature of the invention a different order would allow better understanding of the invention and a briefer presentation of its description.

Article 13. Deposit of biological material

For the purposes of the patent-granting procedure, the deposit of biological material in an institution recognized in accordance with Article 22 of the Law and the storage of samples of the material deposited shall be subject to the provisions governing international recognition of the deposit of microorganisms for purposes of patent procedures, and as stipulated in the Law, these Regulations and the manual of procedures.

The Registry shall identify the centers for the deposit of biological material recognized as such, both inside and outside the country. If material is deposited in an international centre, the Registry may require the applicant to provide the result of the sample of the microorganism deposited for the purposes of Article 23 of the Law.

Article 14. Drawings

Drawings shall satisfy the following requirements:

- (a) They shall be made with sufficiently clear and even lines;
- (b) The elements from a given figure must keep the right proportions among themselves, except when a difference in proportion is essential for the clarity of the figure;

(c) A single page of drawings can contain two or more figures, but these must be clearly separate and preferably vertical; and

(d) It shall not be possible to use reference signs in the drawings, that are not mentioned in the description and in the claims. The same reference signs shall be employed for the same elements or figures when these appear more than once.

Article 15. Claims

Where there is more than one claim, these shall be numbered consecutively.

Claims shall be drawn up on the basis of the technical features of the invention, with no relative or imprecise examples or terms, unless these have been precisely defined in the description.

Except where the nature of the invention dictates different wording, claims shall contain:

- (a) a preamble indicating the technical features of the invention which form part of the prior art; and
- (b) a part explaining the technical features that distinguish the invention from prior art and for which protection is sought, together with those mentioned under (a).

Where drawings are presented, the technical features mentioned in the claims may be followed by reference numbers for the corresponding features illustrated in the drawings. Such reference numbers shall appear in brackets. Reference numbers shall not be included where this is not necessary to ensure a better understanding of the claim.

Article 16. Independent and dependent claims

A claim shall be deemed independent when it defines the protected subject matter without referring to another claim.

A claim shall be deemed dependent when it encompasses or refers to another claim. When the dependent claim refers to two or more claims, it shall be considered a multiple dependent claim.

Any dependent claim shall indicate, in its preamble, the number of the claim on which it is based, and shall specify the additional feature, variation, modality or alternative for the production of the invention referred to in the respective basic claim.

A multiple dependent claim may only be referred to as an alternative to the claims on which it is based, and may not serve as the basis for another multiple dependent claim.

Any dependent claim shall be understood as one which includes all of the features and limitations contained in the claim on which it is based. A multiple dependent claim shall be deemed to include all of the features and limitations contained in the claim together with which it is to be considered.

Dependent claims shall be recorded immediately after the claims on which they are based.

Article 17. Abstracts

Abstracts shall be drafted in such a way as to serve effectively as an instrument for searching for and retrieving the technical information contained in the respective document, and shall essentially be limited to that which the invention provides as novel with regard to prior art. Their extension may not exceed one hundred and fifty (150) words.

Abstracts shall contain:

- (a) a summary of what is disclosed in the description, claims and drawings, which shall indicate the technological sector to which the invention belongs and shall be drafted in such a way as to allow a

clear understanding of the technological problem, the essence of the solution to that problem through the invention and the main use(s) of the invention;

(b) the chemical formula and/or drawing that best characterize the invention, where appropriate.

Abstracts shall include, inter alia, the following elements of information taken from the description of the invention and pertaining to:

(a) chemical products or compounds: their identity, preparation and use or application;

(b) chemical procedures: their stages or levels, the type of reaction, and the necessary reagents and conditions;

(c) machinery, apparatuses or systems: their structure and organization and their functioning;

(d) goods or articles: their method of manufacture; and

(e) mixtures: their ingredients.

Where the abstract contains a drawing, each technical feature mentioned in the summary shall be followed by a reference number in brackets referring to the characteristics illustrated in that drawing.

The Registry may only correct or modify the content of abstracts ex officio to improve their information value.

Article 18. Terminology and signs used in applications

In all of the documents contained in a patent application, units of weight and measurement shall be expressed according to the metric system, temperatures shall be expressed in degrees centigrade and density shall be expressed in metric units.

Indications of heat, energy, light, sound and magnetism, as well as mathematical formulae and electrical units, shall be expressed in accordance with standards and measurements used internationally; for chemical formulae, symbols, atomic weights and molecular formulae in general use shall be employed.

Article 19. Unity of invention

Unity of invention shall be deemed to exist even if an application contains two or more independent claims relating to inventions in different categories, provided that the material claimed in them forms a single inventive concept. Unity of invention shall further be deemed to exist when a single application contains independent claims in the following combinations, inter alia:

(a) a product or procedure for its preparation or manufacture;

(b) a product and a utilization or application for the same;

(c) a product, a procedure for its preparation or manufacture, and a utilization or application for that good;

(d) a procedure for the preparation or manufacture of a product and a utilization or application for that product;

(e) a procedure and an apparatus or means for putting the procedure into practice;

(f) a product, procedure for its preparation or manufacture, and an apparatus or means for putting the procedure into practice.

Article 20. Division of applications

A request for division of a patent application shall comply with Article 28 of the Law and shall contain the following elements: particulars of the applicant, representative or agent, an indication of the application on which the division is based, classification, application number, title of the new application, the place of service, and the name and signature of the applicant.

For the purposes of forming each divisional application, the applicant shall file the claims and abstract corresponding to each one, as well as copies of the description contained in the original application. The Intellectual Property Registry shall collate and itemize the necessary copies to constitute the file for each divisional application.

If, prior to submitting the request for division, notice was given of an observation in accordance with Article 19 of the Law, it shall not be necessary to wait for division to correct the error or omission that gave rise to the notification.

Each divisional application shall be numbered on the basis of the number of the original application, adding the number that distinguishes each one.

Once the division has been made, each divisional application shall be processed separately as if it had been submitted independently from the start.

Publication of the application made prior to division shall have effect for each divisional application.

Article 21. Amendment and correction

Requests for the amendment or correction of a patent application or a patent granted shall comply with Article 29 of the Law, in addition to containing the following elements: particulars of the applicant or his representative or agent, a description of the documents proving the status of the persons, classification, details of the priorities claimed; a description of the amendment or correction requested, the place of service, and the name and signature of the applicant.

No amendment of the description, claims or drawings may entail an extension of the disclosure contained in the original application. In the event that the application claims the priority from an earlier application, this shall include the disclosure contained therein, insofar as the priority is applicable.

In the event that the amendment of the application is due to a change in the person of the applicant as a consequence of a total or partial transfer, the provisions of Articles 29 to 33 shall apply, as relevant. If the transfer entails a division of the application, the provisions of Article 20 shall apply.

Article 22. Notice of publication of applications

Notice of publication of patent applications shall contain the elements indicated in Article 32 of the Law, in addition to the following aspects: name, address and nationality of the inventor and name of the official from the Intellectual Property Registry who authorized the notice.

The draft decisions and other preliminary documents prepared by examiners or other officials from the Intellectual Property Registry shall not be considered part of the file accessible to the public.

Article 23. Substantive examination

In the event that the application is amended during the substantive examination, the relevant provisions shall apply.

Where the Intellectual Property Registry makes an observation on the basis of a lack of unity of the invention, the applicant shall divide his application into two or more divisional applications that shall

be organized as independent files. The applicant shall submit the necessary documents for each divisional application.

When, during the substantive examination it transpires that another patent application of an earlier date is pending, the Intellectual Property Registry shall suspend the examination until the application of prior date has been decided. The subject matter that remains included in the patent that is granted on the basis of the application of prior date shall be considered part of the prior art for the purposes of determining the novelty of any application at a later date.

Article 24. Competent bodies for the examination

The substantive examination of the invention may be carried out directly by officials from the Patent Division of the Intellectual Property Registry or by one or more of the following persons or entities designated by the Registry:

- (a) Independent specialists and experts;
- (b) Public or private institutes and centers specialized in technical fields, in the country or abroad;
- (c) Public or private technical research centers and universities, in the country or abroad;
- (d) Government agencies;
- (e) Offices, centers or other appropriate bodies abroad, as well as regional or international centers or authorities specialized in this type of examination, including international authorities in charge of prior art searches and preliminary examination in accordance with the Patent Cooperation Treaty (PCT).

The Intellectual Property Registry may conclude the necessary agreements with the persons and entities that carry out examinations of the substance of inventions.

Where the examination of the substance of the invention is carried out directly by the Intellectual Property Registry, this body may ask the persons and entities referred to in (1) for reports, opinions and information it deems necessary or useful for the proper conduct of the said examination.

Where the Intellectual Property Registry appoints a specialist or expert to conduct the examination of the substance of the invention and the applicant and the specialist do not agree on the amount of the specialist's fees which the applicant is obliged to pay as stipulated in the last part of Article 128 of the Law, the Intellectual Property Registry shall appoint a new specialist or expert at the request of the interested party. If the two parties come to an agreement, the Intellectual Property Registry shall abide by the amount agreed by them.

The period of six months provided for in the first paragraph of Article 34 of the Law shall not begin until the amount of the specialist's fees has been finally set.

Article 25. Information for the substantive examination

The substantive examination shall be carried out in accordance with Articles 34 and 35 of the Law.

The Intellectual Property Registry may request the applicant in writing to submit the additional or supplementary information or documentation needed to conduct the substantive examination, including a plain copy of any document or publication mentioned in the description.

Article 26. Application for conversion

Conversions of patent applications for inventions or utility models shall comply with Article 36 of the Law and shall further contain the following elements: particulars of the applicant, address, telephone number, facsimile, e-mail, particulars of his representative or agent, place of service, details of the

application with regard to conversion, the number, date of filing, name of the invention or utility model, description of the attached documents, name and signature of the applicant.

Article 27. Patent grant

The patent grant certificate shall be signed by the Registrar or the Deputy Registrar.

Attached to the certificate shall be a copy of the decision of the grant and a copy of the patent document. The certificate of grant shall contain the elements indicated in Article 37 of the Law.

The patent document shall consist of a cover page to which shall be attached the description, the claims approved and the corresponding drawings. The cover page for the patent document shall indicate the name of the Registry and the designation “**patent for invention**”, together with the particulars of the applicant and inventor.

Chapter IV

Maintenance and amendment of patents

Article 28. Payment of annual fees

Payment of annual fees shall be entered in the patent registry, under the section corresponding to the respective patent. Entries shall indicate the amount paid, the annual period(s) to which the payments made correspond(s) and the date on which payment was made.

The interested party may submit for entry an account accompanied by proof of payment of the fees.

Article 29. Requests for divisions of patents

Requests for the division of a patent shall contain the elements indicated in Article 42 of the Law. They shall further contain the following elements: particulars of the applicant, his representative or agent, a description of the documents proving their status; the title of the patent to be divided, classification, the place of service, and the name and signature of the applicant.

The notice announcing the division of a patent shall contain the following elements: particulars of the patent for which division is requested, patent number, particulars of the patent holder or agent, symbol of the patent classification and name of the invention.

Divisional patents shall be formed by duplicating the patent document and opening new registry files for each one. Each divisional patent shall be numbered on the basis of the number of the original patent, adding the numeral that distinguishes each one.

Once the division has been made, each divisional patent shall be independent of the others. Each one of them shall be subject to payment of the annual fee corresponding to the original payment, which shall be made at the beginning of the year following that of the division.

The registration certificates for each divisional patent shall contain the details indicated in Articles 26 and 27 and shall be assigned the number of the original patent.

Chapter V

Transfers and licenses

Article 30. Requests for the recordal of transfers

Requests for the recordal of the transfer of a patent or a pending patent application shall contain the elements indicated in Article 49 of the Law.

Article 31. Transfers

When the transfer stems from one of the forms recognized by the Law, such as contract, provision, testamentary, ruling, merger or split, inter alia, the request for its recordal shall indicate this and shall be accompanied by the respective document.

Article 32. Requests for the recordal of licenses

Requests for the recordal of a license relating to an invention shall contain the elements indicated in Article 50 of the Law.

The request shall be submitted accompanied by one of the following documents, at the discretion of the applicant:

- (a) A copy of the licensing contract; or
- (b) An extract from or abstract of the contract stipulating the contracting parties, the rights granted by the license and the scope of the same.

Chapter VI Termination of patent

Article 33. Invalidation of a patent

Pursuant to Article 95 of the Law and in accordance with the second paragraph of Article 159 Cn., notification of actions for the invalidation of a patent shall be incumbent upon the judicial authority. Requests for invalidation shall be notified to all persons who hold any license, credit or other registered right in respect of the patent subject to action.

Once a patent has been declared invalid, the judicial authority shall send certification of the decision to the Intellectual Property Registry for recordal.

When a ruling for the invalidation of a patent is issued, the Registrar shall cancel the files of any other persons found against under the ruling.

Article 34. Abandonment of a patent

Declarations for abandonment of a patent shall comply with Article 61 of the Law. They shall further contain the following elements: particulars of the applicant, his representative or agent, the title of the invention, classification, the place of service, and the name and signature of the applicant.

Filing of the declaration of abandonment shall be notified by the Intellectual Property Registry to all persons who hold any license, credit or other registered right in respect of the patent subject to abandonment. Within 30 working days beginning from the date of notification, the said persons may submit observations consistent with their interests and oppose the abandonment if it could prejudice their rights. If an objection to the abandonment is submitted, the Intellectual Property Registry shall suspend processing until the dispute has been resolved by agreement between the parties or by a court ruling.

Chapter VII Utility models

Article 35. Application of provisions concerning patents for inventions

The provisions contained in these Regulations relating to **Patents for Inventions** shall apply to patents for **Utility Models**, in accordance with the provisions of Article 66 of the Law.

Chapter VIII
Industrial designs

Procedure for registration of industrial designs

Article 36. Application of the provisions concerning patents for inventions

The provisions contained in these Regulations relating to **Patents for Inventions** shall apply to **Industrial Designs**, without prejudice to the provisions contained in this chapter.

Article 37. Registration applications

Registration applications for industrial designs shall include a request containing the elements referred to in Article 79 of the Law, as well as the following elements: particulars of the applicant, his representative or agent, a description of the documents proving their status; title of the industrial design, classification, priority documents invoked, place of service for notifications, and name and signature of the applicant.

Applications shall be accompanied by three graphic or photographic reproductions of each industrial design contained in the application. Where there is more than one view for a single design, three reproductions of each one shall be submitted.

Article 38. Requirements for graphic reproductions of designs

Graphic reproductions of industrial designs shall be high-quality, clear and sufficiently large to allow assessment of the characteristic details and reproduction by photocopy or printing. Graphic reproductions may not exceed 15 centimeters by 15 centimeters in size.

Reproductions of the industrial design may consist of photographs of the object or product incorporated in the design, displayed against a neutral background and without shading. Any photograph submitted for these purposes shall comply with the requirements indicated in the foregoing paragraph.

Article 39. Division of application

Registration applications for industrial designs may be divided when they contain two or more industrial designs, in accordance with Article 42 of the Law. Requests for division shall further contain at least the following elements: particulars of the applicant, his representative or agent, description of the documents proving their status; title of the industrial design, classification, description of the division requested, place of service for notifications, and name and signature of the applicant.

For the purposes of forming each divisional application, the applicant shall identify the designs corresponding to each one.

Article 40. Amendment and correction

Requests for amendment or correction of a registration application for an industrial design or a registration granted shall contain the elements indicated in Article 40 of the Law as well as the following elements: particulars of the applicant, his representative or agent; description of the documents proving their status; description of the amendment or correction requested; place of service; name and signature of the applicant.

No amendment shall entail an alteration of the reproductions of an industrial design contained in the original application.

Article 41. Publication of applications

Notice of publication of applications for registration of an industrial design shall take place in accordance with Articles 82 and 83 of the Law. It shall further contain the following elements: the representative drawing; place and date of issuance; and name and signature of the official authorizing publication.

Article 42. Certificates of registration for industrial designs

Certificates of registration for industrial designs shall contain in annex a copy of the decision of grant and the reproduction of the design, or each design if there is more than one. Certificates of registration shall contain the following elements: the title of the industrial design, registration number, date of grant, particulars of the owner, designer or representative, application number, date of filing and publication of the application, priority claimed, classification, designation of the goods and reproduction of the industrial design.

Chapter IX

Maintenance and division of registration

Article 44. Renewal of registration

Applications for renewal of registration for an industrial design may be submitted at any time during the term of the registration and within the grace period fixed. They shall comply with Article 86 of the Law and may be requested jointly for the two periods allowed. They shall further contain the following elements: particulars of the applicant, his representative or agent, description of the documents proving their status, designer, description of the accompanying documents, classification, place of service for notifications, priority claimed, name and signature of the applicant.

Article 45. Recordal and certificate of renewal

Each renewal shall be recorded in the entry file for the registration of the industrial design. The entry shall indicate the filing date of the application for renewal. The Intellectual Property Registry shall issue the holder with a certificate of renewal.

Article 46. Division of registration

Division of registration for an industrial design shall be subject to the provisions for division of registration applications, in accordance with Articles 28 and 88 of the Law.

Chapter X Transfer and licensing

Article 47. Recordal of transfer or licensing

Applications for the recordal of a transfer or licensing of an industrial design that is already registered or whose registration is pending shall be governed by the provisions of Articles 31 to 34 of these Regulations.

Chapter XI Joint provisions

Procedures

Article 48. Representation

Representation shall comply with Article 19 of the Law.

When the same application is filed by two or more applicants, these shall appoint a joint agent or representative. Failing this, the applicant mentioned first shall be considered the joint representative.

The power of attorney shall be submitted in a separate document.

Article 49. Priority

For the purposes of the right of priority, the following shall be understood:

- (a) multiple priority: where the disclosure contained in the application filed combines the disclosure contained in two or more priority applications;
- (b) partial priority: where only part of the disclosure contained in the application filed corresponds to the disclosure contained in one or more priority applications.

When multiple or partial priorities are claimed, the relevant details for all of them shall be indicated and the corresponding documents shall be submitted.

When priority is claimed for an application filed with the Intellectual Property Registry itself, it shall not be necessary to submit copies for it; it shall be sufficient to identify the priority application.

When the application is filed in a member State of the Paris Convention for the Protection of Industrial Property and the temporary protection provided for in Article 11 of that Convention is sought, the application shall indicate this and shall include the proof issued by the authority organizing the international exhibition, with the translation, where appropriate, certifying that the goods incorporated in the invention, utility model or industrial design have been displayed and indicating the date on which they were displayed at the exhibition for the first time.

Article 50. Forms

Any application, request or document for which a form is stipulated in these Regulations may be processed using the corresponding form. The interested party may also submit or process his application, request or document using his own form or format, provided that it contains the details and information provided for in the designated form. The Intellectual Property Registry shall provide users with the forms designated in these Regulations, in either printed or electronic form.

Article 51. Proof of filing

Any person who files an application, request, communication or document with the Intellectual Property Registry may obtain proof of filing. For these purposes, the interested party shall supply a duplicate or copy of the document filed so that it may be stamped by the Registry and returned. The stamp shall indicate the date and time of filing.

The duplicate or copy duly stamped by the Intellectual Property Registry shall constitute proof of filing of the application, request, communication or document.

At the applicant's request, the Intellectual Property Registry shall issue certification of filing of any application, request, communication or document filed. Such certification shall indicate the date of filing and shall be signed by the Registry Secretary.

Similarly, the Intellectual Property Registry may allow an application, request, communication or document to be filed with it via facsimile, e-mail or any other form of modern communication, and shall inform users accordingly by means of a communiqué. The date and time of filing shall be that of the receipt of the transmission, provided that the original of the application, communication or document reaches the Registry within one month starting from the date of receipt of the transmission.

If the original arrives after that date, it shall be deemed to have been submitted on the date on which it was received.

Article 52. Proof of payment

When the Law stipulates that an application, request, procedure or service is subject to payment of a fee or tariff, the respective proof of payment shall be attached.

Article 53. Service

The orders and decisions issued by the Intellectual Property Registry shall be notified to the interested parties personally, by means of an announcement or certificate, a note to be sent by registered mail to the address indicated, or by any other means provided for in national legislation. The terms shall begin from the working day following that of the date on which the interested party receives the notification, unless expressly provided otherwise.

Article 54. Signatures on communications

Applications, requests or communications addressed to the Intellectual Property Registry shall be signed by the interested party or his representative, indicating next to the signature the signatory's name in block letters.

When in accordance with Article 59 applications or communications may be filed with the Intellectual Property Registry by electronic means, the document shall be considered signed if the Registry identifies the sender in conformity with the rules provided to that effect.

The signature contained in an application, request, communication, power of attorney or other document filed with the Intellectual Property Registry shall not require notarial certification.

Article 55. Verification of authenticity

The Intellectual Property Registry and any authority responsible for deciding any procedure originating with the Registry may request and obtain documents and evidence, including authenticated or legalized instruments, when it has reason to doubt the authenticity of any document submitted in this procedure, or any of their details or indications.

Article 56. Protection of trade secrets or undisclosed information

Trade secrets shall be protected indefinitely and shall combine the following elements: they are secrets insofar as they are not part of the main body or in the precise configuration and pooling of their components, generally known or easily accessible by persons operating in the circles in which the type of information in question is generally used; they possess commercial value as secrets; and they have been the subject of reasonable measures, in the circumstances, for keeping them secret, taken by the person exercising legitimate control over them.

Chapter XII

Appeals and actions

Article 57. Appeals

In accordance with Article 98 of the Law, remedies of appeal may be lodged against decisions issued by the Intellectual Property Registry. Such remedies of appeal shall be lodged with the Registry within three days of the date of notification of the decision issued by it. The Registry shall accept or reject the appeal. If it accepts the appeal, it shall, by making use of its rights, summon the parties to appear within three days before the Minister of Industrial Promotion and Trade. Once the parties have appeared before this official, transcripts shall be circulated for expressing and rebutting grievances. Once this has been done, the corresponding decision or ruling shall be issued, without the need for recourse to the procedure for final judgment summons. The appeals provided for under national legislation may be lodged against the decisions or rulings issued by the Minister of Industrial Promotion and Trade.

Similarly, the procedures applicable to appeals provided for in the Code of Civil Procedure shall apply, as the case may be.

Remedies for appeal, reinstatement or amendment may be lodged against purely procedural instructions, without further appeal, barring that of accountability.

Natural persons or legal entities of Nicaraguan nationality may invoke for their benefit the application of the provisions contained in international treaties on intellectual property to which Nicaragua is a party, in any cases where the said provisions are more favorable for them than the rules provided for in the Law or in these Regulations.

Chapter XIII
Communication with the Registry
and standardization of data

Article 58. Communication with the Registry

Any application, request, communication or document addressed to the Intellectual Property Registry may be sent by mail or by special courier service, as the case may be. The date and time of filing shall be that of receipt by the Registry.

Applications, requests, communications or documents may be filed with the Intellectual Property Registry by facsimile. In such cases, the date and time of filing shall be deemed to be that of receipt of the facsimile, provided that the original of the application, request, communication or document reaches the Registry within one month of the date of receipt of the facsimile. If the original arrives after that date, it shall be deemed to have been filed on the date on which the original was received.

Article 59. Communication via e-mail

The Intellectual Property Registry may issue provisions governing the filing of applications, requests, appeals or other communications via e-mail or other electronic means.

Article 60. Standardized designation of dates

In patent documents, certificates for the grant of a patent and registration of industrial designs, as well as notices of publication of applications in the organ of official publication, dates shall be expressed by means of a single numerical series composed of eight digits, with the first four indicating the year, the next two the month and the last two the day. The year, month and day shall be separated by dots.

Article 61. Standardized designation of application numbers

Applications for patents and for registration of industrial designs shall be numbered in separate annual series, which shall begin with the first application filed each year.

The number of an application shall be composed of the four digits of the year of its filing, followed by the consecutive number of each one. The number shall have four fixed digits, for which purposes zeros shall be inserted at the beginning of the application serial number, as need be.

Application numbers for the series of patents for inventions shall be preceded by the letter **I**; application numbers for the series of patents for utility models shall be preceded by the letter **U**; and application numbers for the series of registrations of industrial designs shall be preceded by the letter **D**.

Chapter XIV
Registrations and Publicity

Article 62. Correction of material errors

The Intellectual Property Registry may correct, either ex officio or at the request of a party, any omissions or material errors in the registration files, when the documents substantiating the respective entry are still to be found in the Registry's offices.

A material error shall be deemed to have occurred, inter alia, when words have been written in place of others, or where there is a mistake in proper names, company or trade names or quantities.

Article 63. Submission of corrected documents

If the Intellectual Property Registry notes the material error or omission after the documents or titles have been delivered to the interested party, it shall only proceed to make the correction after it has ordered the interested party to produce the documents or titles and has checked that the same have not been altered in any way.

When the correction is made with a view to correcting an error committed by the Intellectual Property Registry, this shall be done by means of a new entry or marginal note, at no cost for the interested party.

Article 64. Archive of powers of attorney

The Intellectual Property Registry shall set up an archive of powers of attorney, which shall be updated at least every five years, to keep originals of powers of attorney or photocopies of the same tested for authenticity by a notary or by the Registry Secretary, for the purposes of the procedures provided for in the Law or these Regulations, including the submission of observations.

The Intellectual Property Registry shall assign a number to each power of attorney, to which the proxy or agent shall refer in any transactions in which he invokes the corresponding power of attorney, without it being necessary to attach a copy of the same.

Article 65. Return of documents

Requests for the return of documents shall be made in writing, with a precise indication of the document in question and the number of the file in which it is to be found, as appropriate. The return of the document may also be requested in the application, request, observations, etc., provided that this is accompanied by a photocopy of the same for inclusion in the court orders.

The provisions of Article 101 of the Law shall apply to requests for the return of documents.

Article 66. Publicity for applications and registrations

Registrations shall be publicized by means of consultation, the issuance of plain or certified copies or photocopies, and proof or certification issued by the Intellectual Property Registry.

This may also be done by means of computerized lists and through on-line access via electronic means, in the form determined by the Registry.

Files on intellectual property applications and registrations may be consulted during the normal office hours of the Registry, at the place and in the quantity that the Registrar stipulates for these purposes, and the necessary steps shall be taken to ensure that this does not affect daily work.

Article 67. Publicity of court decisions

The Intellectual Property Registry shall record any order or court decision ordered and communicated to it, in relation to the declaration of invalidation, revocation, abandonment or cancellation of any registration.

Article 68. Internal operation of the Registry

The Intellectual Property Registry shall take the necessary steps for its operation and internal procedures, and shall define the systems for accessing registration information and the books kept by the Registry, without violating the provisions of the Law and these Regulations.

The Intellectual Property Registry shall maintain the necessary contacts with other intellectual property offices to ensure and maximize consistency and compatibility between internal procedures and information systems, with a view to simplifying procedures and facilitating communication and the exchange of information and documents. For these purposes, the technical standards and international guidelines published by the World Intellectual Property Organization (WIPO) relating to systems, documents and procedures shall apply.

Article 69. Compulsory Licenses. Amount

Compulsory licenses may only be granted three years after the patent has been granted. Any person applying for a compulsory license must have the technical and economic capacity to use the patented invention efficiently.

Under Article 53 of the Law, the amount of the compulsory license shall be determined by the Registry, on the basis of the market price in a normal situation.

Article 70. Requirements for Compulsory Licenses

For the purposes of Articles 51 and 52 of the Law, requests for compulsory licenses made to the Intellectual Property Registry shall meet the following requirements:

- (a) they shall be in the public interest or a national emergency must have been declared by a competent authority;
- (b) if they are designed to remedy anti-competitive practices, this shall be declared by decision of the Competition Department of the Ministry for Industrial Promotion and Trade; and
- (c) if they pertain to the non-commercial use of the invention, the declaration shall be made by the Minister for Industrial Promotion and Trade.

Article 71. Amount and remuneration of compulsory licenses

For the purposes of Article 55(b) of the Law, the amount of the license shall be understood to be the lump-sum amount paid by the licensee for the right granted or entry right; and remuneration shall be understood as the periodic payment or rent to be made by the licensee during the term of the compulsory license.

Article 72. Institutional coordination

For the purposes of compliance with the provisions of Articles 128 and 138 of the Law, the public institutions involved shall determine the procedure to be implemented.

The Intellectual Property Registry may establish coordination mechanisms with public or private research or educational institutions, with a view to promoting national creativity and the dissemination and transfer of technology.

Article 73. Preparation of the manual and forms

The Intellectual Property Registry shall be empowered to prepare the Manual of Procedure and the respective forms to speed up processing in the Registry and facilitating the application of the Law and these Regulations.

Article 74. Publication of classifications

The international classification referred to in Articles 103 and 104 of the Law shall be published in La Gaceta, the Official Journal, no later than 180 days after the entry into force of these Regulations.

Article 75. Term

These Regulations shall enter into force upon publication in La Gaceta, the Official Journal.

Done in the city of Managua, at the Presidential Residence, on September 12, 2001.- **Arnoldo Alemán Lacayo**, President of the Republic of Nicaragua.- **Edgard Antonio Guerra Duarte**, Minister for Industrial Promotion and Trade.
