

DECREE N°. 32.611

of February 8, 1929

WHICH REGULATES LAW N°. 773 ON PATENTS OF INVENTION

TITLE I GENERAL PROVISIONS

Article 1—

The exclusive right to exploit new discoveries, or inventions in all kinds of industries shall be justified by certificates called “Patents of Invention” granted by the respective Office on behalf of the Nation, stating the Government authorization. The certificate shall be according to the law.

Article 2—

No employee of this Office can have a direct or an indirect interest in the patent in which he intervenes under penalty of dismissal from office.

Article 3—

The Secretary is responsible for all the documents deposited in the Office, and he shall keep them in the greatest safety and under the most particular inventory.

Article 4—

The National Department of Hygiene and Public Assistance, the National Department of Public Works, the Direction of Livestock and Meat Inspection, the Agricultural Bank of Paraguay, the Direction of Agriculture, the Chemical Municipal Office, and, in general, all the technical offices, the scientific institutes and cultural institutions of the Nation, are considered as counselling offices of the Patent Office to the effect of [articles 11](#) and [14](#) of the Law.

Article 5—

The Patent Office shall grant a period of 10 days for the term mentioned in [article 13](#) of the law as well as for any request for information or explanation. This term can be extended at request, in case of a justified necessity.

Article 6—

Any refusal decision from the Patent Office shall be served to the interested party or his agent as soon as either of them visits the Office, or by written communication in his established address if he does not appear within the third day.

Any request shall be served the same way, and when the term established in [article 5](#) of the present Decree expires, the files shall be given the corresponding procedure.

Article 7—

The Director of the Patent Office is authorized to take the measures that he thinks are necessary for proofs of the circumstances foreseen in [article 36](#) of the Law.

TITLE II FORMALITIES FOR OBTAINING A PATENT

Article 8—

The application and specifications and claims for patents, and the list of objects that are presented must all be written in Spanish, in clear and intelligible handwriting without any errors or amendments. Corrections should be at the end and in the same body of the document.

NOTE: Handwriting is not required any more.

Article 9—

The application, besides the three enclosures required by [article 6](#) of the Law, shall fulfill the following requirements:

- a) It shall bear the inventor's first and last names, nationality and address.
- b) It shall indicate a title that designates the invention briefly and precisely.
- c) It shall indicate whether the invention has already been subject of an application for patents abroad; if so, it shall indicate the date of filing the first application and the country and city where the deposit was made, the serial number, the date that the patent was granted; and
- d) A detailed reference of the enclosures.

Article 10—

The first enclosure of the application shall be the receipt of having deposited the payment of the first annuity of 5 pesos in the corresponding Revenue Office, by means of the forms commonly used. The application shall bear the number and date of the deposit.

Article 11—

The Secretary of the Patent Office shall exchange the deposit note by a specially stamped paper that he shall invalidate with his signature and the Office seal, certifying the number and the amount of said receipt at the bottom of the application.

NOTE: Annuities are not paid any more.

Article 12—

The second enclosure of the application shall be a duplicate description of the discovery, invention or use which constitutes the subject of the patent; both copies shall refer first to the application and shall be signed by the interested party or his agent. Then they shall indicate how to construct the machine, apparatus etc., or the preparation of the compound for industrial uses, or any other object whose patent is applied for. Afterwards, it shall refer to the operation or properties of

the object, material, etc., that is, the way in which the invention can be worked. Finally, it shall state the nature of the invention clearly and briefly, referring only to the new parts or new combination of known elements that is the object or the invention.

The inaccurate or incomplete description shall produce the nullity of the granted patent according to [paragraph 4 of the article 21](#) of the Law.

Article 13—

The third enclosure shall be the drawings or model in duplicate offered for better illustration of the application. The drawings shall bear a reference by means of letters or numbers, on top of the page, to the specification and shall be also signed by the interested party or his agent.

Article 14—

The drawings shall fulfill the following requirements:

- a) There shall be two of them: one on thick smooth cardboard, pure white in color and of good quality, and the other one on tracing paper.

The first one shall be attached to the letters patent that shall be given to the interested party;

- b) Both shall be made on sheets of a size of 33 cm. long by 22 cm. wide, having a margin of 15 mm. bordered by a simple line. The drawings shall be made with black ink and strong lines without any color or India ink; in general, the drawings shall represent the objects in perspective and the shading shall be of the same intensity in the whole drawing and they shall not be too close together. The parts that can not be drawn in perspective, shall be demonstrated by means of general or partial sections of the drawings.

Article 15—

The drawings shall not bear any other indications except the letters or reference, the numbers corresponding to the different designs and the respective scale.

The figures and letters used as reference, must be clearly and distinctly drawn; they shall not be shorter than 3 mm. and they shall be of a uniform size. In the different perspectives of the same object, the same letters or figures shall be used, and in the complicated drawings they shall be placed outside the design, joined by a dotted line to the part to which they refer.

Article 16—

Whenever it is necessary to present a large drawing to explain the invention, it must be drawn on as many sheets as necessary.

Article 17—

At least, one of the drawings must contain the essential parts of the invention.

Article 18—

The Patent Office shall refuse any drawing that has corrections, spots, scrapes, foldings, cracks, splits, or creases, or does not strictly follow the rules that the present Decree states.

Article 19—

If the interested party also wishes to present models and samples, or if the Patent Office demands so for the better illustration of the inventions, the following conditions must be fulfilled:

- a) They shall be made of lasting material and with the best care, as small as possible unless the Patent Office expressly states certain dimensions for special reasons.
- b) The models must be painted or varnished, if they are made of pine or other light woods.
- c) The models, if possible, shall work so that the Office can easily and precisely understand the mechanism of the invention.

Article 20—

When the invention or one of its main parts is a compound of materials depending on a chemical study, the application shall be accompanied by a sample big enough so that a convenient analysis can be made, and the rest shall remain as a sample at the Patent Office.

Article 21—

A perfect harmony must exist between the application and the documents and objects presented; any substantial defect or inaccuracy shall be enough to deny the patent. In this case, the amount paid shall not be return to the interested party.

Article 22—

The payment of the annuities can be made by any person on behalf of the inventor without any application.

NOTE: Annuities are not paid any more.

Article 23—

The applications which are filed shall be stated in a book numbered and signed by the Director of the Patent Office by means of a brief record summarizing its content, indicating the date and hour and the order in which they are filed. The granting of patents shall be registered in a similar way. Each record shall have a summary of the file with the decision or decisions it has received. The records shall be signed in both cases by the Director, the Secretary and the interested party.

Article 24—

Once the record as referred in [article 10](#) of the Law has been given a serial number which shall also be given to the application and accompanied documents and objects, the said objects shall be entered in the inventory book under the same number.

Article 25—

The stamped paper stating the payment of the first annuity shall be given to the interested party along with the patent. If the application is canceled or withdrawn, it will be filed together with the documents according to [article 15](#) of the Law. (Revoked)

The records of a denied patent shall be held in a confidential file at the Patent Office.

Article 26—

The procedure indicated in [articles 10](#) and [11](#) of the present Decree shall be also used for the payment of the subsequent installments as well as for the tax of \$5 and \$2 created by [article 23](#) of the Law. The interested party shall enclose the stamped paper to an application bearing a statement of the nullified stamped paper at its bottom. (Revoked).

Article 27—

The interested parties are compelled to keep the stamped papers that justify the payment of the annuities, and in case some of them get lost and it is impossible to prove the payment, the tax should be paid again. (Revoked).

Article 28—

After a patent has been granted, the Patent Office shall notify the public by means of an advertisement in the “Diario Oficial” or any other newspaper, stating the Patentee’s name and a summary of the discovery or invention.

Article 29—

At the beginning of each year, the Patent Office shall publish a book printed by Talleres Gráficos del Estado stating the granted patents together with the necessary specifications, claims, or drawings, if possible, in order to publicize the patented inventions or discoveries. The Patent Office shall keep an exchange of this publication with foreign Patent Offices.

TITLE III ASSIGNMENT OF PATENTS

Article 30—

To the effects of [article 19](#) of the Law, the assignment shall be done by a public document after the tax created by [article 4](#) of the Law has been totally paid. A copy of the public document, written in common paper, shall be filed at the Patent Office. This change of patentee shall be recorded in a special book.

Article 31—

All the rights granted to the patentee are annexed to the patent and are transferred with it, excluding the exceptions stated in the public document of assignment.

CONFIRMATION OF FOREIGN PATENTS

Article 32—

The applicant for the confirmation of patents of invention granted on the basis of treaties or international conventions, shall mention the country, serial number, date and duration of the granted patent. The filing of the translation and legalization of the documents concerning the patent to be confirmed are not necessary.

Article 33—

The confirmation shall be granted and recorded in a special file once the State Prosecutor has rendered his opinion. The payment of the corresponding tax shall be required, but no technical examination is necessary.

Article 34—

The confirmation of the foreign patent shall last the fifteen years established by the Law. In no case shall it exceed the term granted to the original patent with which it expires.

FINAL REMARKS

Annuities: Annuities are not paid any more. Patent taxes are paid only at the time the Letters Patent is granted. [Articles 25](#), [26](#), and [27](#) have been amended this way.
