

S.I. 90 of 2014

INDUSTRIAL PROPERTY ACT, 2014

(Act 7 of 2014)

INDUSTRIAL PROPERTY (PATENTS) REGULATIONS, 2014

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S.I. 90 of 2014

INDUSTRIAL PROPERTY ACT, 2014

(Act 7 of 2014)

INDUSTRIAL PROPERTY (PATENTS)
REGULATIONS, 2014

In the exercise of the powers conferred by section 125 of the Industrial Property Act, 2014 the President being the Minister responsible for Legal Affairs hereby makes the following Regulations—

PART I
PRELIMINARY

1. These Regulations may be cited as the Industrial Property (Patents) Regulations, 2014. Citation

2. In these Regulations, unless the context otherwise requires— Interpretation

“Act” means the Industrial Property Act, 2014 (Act 7 of 2014);

“agent” means a person or firm appointed by an applicant to act on his or her behalf for the purposes of these regulations;

“Form” means a Form set out in Schedule 1 appended to these Regulations;

3.(1) The fees payable under the Act shall be as specified in Schedule 2. Fees

(2) The fees specified in Schedule 2 shall be paid to the Registrar by such means and in such manner as the Registrar may direct.

Language of documents and translations

4.(1) All applications shall be made in English language.

(2) Any document forming part of an application or submitted to the Registrar pursuant to the Act or these regulations and which is in a language other than English shall be verified by providing a translation in English and certified by the translator that the translation is to the best of his knowledge true and complete.

Indication of name, address, nationality and residence

5.(1) In every application —

- (a) names of natural persons shall be indicated by the person's family name and given name or names, the family name being indicated before the given names and the names of legal entities shall be indicated by their full, official designations;
- (b) addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any, and addresses shall also indicate telephone and facsimile numbers and email address;
- (c) nationality shall be indicated by the name of the country of which a person is a national and in case of a legal entity, by the name of the country where it is established or incorporated and its registered office situated; and
- (d) residence shall be indicated by the name of the country of which a person is a resident.

6.(1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any partner qualified to sign, stating that he or she signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorised to sign the document.

Signatures
by
partnerships,
companies
and
associations

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document and shall bear the seal of the body corporate

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Registrar that he is duly authorised.

(4) The Registrar may, where he or she deems it necessary, request evidence of authorisation to sign.

PART II PATENTS

7. For the purposes of the registration of patents, goods and services are classified in the manner specified in Schedule 3.

Classification
of patents

8.(1) An application for patent shall be made in Form P-1 along with the fee specified in Schedule 2 and shall be signed by the applicant.

Application
for grant of
patent

(2) In cases where joint application is made, it shall be signed by each applicant and indicate each applicant's name, address, nationality and residence.

(3) Where the applicant is the inventor, the request shall contain a statement to that effect, and, where he or she is

not the inventor, it shall indicate each inventor's name and address and be accompanied by the statement justifying the applicant's right to the patent.

(4) Where the applicant is represented by an agent the request shall so indicate and state the agent's name and address.

(5) The title of the invention shall be short and precise.

(6) The inventor of the patent may by a special written declaration made to the Registrar request that he or she does not want to be named in the application or on the certificate of registration.

(7) The Registrar shall record the declaration referred to in subregulation (6) and confirm to the applicant in writing.

Description

9.(1) In an application for patent, the description shall first state the title of the invention as appearing in the request and shall—

- (a) specify the technical field to which the invention relates;
- (b) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention and preferably, cite the documents reflecting such art;
- (c) disclose the invention in such terms that it can be understood and state its advantageous effects, if any, with reference to the background art;
- (d) briefly describe the figures in the drawings, if any;

- (e) set forth in terms of examples, where appropriate, and with reference to the drawings, if any, the mode or modes for carrying out the invention; and
- (f) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or, if it can only be used, the way in which it can be used.

(2) The manner and order specified in subregulation (1) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more concise presentation.

10.(1) Where the contents of an application for a patent discloses an invention which requires for its performance the use of a micro-organism which is not available to the public at the date of filing, these contents shall, be treated as disclosing the invention in a manner which is clear and complete for the invention to be performed by a person skilled in the art if the following conditions are satisfied—

Micro-organisms

- (a) a culture of the micro-organism has been deposited in a culture collection not later than the date of filing the application;
- (b) the application as filed gives such relevant information as is available to the applicant on the characteristics of the micro-organism; and
- (c) the name of the culture collection, the date when the culture was deposited and the accession number of the deposit are given in the description of the application.

(2) The giving of the information specified in subregulation (1)(c) shall be considered as constituting the unreserved and irrevocable consent of the applicant to the culture deposited being made available to any person who, on or after the date of publication of the application, makes a valid request therefor to the culture collection with which the micro-organism is deposited and a request shall be valid if it is accompanied by the Registrar's certificate authorizing the release of the sample to that person.

(3) An application for a certificate referred to in subregulation (2) shall be submitted to the Registrar, accompanied by the fee specified in Schedule 2, together with—

- (a) an undertaking not to make the culture available to any other person until the application for the patent is refused or withdrawn or deemed to be withdrawn or, if a patent is granted, until it ceases to have effect without the possibility of renewal or restoration; and
- (b) an undertaking to use the culture for experimental purposes only until the application is refused or withdrawn or deemed to be withdrawn or until the date of publication in a periodical that the patent has been granted.

(4) The Registrar shall send a copy of the request referred to in subregulation (2) to the applicant for, or owner of, the patent.

Claims

11.(1) The number of the claims in an application for patent shall be reasonable, taking into account the nature of the invention and if there are several claims, they shall be numbered consecutively in Arabic numerals.

(2) The claims shall define the invention in terms of the technical features of the invention.

(3) Whenever appropriate, claims shall contain—

- (a) a statement indicating those technical features of the invention which are necessary for the definition of the latter but which, in combination, are part of the prior art; and
- (b) a characterizing portion preceded by the words "characterised in that," "characterised by," "wherein the improvement comprises," or any other words to the same effect stating concisely the technical features which, in combination with the features stated under paragraph (a), it is desired to protect.

(4) All claims may be written, where their understanding is thereby enhanced, in a single statement containing a recitation of a combination of several elements or steps which defines the matter for which protection is sought.

(5) Any claim shall not, except where absolutely necessary, rely in respect of the technical features of the invention on references to the description or drawings and in particular, it shall not rely on such references as "as described in part of the description," or "as illustrated in figure of the drawings."

(6) No claim shall contain any drawing or graph but any claim may contain tables and chemical or mathematical formulae.

(7) Where the application contains any drawing, any technical feature mentioned in any claim may, if the intelligibility of that claim can thereby be enhanced, include a reference sign to that drawing or to the applicable part of that

drawing and such a reference sign shall be placed between square brackets or parentheses and shall not be construed as limiting the claim.

(8) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.

(9) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word "cancelled".

(10) Any claim which includes all the features of one or more other claims of the same category (hereinafter referred to as "dependent claim" or "multiple dependent claim," respectively) shall preferably first refer to the other claim or claims by indicating the serial number of the other claim or the serial numbers of the other claims and then state those features claimed that are additional to the features claimed in the other claim or claims.

(11) Any dependent claim or multiple dependent claim may depend on dependent claim or multiple dependent claims and multiple dependent claims may refer in the alternative or in the cumulative to the claims on which they depend.

(12) All dependent claims referring to the same other claim, and all multiple dependent claims referring to the same other claims, shall be grouped together in the most practical way possible.

Drawings

12.(1) Any drawings forming part of an application for a patent shall be on sheets the usable surface area of which shall not exceed 26.2 cm by 17 cm.

(2) The sheets shall not contain frames round the usable or used surface and the minimum margins shall be as follows—

top ...	...	...	...	...	2.5 cm
left side	...	...	...	...	2.5 cm
right side	...	...	...	...	1.5 cm
bottom	...	...	...	...	1.0 cm.

(3) The drawings shall be executed as follows—

- (a) without colouring, in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;
- (b) cross-sections shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;
- (c) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty and if, as an exception, the scale is given on a drawing, it shall be represented graphically;
- (d) all numbers, letters and reference signs appearing in the drawings shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters;
- (e) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;
- (f) the height of the numbers and letters shall not be less than 0.32 cm and for the lettering of

drawings, the Latin and, where customary, the Greek alphabets shall be used;

- (g) the same sheet of drawings may contain several figures but where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures;
- (h) different figures shall be arranged without wasting space, clearly separated from one another and different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets;
- (i) reference signs not mentioned in the description or claims shall not appear in the drawings, and vice versa, and the same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;
- (j) the drawings shall not contain textual matter, except when required for the understanding of the drawings, a single word or words such as "water", "steam", "open", "closed", "section on AA" and in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords;
- (k) the sheets of the drawings shall be numbered at the top of the sheet, in the middle, in consecutive Arabic numerical.

(4) All flow sheets and diagrams shall be considered drawings for the purposes of these Regulations.

13.(1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for the purposes of searching in the particular art. Abstract

(2) The abstract shall consist of the following —

- (a) a summary of the disclosure as contained in the description, the claims, and any drawings, indicating the technical field to which the invention pertains and drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention and the principal use or uses of the invention; and
- (b) where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.

(3) The abstract shall be as concise as the disclosure permits, preferably 50 to 150 words.

(4) The abstract shall not contain statements on the alleged merits or value of the invention or on its speculative application.

(5) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign, placed between parentheses.

(6) The abstract shall be accompanied by the most illustrative of any drawings furnished by the applicant.

14.(1) In an application for patent —

- (a) units of weights and measures shall be expressed in terms of the metric system;.

Measures,
terminology
and signs

- (b) temperatures shall be expressed in degrees celsius; and
- (c) density shall be expressed in metric units.

(2) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, rules in general use shall be observed and for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(3) In general, only such technical terms, signs and symbols shall be used as are generally accepted in the art.

(4) The terminology and signs shall be consistent throughout the application.

Number of
copies and
physical
requirements

15.(1) Subject to regulation 18(7), the application and any accompanying statements or documents shall be filed in three copies, but the Registrar may require the applicant to supply additional copies.

(2) All elements of the application shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and micro-filming.

(3) Only one side of each sheet contained in the application shall be used.

(4) All elements of the application shall be on paper which is flexible, strong, white, smooth, non-shiny and durable.

(5) The size of the sheets shall be A4 (29.7 cm by 21 cm), but the Registrar may accept sheets of other sizes.

(6) The minimum margins of sheets shall be as follows—

- (a) upper margin of each page, except the first page: 20 mm;
- (b) upper margin of the first page: 30 mm;
- (c) side margin adjacent to the binding: 25 mm;
- (d) other side margin: 20 mm; and
- (e) bottom margin: 20 mm.

(7) All sheets shall be numbered at the top of the sheet, in the middle, in consecutive Arabic numerals.

(8) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order: the request, the description, the claim, the abstract, the drawings.

(9) The sequential numbering of the sheets shall be effected by using three separate series of numbering, the first series applying to the request only and commencing with the first sheet of the request, the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.

(10) The text matter of the application shall be typed but graphic symbols, chemical or mathematical formulae and certain characters, if necessary, may be handwritten or drawn.

(11) The drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without colourings.

16.(1) Where a group of inventions is claimed, the requirement of unity of invention referred to in section 11(1) of the Act shall be fulfilled only if there is a technical inter-relationship between those inventions involving one or more

Unity of
invention
claims in
different
categories

of the same or corresponding special technical features and the expression "special technical features" shall mean those technical features which define the contribution which each of the invention as claimed, considered as a whole, makes over the prior art.

(2) The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternative within a single claim.

(3) An application for a patent which includes, in particular—

- (a) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the said product, and the inclusion in the same application of an independent claim for a use of the said product;
- (b) in addition to an independent claim for a given process, the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the said process; or
- (c) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the process.

shall be treated as being related to a group of inventions which are so linked as to form a single inventive concept.

(4) Subject to section 11(2) of the Act, it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.

(5) Subject to section 11(2) of the Act, it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

17.(1) A divisional application pursuant to section 11(2) of the Act, shall contain a reference to the initial application.

Division of
application

(2) Where the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application shall contain a request to that effect and in such a case, the declaration of priority and the documents furnished in accordance with regulation 18 for the initial application shall be deemed to relate also to the divisional application.

(3) Where the priorities of two or more earlier applications were claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.

18.(1) The declaration referred to in section 13(1) of the Act, shall be made at the time of filing the application for the patent and shall indicate—

Declaration of
priority and
translation of
earlier
application

- (a) the date of filing of the earlier application;
- (b) the number of the earlier application, subject to subregulation (2);
- (c) the symbol of the International Patent Classification which has been allocated to the earlier application, subject to subregulation (3);

- (d) the country in which the earlier application was filed or, where the earlier application is a regional or an international application, the country or countries for which it was filed; and
- (e) where the earlier application is a regional or an international application, the office with which it was filed.

(2) Where at the time of filing the declaration referred to in subregulation (1), the number of the earlier application is not known, the applicant shall, within the period of 6 months after the priority date, furnish that number to the Registrar.

(3) Where a symbol of the International Patent Classification has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in subregulation (1), the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the declaration referred to in subregulation (1).

(5) The period for furnishing the certified copy of the earlier application, referred to in section 13(2) of the Act, shall be three months from the date of the request by the Registrar and where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.

(6) Where the earlier application is in a language other than English, the applicant shall, within six months from the date of the request, furnish an English translation of the earlier application.

(7) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

19.(1) The period specified for furnishing the information pursuant to a request under section 14 of the Act shall be 60 days from the date of such request.

Time for furnishing information concerning corresponding foreign applications patents and other titles of protection

(2) Where the applicant replies that the documents requested under section 14(2) of the Act are not yet available, the Registrar may suspend the procedure for the examination of the application until such time as the documents are furnished.

20.(1) The withdrawal of an application, pursuant to section 10(5) of the Act, shall be made by a written declaration submitted to the Registrar and signed by each applicant.

Withdrawal and amendment of application

(2) The fee paid along with the application for registration of patent shall not be refunded if the application is withdrawn.

21.(1) The Registrar shall, upon receipt of an application, mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters TT, slant, the letter A1, slant, the numbers of the year in which the initial papers were received, slant, and a five-digit number allotted in the sequential order in which applications are received, and where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for grant of the patent

Marking application

(2) The application number allotted under subregulation (1) shall be quoted in all subsequent communications concerning the application.

22.(1) The Registrar shall notify the applicant in writing the filing date and the application number allotted under regulation 21(1).

Accordinging and notifying filing date

(2) The invitation to file any correction, under section 16(2) of the Act, shall be in Form P-2, it shall specify the correction or corrections required and request that these be filed within 60 days from the date of the invitation.

(3) Where the applicant does not comply with the invitation to correct deficiency, or where, despite the corrections submitted by the applicant, the Registrar is of the opinion that the application is not in conformity with the requirements laid down in the Act or these Regulations, the Registrar shall reject the application pursuant to section 17(1) of the Act and notify the applicant, in writing, stating the reasons.

(4) The refusal of the application under subregulation (3) shall not affect its filing date which shall remain valid.

Examination
as to substance
and decision to
grant or refuse
to grant patent

23.(1) The Registrar may, if deemed necessary, constitute an examination authority for examination of an application for patent consisting of such number of members as he or she deems appropriate.

(2) Where an examination authority is constituted under subregulation (1), the Registrar shall transmit the application, together with all relevant documents to the examining authority requesting a search and examination report.

(3) Where, taking due account of the conclusions of the search and examination report referred to in subregulation (2), if any, the Registrar is of the opinion that the conditions referred to in section 16(1) of the Act are not fulfilled, the Registrar shall notify the applicant, in Form P-2, inviting him or her to submit his observations and, where applicable, to amend or divide his application, within a period of 60 days from the date of the invitation.

(4) Any amendment under subregulation (3) shall be made together with the payment of the fee specified in Schedule 2.

(5) Where the applicant does not comply with the invitation made under subregulation (3) or where, despite any observation, amendment or division submitted by the applicant, the Registrar, taking due account of the conclusions of the search and examination report referred to in subregulations (1), if any, is of the opinion that the conditions referred to in section 16(1) of the Act are not fulfilled, he shall refuse to grant the patent.

(6) Where the Registrar, taking due account of the conclusions of the search and examination report referred to in subregulation (1), if any, is of the opinion that the conditions referred to in regulation 16(1) are fulfilled, he shall grant the patent in accordance with section 17(1) of the Act.

(7) The Registrar shall notify the applicant, in writing, of his decisions to grant or to refuse to grant a patent, attaching a copy of the search and examination report, if any, upon which the decision is based and, in the case of a refusal, stating the reasons therefor and in the case of a decision to grant a patent, requesting the applicant to pay the required fee, if any, within three months from the date of the notification.

24.(1) Where the Registrar grants a patent under section 17(1) of the Act, the Registrar shall allot to each patent a number to be known as “the publication number of the patent” in the sequential order of grant.

Grant of patent,
publication of
reference
thereto and
issuance of
certificate

(2) The publication of the reference of the grant of the patent, pursuant to section 17(2) of the Act, shall include—

- (a) the number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the name and address of the inventor, except where he has asked not to be named in the patent under section 9(1) of the Act;

- (d) the name and address of the agent if any;
- (e) the filing date;
- (f) if priority has been claimed and the claim has been accepted, a statement of the priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;
- (g) the effective date of grant of the patent;
- (h) the title of the invention;
- (i) the abstract;
- (j) the most illustrative of the drawings, if any; and
- (k) the symbol of the International Patent Classification.

Annual fee 25.(1) The annual fee payable in advance under section 22(1) of the Act shall be as specified in Schedule 2.

(2) If the annual fee is not paid within the specified, the surcharge to be paid under section 22(2) of the Act shall be as specified in Schedule 2.

(3) The annual fees specified under these regulations shall not be refundable.

Entries in
register

26.(1) The Registrar shall keep a Register of Patents for making entries of patents granted under the Act.

(2) The Registrar shall cause to be entered in the Register in respect of every patent, in addition to the information indicated in regulation 27(2)—

- (a) the address for service;

- (b) the date on which the patent expired or was surrendered or revoked;
- (c) any change in name, address, address for service and ownership in accordance with regulations 27 and 28;
- (d) the fact that a license contract has been concluded and recorded in the Register pursuant to regulations 31;
- (e) the grant of any non-voluntary license with respect to the patent pursuant to section 25 of this Act and the terms, variation of terms and termination thereof; and
- (f) any other of the court, if any, under section 30(4) of the Act.

(3) The Registrar may at any time enter in the Register of Patents such other particulars as he or she may think fit.

27.(1) A request by the owner of a patent or an applicant for the alteration of a name, nationality, address or address for service on record in respect of the patent or application shall be made in writing and shall be accompanied by the fee specified in Schedule 2.

Change of
name, address
or address for
service

(2) Before acting on a request to alter a name, nationality or address, the Registrar may require such proof of the alteration as he or she thinks fit.

28.(1) An application to register, or to give notice to the Registrar of, any transaction, instrument or event to which section 4(2) of the Act applies shall be made in Form P-3 accompanied by the fee specified in Schedule 2.

Change in
ownership

(2) An application under subregulation (1) shall be accompanied, unless the Registrar otherwise directs, by —

- (a) a certified copy of any document which establishes the transaction, instrument or event; or
- (b) a certified copy of such extracts from such documents as suffice to establish the transaction, instrument or event.

(3) An agreement assigning the ownership of the patent application or the patent shall contain at least the number and date of the patent application or the patent, the title of the invention and the names, addresses, nationalities, and signatures of the assignor and assignee.

(4) The publication of the change in ownership of patent shall specify —

- (a) the number of the application or registration concerned;
- (b) the filing date, the priority date, if any, and the date of grant;
- (c) the owner and the new owner; and
- (d) the nature of the change of ownership.

(5) Where the Registrar is satisfied that the request should be allowed, he or she shall cause the patent or application therefor and, where the ownership has been recorded in the register, the register of patent altered accordingly.

Inspection of register, request for extracts from register and copies of documents

29.(1) The entries in the register shall be made available, subject to the payment of the fee specified in Schedule 2, for inspection by the public at the office of the Registrar.

(2) Any person may make an application in Form P-4 to the Registrar for inspection of the Register of Patents or for

copy of patents, extracts from the Register or copies of any documents subject to payment of the fee specified in Schedule 2.

30.(1) A request for correction of an error in the register of patents or in any document filed with the Registrar in connection with registration of patents shall be made in writing, stating the desired correction, and shall be accompanied by the prescribed fee specified in Schedule 2.

Request for
correction of
errors

(2) A request for the correction of an error of translation or transcription, a clerical error or mistake in the claims, description or drawings of a patent or application for a patent or any document filed in connection with a patent shall be made in writing, stating the desired correction, and shall be accompanied by the fee specified in Schedule 2.

(3) Where a request relates to the claims, description or drawings, no correction shall be made therein unless the correction is obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

(4) Where the correction of a patent is requested, the Registrar may require notice of the proposed correction to be advertised and the advertisement shall be made by publication of the request in the Gazette and the nature of the proposed correction.

(5) Any person may, at any time within three months after the date of the publication, give, to the Registrar, notice of objection to the request, in duplicate, and the notice of objection shall be supported by a statement in duplicate setting out fully the facts on which the objector relies and the relief which he seeks.

(6) The Registrar shall send a copy of the notice and the statement to the person making the request who, if he or her desires to proceed with his or her request, shall within three

months of the receipt of the copies file a counter-statement in duplicate setting out fully the grounds on which he or she contests the objection.

(7) The Registrar may take a decision on the request considering all the factors and notify it in writing to the applicant and to the persons objecting to the request.

Registration
of licence
contract

31.(1) An application for registration of a license contract under section 4 of the Act shall be made in Form P-5 along with the fee specified under Schedule 2.

(2) The application shall be accompanied by—

- (a) copies of all the documents constituting the contract, including all amendments, annexes, riders, and other supplements thereto or modifications thereof; and
- (b) copies of all other documents or material relating to the contract necessary for the interpretation or understanding thereof.

(3) The Registrar shall maintain a register for transfer of patents in which he or she shall register all license contracts.

(4) The register and the file relating to a license agreement may be inspected and extracts obtained from there only with the written permission of the licensor and licensee.

Amendment of
specification
after grant

32.(1) An application to the Registrar for leave to amend the description, claims or drawings of a patent shall be accompanied by a document clearly showing the amendment sought and the fee specified in Schedule 2 and the Registrar may request the applicant to file a copy of the un-amended text of the description or claims or of the drawings on which the amendment is shown in red ink.

(2) The application and the nature of the proposed amendment shall be advertised by publication of the

application in the Gazette or such other manner, as the Registrar may direct.

(3) Any person objecting the application to amend shall, within 2 months from the date of the advertisement give notice to the Registrar.

(4) The notice under subregulation (3) shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which the objector relies and the relief which he or she seeks and the Registrar shall send a copy of the notice and of the statement to the applicant.

(5) Where the applicant wishes to continue with the application, he or she shall, within the period of two months beginning on the date when copies are sent to him file a counter-statement in duplicate setting out fully the grounds upon which the objection is resisted.

(6) The Registrar may take a decision on the request considering all the factors and notify it in writing to the applicant and to the persons objecting the application.

PART III NON-VOLUNTARY LICENCES

33.(1) An application for non-voluntary licence for the exploitation of a patented invention shall be made in Form P-6 along with the fee specified under Schedule 2 to the Registrar containing a statement and the evidence that the applicant was unable to obtain a licence as specified in section 24(2) of the Act.

Non-voluntary
licence

(2) The Registrar may, if satisfied that applicant has complied with the provisions of the Act, grant a non-voluntary licence and shall ensure that it is registered and published in the Gazette.

PART IV UTILITY MODEL CERTIFICATES

Utility model
certificate

34.(1) An application for grant of an utility model certificate shall be made in Form P-1 along with the fee specified under Schedule 2 to the Registrar.

(2) Part I of these Regulations shall apply, *mutatis mutandis*, to utility model certificates, subject to the following exception that the letter A in regulation 21 shall be read as letter U.

(3) A request, under section 37 of the Act, for converting an application for a patent into an application for a utility model certificate, or *vice versa*, shall be signed by the applicant and shall be accompanied by the fee specified in Schedule 2.

(4) The Registrar shall, within 2 months of the receipt of the request, notify the applicant of his or her decision thereon, in writing, and where the Registrar refuses the request, shall state the reasons therefor.

PART V INTERNATIONAL APPLICATIONS

International
applications
under the
Patent Co-
operation
Treaty

35.(1) For the purposes of these Regulations, “designate”, “designated Office”, “elect”, “elected Office”, “international filing date”, “international preliminary examination” and “receiving Office” have the same meaning as assigned to them in the Patent Co-operation Treaty.

(2) An international application designating Seychelles shall be treated as a patent application under the Act having as its filing date the international filing date accorded under the Patent Co-operation Treaty.

(3) Subject to the provisions of the Act and these Regulations, the requirements in relation to the filing and

contents of an international application, and to the fees payable in respect of the filing of such an international application, shall be those which apply under the Patent Co-operation Treaty and the Regulations and Administrative Instructions thereunder.

(4) An international application filed with the office of the Registrar as receiving Office shall be filed in English and the prescribed transmittal fee shall be paid to the Office within one month from the date of the receipt of the international application.

(5) The applicant in respect of an international application designating Seychelles shall, before the expiration of the period specified under subregulation 6(a) or 7(a), as the case may be —

- (a) pay the fees specified in Schedule 2 to the office of the Registrar; and
- (b) if the international application was not filed in, and has not been published under the Patent Co-operation Treaty as a translation into English, file with the office of the Registrar a translation into English of the international application and documents specified in subregulation 6(b) or subregulation 7(b) as the case may be.

(6) (a) Where Seychelles was not, before the expiration of 19 months from the priority date referred to in Article 2(a) of the Patent Co-operation Treaty, elected for the purposes of international preliminary examination the time limit referred to in subregulation (5) shall be 21 months from that date.

(b) The documents referred in subregulation 5(b) shall be —

- (i) the description;
- (ii) the claims (if amended under Article 19 of the Patent Co-operation Treaty, as so amended);
- (iii) any text matter of the drawings; and
- (iv) the abstract.

(7) (a) Where Seychelles was, before the expiration of 19 months from the priority date referred to in Article 2(xi) of the Patent Co-operation Treaty, elected for the purposes of international preliminary examination the time limit referred to in subregulation (5) shall be 31 months from that date;

(b) The documents referred in subregulation 5(b) shall be —

- (i) the description (if amended by any amendments annexed to the international preliminary examination report, as so amended);
- (ii) the claims (if amended by any amendments annexed to that report, as so amended);
- (iii) any text matter of the drawings (if amended by any amendments annexed to that report, as so amended); and
- (iv) the abstract.

(8) Where the applicant fails to file a translation of an amendment referred to in subregulations 6 (b) or 7 (b), the Registrar shall invite the applicant to furnish the translation within two months from the date of the invitation and if the

translation is not furnished within that period, the amendment shall be disregarded for the purposes of the further processing of the international application by the office of the Registrar.

(9) Where the applicant does not comply with the requirements of subregulation (5), the international application shall be considered withdrawn.

(10) Subject to section 13 of the Act, where the office of the Registrar acts as an elected Office in relation to an international application and receives the international preliminary examination report, the Registrar shall not request the applicant to furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office.

(11) Any annual fee which falls due under section 22(1) of the Act in relation to an international application in which Seychelles is designated need not be paid until the expiration of the period applicable under subregulation 6. or 7.

PART VI MISCELLANEOUS

36.(1) There shall be furnished to the Registrar —

Address for
service

- (a) by every applicant for the grant of a patent, an address for service in Seychelles for the purpose of his or her application; and
- (b) by every person concerned in any proceedings to which these Regulations relate, an address for service in Seychelles, and the address so furnished or, where another address in Seychelles has been furnished in place thereof, that address shall be treated for the purposes of that application

for those proceedings, as appropriate, as the address of that applicant or, as the case may be, of that person.

(2) Where an agent has been appointed, the address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

Excluded day

37. When the last day for doing any act or taking any proceedings falls on a day when the office of the Registrar is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the office of the Registrar is next open for business.

Hearing

38.(1) Before exercising adversely to any person any discretionary power given to the Registrar by the Act or these Regulations, the Registrar shall notify such person, in writing, of the opportunity to be heard thereon, and indicating a time limit, which shall not be less than one month, for filing a request for a hearing.

(2) The Registrar shall upon receiving request, give the person applying, and any other interested persons, at least two weeks notice, in writing, of the date and time of the hearing.

Service by
mail

39.(1) Any notice, application or other document sent to the Registrar by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the ordinary course of the mail and in proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent by registered mail.

(2) Subregulation (1) does not apply to the accordance of the filing date.

40. At any stage of any proceedings before the Registrar, he or she may direct that such documents, information or evidence as he or she may require be furnished within such period as he or she may fix.

Directions as to furnishing of documents

41. Any irregularity in procedure before the Registrar may be rectified, on such terms as he or she may direct.

Corrections of irregularities

42.(1) Any evidence required to be filed under these Regulations shall be by way of an affidavit executed by the person filing the evidence.

Evidence

(2) The Registrar may, if he thinks fit, in any particular case, take oral evidence in lieu of or in addition to such evidence and shall allow any witness to be cross-examined on his affidavit or declaration.

43. In case of any infringement of the patent, any action may be brought in accordance with sections 107 to 120 of the Act.

Infringement

SCHEDULE 1

FORMS

(Regulation 3)

FORM P-1

[Regulation 8(1) and 34(1)]

<p>INDUSTRIAL PROPERTY ACT, 2014 Industrial Property (Patents) Regulations, 2014 FORM P-1 APPLICATION FOR GRANT OF PATENT OR UTILITY MODEL CERTIFICATE To: THE REGISTRAR GENERAL, REPUBLIC OF SEYCHELLES.</p>	<p>For Official use Date of Receipt by Intellectual Property Office: APPLICATION No.: (Office's Stamp) Fee Paid date:</p>
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	FILING DATE:		
	Applicant's or Representative's File Reference:		
THE APPLICANT(S) REQUEST(S)	THE GRANT OF A PATENT		
	THE GRANT OF A UTILITY CERTIFICATE		
IN RESPECT OF THE FOLLOWING PARTICULARS:			
I. TITLE OF INVENTION:			
II. APPLICANT(S)*			
Additional information is contained in supplemental box			
Name(s):			
Address(es):			
Nationality/nationalities:			
Country/countries of residence or principal place(s) of business:			
Telephone Number:	Fax Number:	E-mail:	WWW:
Address for service in			
Seychelles*			
III. AGENT			
The following agent has been appointed by the applicant(s) in the			
authorization of agent			
accompanying this Form		to be filed within two months	
		from the filing of this Form	
Name:			
Address:			
Telephone Number:	Fax Number:	E-mail:	WWW:
IV. INVENTOR			

	Additional information is
The inventor is the applicant	contained in supplemental
	box
If inventor is not the applicant:	
Name:	
Address:	
The statement justifying the applicant's right accompanies this Form	
V. DIVISIONAL APPLICATION	
This application is a divisional application The benefit of the filing date priority date of the initial application is claimed in as much as the subject matter of the present application is contained in the initial application identified below.	
Initial Application No.:	
Date of filing of initial application:	
VI. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES	
Disclosure occurred not more than one year before the filing date or priority date of the present application	
by reason or in consequence of acts of the applicant or his predecessor in title.	
of an abuse committed by a third party with regard to the rights of the applicant or his predecessor in title.	
Additional information is contained in a statement accompanying this Form.	
VII. PRIORITY DECLARATION (if any)	
The priority of (an) earlier application(s) is claimed as follows	
The priority of more than one earlier application is claimed; the data are indicated in the supplemental box	
Country (if the earlier application is	Filing Date:
a regional or international application,	
indicate the office with which and the	
countries for which it was filed):	Application No.:

		Symbol of the International
		Patent Classification:
		not yet allocated
The certified copy of the earlier application accompanies this Form will be furnished upon request by the Registrar, as prescribed by section 13(2) Regulation 20(5) has already been furnished with application No. [see Regulation 20(5)]		
The English translation of the earlier application accompanies this Form will be furnished upon request, as prescribed by Regulation 20(6)		
VIII. SUPPLEMENTAL BOX *		
IX. CHECK LIST (TO BE FILLED IN BY THE APPLICANT)		
A. This application contains the following:		B. This Form, as filed, is accompanied by the items ticked below:
1. Description &... sheet(s)		separate signed authorization of
3. claim(s) & .sheet(s)		Agent
4. Abstract &..sheet(s)		statement justifying the applicant's
		Right
5. drawing(s) & .sheet(s)		Statement that certain disclosures
		be disregarded
		of earlier application(s)]
Total	Sheets	English translation of earlier
		application(s) on which priority
		declaration is based
C. Figure number of the drawings (if any) is suggested to accompany the abstract for		application fee
Publication		
		other document(s) (specify)

X. SIGNATURE(S) &	&.. &.. &.
	Date
Type name(s) under signature(s).	
Indicate whether applicant or agent.	
TO BE FILLED IN BY THE REGISTRAR GENERAL	
1. Date of receipt of corrections or later filed documents completing the application:	
2. Date fees received:	

FORM P-2
[Regulation 22(2)]

INDUSTRIAL PROPERTY ACT, 2014 Industrial Property (Patents) Regulations, 2014 FORM P- 2	
NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS AND INVITATION FOR CORRECTION/MODIFICATION	For Official Use
	Applicant's or Representative's File
	Reference:
In the matter of Patent Application No & the Registrar hereby notifies the applicant(s) that the following substantive requirements have not been fulfilled with respect to the above-identified application for the following reasons:	
The applicant(s) is/are hereby invited to submit, within ----- (specified period), his/their observations and, where applicable, an amended application.	
The amendment shall be made to the Registrar, together with the prescribed fee.	
SIGNATURE &	&
The Registrar General	Date

FORM P-3
[Regulation 28(1)]

<p>INDUSTRIAL PROPERTY ACT, 2014 Industrial Property (Patents) Regulations, 2014</p> <p>APPLICATION FOR RECORDING OF CHANGE IN OWNERSHIP 4 of the Industrial Property Act, 2014</p> <p>FORM P-3</p>	<p>For official use only: Date of Registration: Fee paid on:</p>
IDENTIFICATION OF THE APPLICATION/ PATENT	
Application No. :	Filing Date:
Applicant/owner of the Patent	
Name:	
Address:	
The undersigned hereby applies for the recording of the transfer of the ownership of the Patent as detailed below —	
Registered Number:	
Registered Owner:	
Agent, if any:	
Details of Patent	
The extension of registration (first or second):	
NEW OWNER	
Name:	
Address:	
Postal address for Service, if non-resident:	
Telephone:	Fax: E-mail:
A copy of the deed of change/transfer of the ownership is accompanied with this application.	
..... Signature of Applicant/Owner/or Agent	..... Place and date
..... Signature of New Owner	..... Place and date
Agent:	
Address:	
Telephone:	Fax: E-mail:

FORM P-4
[Regulation 29(2)]

<p>INDUSTRIAL PROPERTY ACT, 2014 Industrial Property (Patents) Regulations, 2014 REQUEST FOR INSPECTION OF THE REGISTER OF PATENTS OR FOR OBTAINING EXTRACTS THEREFROM OR ANY DOCUMENT. FORM P-4</p>	<p>For official use only: Notice received on: Fees paid on: Application No:</p>
<p>Applicants Name, nationality: Address: Tele/Fax/E-mail Name of the owner of the Patents Patents Number being sought Date and No of Gazette Notification Details of the Patents inspection or extract thereof being sought (Add extra papers where necessary) Addresses for service in Seychelles (if applicable) Agent Name Address Tele/Fax/E-mail Date</p> <p>..... Signature of the Applicant/Agent.</p>	

FORM P-5
[Regulation 31(1)]

APPLICATION FOR RECORDING OF LICENSING CONTRACTS under section 4 of the Industrial Property Act, 2014 FORM P-5	For official use only: Date of Registration: Fee paid on:				
Application No. : _____ Filing Date: _____ Applicant/owner of the Patent Name: Address: hereby requests the recording of a license of Patent _____ which the applicant is the owner. The details of the registered Patent is as under _____ Signature: _____ Dated: _____ Registered Number Registered Owner Details of Patent Date of application for registration Agent if any DETAILS OF LICENSEE Name: Address: Postal address for Service, if non-resident: Telephone Fax E-mail A copy of the deed of licence accompanies this application. A copy of the licence contract or the particulars to be recorded are annexed.					
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; border-top: 1px dotted black;">Signature of Applicant/Owner/or Agent</td> <td style="width: 50%; border-top: 1px dotted black;">Place and date</td> </tr> <tr> <td style="border-top: 1px dotted black;">Signature of r/Licensee/Agent</td> <td style="border-top: 1px dotted black;">Place and date</td> </tr> </table> Agent: Address: Telephone: Fax E-mail		Signature of Applicant/Owner/or Agent	Place and date	Signature of r/Licensee/Agent	Place and date
Signature of Applicant/Owner/or Agent	Place and date				
Signature of r/Licensee/Agent	Place and date				

SCHEDULE 2**Fees
(Regulation 3)**

Serial Number	Matter or Proceeding	Fee in Seychelles Rupees
(1)	(2)	(3)
1.	Application for a patent under section 10 of the Act	3,000
2.	Each division of application for a patent under section 11(2) of the Act	1,500
3.	Application for a utility model certificate under section 39 of the Act	2,000
4.	Each divisional application for a utility model certificate under section 11(2) of the Act	1,000
5.	Amendment of application by the applicant under section 12	500
6.	Amendment of application on invitation by Registrar under section 16(2)	500
7.	Application for non-voluntary licence under section 24	500
8.	International application for patent	5000
9.	Fee for transmittal fee in respect of international application	10000
10.	Fee for search and examination carried out by an examining authority under section 16(1)	500 plus amount payable to Examining Authority
11.	Fee for copy of any patent under section 17(2)(d) of the Act	500
12.	Annual fees for patents under section 22 of the Act	
	2nd year	1,000
	3rd year	1,000
	4th year	1,000
	5th year	1,500
	6th year	2,000
	7th year	3,000
	8th year	4,000
	9th year	5,000
	10th year	10,000

	11th year	10,000
	12th year	10,000
	13th year	10,000
	14th year	10,000
	15th year	10,000
	16th year	10,000
	17th year	10,000
	18th year	10,000
	19th year	10,000
	20th year	12,000
13.	Surcharge for late payment of annual fee under section 22(2) of the Act	10% of the Fee overdue
14.	Request for conversion of a patent application into an application for a utility certificate and vice versa under section 37 of the Act	500
15.	Application for recording the transfer or change of ownership under section 4 of the Act	500
16.	Application for recording of transfer effected by way of license contract under section 4 of the Act	10,000
17.	Request for correction of error	250
18.	Inspection of Register (for every quarter of an hour or part thereof) under section 121(3) of the Act	250
19.	Obtaining extract from the Register or any document under section 121(3) of the Act (for every page or part thereof)	200

SCHEDULE 3

[Regulation 7]

CLASSIFICATION OF PATENTS

SECTION A — HUMAN NECESSITIES

SECTION B — PERFORMING OPERATIONS; TRANSPORTING

SECTION C — CHEMISTRY; METALLURGY

SECTION D — TEXTILES; PAPER

SECTION E — FIXED CONSTRUCTIONS

SECTION F — MECHANICAL ENGINEERING; LIGHTING;
HEATING; WEAPONS; BLASTING

SECTION G — PHYSICS

SECTION H — ELECTRICITY

MADE this 20th day of October, 2014.

JAMES A. MICHEL
PRESIDENT
