

CHAPTER 314

PATENTS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Patents Regulations	43

LAWS OF SAINT VINCENT AND THE GRENADINES
REVISED EDITION

PATENTS REGULATIONS

SRO 14 of 2009

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PATENTS REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I

Preliminary

REGULATION

1. Citation.
2. Interpretation.
3. Fees and forms.
4. Language of documents and translations.
5. Requirements for contact information.
6. Signatures by partnerships, companies and associations.
7. Representation by barrister-at-law.

PART II

Patents

8. Application of International Patent Classification.
9. Request.
10. Description.
11. Claims.
12. Drawings.
13. Abstract.
14. Measures, terminology and signs.
15. Number of copies and physical requirements.
16. Unity of invention: claims in different categories.
17. Divisional applications.
18. Disclosures to be disregarded for prior art purposes.
19. Declaration of priority and translation of earlier application.
20. Time for furnishing information on corresponding foreign applications and grants.
21. Withdrawal and amendment of application.
22. Marking application.
23. According and notifying filing date.
24. Examination as to form.
25. Examination as to substance and decision to grant or refuse to grant patent.
26. Grant of patent, publication and issue of certificate.
27. Use of patented invention for services of the Crown.
28. Maintenance fees.
29. Surrender of patent or claim.
30. Entries in the register.
31. Change of name, address or address for service.
32. Transmission of rights and interests.

REGULATION

33. Inspection of register.
34. Request for extracts and copies of documents.
35. Request for correction of errors.
36. Register of licences.
37. Inspection of register of licences and files.
38. Submission of licence contracts.
39. Amendment after grant.
40. Revocation.
41. International applications under the Patent Co-operation Treaty.

PART III

Utility Certificates

42. Application of provisions relating to patents.

PART IV

Miscellaneous

43. Address for service.
44. Excluded days.
45. Hearing.
46. Service by mail.
47. Extension of time limit.
48. Directions as to furnishing of documents.
49. Corrections of irregularities.
50. Power to dispense with certain requirements.
51. Hours of business.
52. Evidence.
53. Statutory declarations and affidavits.
54. Publication.

FIRST SCHEDULE

Fees

SECOND SCHEDULE

Forms

PATENTS REGULATIONS

In exercise of the powers conferred by section 92 of the Patents Act, No. 39 of 2004, the Minister makes the following Regulations.

[SRO 14 of 2009.]

[Date of commencement: 8th July, 2009.]

PART I*Preliminary***1. Citation**

These Regulations may be cited as the Patents Regulations, 2009.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**International Patent Classification**” means the system of classification adopted under the Strasbourg Agreement of March 24, 1971;

“**principal Act**” means the Patents Act;
[Chapter 314.]

“**section**” means a section of the Patents Act.
[Chapter 314.]

3. Fees and forms

(1) The fees to be paid in respect of matters arising under the principal Act or these Regulations shall be those specified in the First Schedule.

(2) The forms referred to in these Regulations shall be those specified in the Second Schedule.

(3) A requirement under these Regulations to use a form is satisfied by the use either of a replica of that form or of a form that contains the information required by the prescribed form and is acceptable to the Registrar.

4. Language of documents and translations

(1) Documents filed with the Registrar shall be in English, and any document submitted to the Registrar pursuant to the principal Act or these Regulations which is in a language other than English shall be accompanied by a translation into English.

(2) A translation submitted pursuant to subregulation (1) shall be verified by a statutory declaration or affidavit of the translator stating that the translation is to the best of his knowledge complete and faithful.

(3) Where the Registrar reasonably doubts the accuracy of a translation, he may require the translation to be certified by a public authority or sworn translator.

5. Requirements for contact information

The following shall be supplied in relation to the contact information of an applicant or an agent in a form or document under the principal Act—

- (a) the name of—
 - (i) a natural person shall be indicated by surname and given name or names, the surname being indicated before the given names,
 - (ii) a legal entity shall be indicated by its full name and designation;
- (b) a residential address shall be given in the case of a natural person;
- (c) a registered office address shall be given in the case of a company;
- (d) nationality shall be indicated by the name of the State of which a person is a national and a legal entity shall indicate the name of the State under whose laws it is constituted;
- (e) an address shall consist of all the relevant administrative units, including any building name, post office box, telegraphic or telex address;
- (f) telephone and facsimile numbers shall be stated.

6. Signatures by partnerships, companies and associations

(1) A document purporting to be signed for or on behalf of—

- (a) 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 signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorised to sign the document;
- (b) 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 authorised to sign the document and shall bear the seal of the body corporate; and
- (c) an association of persons may be signed by any person who satisfies the Registrar that he is duly authorised.

(2) The Registrar may, if he considers it necessary, request evidence of authorisation to sign a document.

7. Representation by barrister-at-law

(1) The appointment of a barrister-at-law shall be by an authorisation of agent which shall be signed by the applicant or, if there is more than one applicant, by each applicant.

(2) An authorisation of agent appointing a barrister-at-law may be filed together with an application or within two months from its filing date and if the appointment is not thus made and is not in accordance with section 87 and subregulation (1), any procedural steps taken by the barrister-at-law, other than the filing of the application, shall be deemed not to have been taken.

PART II

*Patents***8. Application of International Patent Classification**

The Registrar shall apply the International Patent Classification, as updated in its subsequent editions, for all purposes relating to the grant and publication of patents.

9. Request

(1) A request for the grant of a patent shall be made in Form 1 of the Second Schedule and shall be signed by each applicant.

(2) The request shall indicate each applicant's name, address, nationality and residence in accordance with regulation 5.

(3) The request shall contain—

- (a) if the applicant is the inventor, a statement that he is the inventor;
- (b) if the applicant is not the inventor, the name and address of the inventor or inventors, and a statement justifying the applicant's right to the patent.

(4) If the applicant is represented by a barrister-at-law, the request shall so indicate and shall state the barrister-at-law's name and address.

(5) The request shall indicate the title of the invention in a short and precise manner.

10. Description

(1) The description of the invention shall 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 is 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 terms that it can be understood and state its advantageous effects, if any, with reference to the prior 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.

11. Claims

(1) The number of the claims 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 invention but which, in combination, are part of the prior art;

(b) a characterising 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) Claims may be written 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) Claims 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, they shall not rely on references such as “as described in part . . . of the description”, or “as illustrated in figure . . . of the drawings”.

(6) A claim shall not contain any drawing or graph but 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 discretion 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) Dependent claims or multiple dependent claims may depend on dependent claims 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.

12. Drawings

(1) 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) 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 textual matter is required for the understanding of the drawings, and in such circumstances 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 may be used;

- (k) the sheets of the drawings shall be numbered in accordance with regulation 15(7).

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

13. Abstract

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

(2) The abstract shall consist of the following—

(a) a summary of—

- (i) the invention being disclosed as contained in the description,
- (ii) the claims, and
- (iii) any drawings which shall be drafted in a manner which allows for 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) the chemical formula, where applicable, 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 fifty to one hundred and fifty 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 of the invention furnished by the applicant.

14. Measures, terminology and signs

(1) Units of weights and measures shall be expressed in terms of the metric system.

(2) Temperatures shall be expressed in degrees Celsius.

(3) Density shall be expressed in metric units.

(4) In relation to indications of heat, energy, light, sound, magnetism, and 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.

(5) Only technical terms, signs and symbols that are generally accepted in the art shall be used.

(6) Terminology and signs shall be consistent throughout the application.

15. Number of copies and physical requirements

(1) Subject to regulation 19(7), three copies of an application and any accompanying statements or documents shall be filed, but the Registrar may require the applicant to supply additional copies.

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

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

(4) Only one side of each sheet of paper shall be used.

(5) Documents shall be filed on size A4 (29.7 cm × 21 cm) sheets of paper, however 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;
- (e) bottom margin, 20 mm.

(7) All sheets shall be numbered at the top of the sheet, aligned in the centre, 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—

- (a) the request;
- (b) the description;
- (c) the claim;
- (d) the abstract;
- (e) 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) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without colourings.

16. Unity of invention: claims in different categories

(1) (a) Where a group of inventions is claimed, the requirement of unity of invention referred to in section 30(7) shall be fulfilled only if there is a technical inter-relationship between those inventions involving one or more of the same or corresponding special technical features.

(b) For the purpose of paragraph (a), “special technical features” means those technical features which define the contribution which each of the inventions 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 as to whether the inventions are claimed in separate claims or as alternatives 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 30(7), 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 30(7), 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. Divisional applications

(1) A divisional application pursuant to section 31(1) shall contain a reference to the initial application.

(2) If 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 20 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. Disclosures to be disregarded for prior art purposes

An applicant who wishes a disclosure of the invention to be disregarded in accordance with section 14(3) for prior art purposes shall so indicate on the application and shall furnish, in writing, with the application or within one month of filing the application, full particulars of the disclosure.

19. Declaration of priority and translation of earlier application

(1) The declaration claiming priority referred to in section 33(2) shall be made at the time of filing the application for the patent and shall indicate—

- (a) the date of filing of the earlier application;
- (b) subject to subregulation (2), the number of the earlier application;
- (c) subject to subregulation (3), the symbol of the International Patent Classification which has been allocated to the earlier application;
- (d) the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the State or States for which it was filed;
- (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, that number shall be furnished within the period of sixteen months after the priority date.

(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 the 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 33(3) 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 by the Registrar, furnish an English translation of the earlier application.

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

20. Time for furnishing information on corresponding foreign applications and grants

(1) The time limits to be specified for furnishing the documents requested in writing under section 34 shall not be less than two or more than six months from the date the request is made and upon a reasoned request by the applicant, the Registrar may extend the time limit.

(2) If the applicant replies that the documents requested under section 34 are not yet available, the Registrar may suspend the procedure for the examination of the application until such time as the documents are furnished.

21. Withdrawal and amendment of application

(1) The withdrawal of an application, pursuant to section 41, shall be made by a written declaration submitted to the Registrar and signed by each applicant.

(2) The application fee shall not be refunded if the application is withdrawn.

(3) Any amendment under section 40(1) shall be made and any amendment under section 40(3) shall be requested together with the payment of the fee specified in the First Schedule.

22. Marking application

(1) The Registrar shall, on receiving any document comprised in an application, mark on each document making up the application the actual date of receipt and the application number consisting of the letters VC, slant, the letter A, 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.

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

23. According and notifying filing date

(1) The Registrar shall examine whether the application fulfils the requirements of section 32(1).

(2) The invitation to file any correction under section 32(2) shall be in writing, it shall specify the correction required and shall request that the correction be filed within two months from the date of the invitation, together with the payment of the fee specified in the First Schedule.

(3) The Registrar shall notify the applicant in writing that the application—

(a) is accorded a filing date; or

(b) is treated as if it had not been filed and the reason therefor.

24. Examination as to form

(1) In addition to the requirements of sections 37(2) and 30(1) and (2) and the provisions of these Regulations pertaining thereto, the requirements of sections 34 and 87 and regulations 4 to 7 and 9 to 15 to the extent applicable shall be considered formal requirements for the purposes of the principal Act.

(2) Where the Registrar finds that the conditions referred to in subregulation (1) are not fulfilled, he shall invite the applicant, in writing, to file the required correction within two months from the date of the invitation, together with the payment of the fee specified in the First Schedule.

(3) Where no abstract is provided, the Registrar shall invite the applicant to correct the deficiency either by providing an abstract or by paying the fee specified in the First Schedule for the preparation of the abstract by the Registrar himself.

(4) Where the applicant does not comply with the invitation to correct the deficiency, or where, despite the corrections submitted by the applicant, the Registrar is of the opinion that the conditions referred to in section 37(2) are not fulfilled, he may reject the application pursuant to section 37(3) and notify the applicant, in writing, stating the reasons therefor.

(5) Refusal of the application shall not affect its filing date which shall remain valid notwithstanding the refusal.

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

(1) The Registrar may, for purposes of the examination under section 38, and subject to the payment of the fee specified in Schedule I, transmit the application together with all relevant documents to an examining authority with which an arrangement to this effect has been concluded, requesting a search and examination report.

(2) If the Registrar is of the opinion that the conditions referred to in section 38 are not fulfilled taking due account of the conclusions of the search and examination report referred to in subregulation (1), if any, he shall notify the applicant in writing to submit his observations and, where applicable, to amend or divide his application, within a specified period, and the specified period shall not be less than two or more than six months from the date of the invitation.

(3) The invitation shall be made in Form 2 of the Second Schedule and it may be made several times if necessary.

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

(5) Where the applicant does not comply with the invitation 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 subregulation (1), if any, is of the opinion that the conditions referred to in section 38 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 subregulation (1) are fulfilled, he shall grant the patent in accordance with section 39(4) and regulation 26.

(7) The Registrar shall notify the applicant in writing of his decision 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 grant and publication fee within three months from the date of the notification.

26. Grant of patent, publication and issue of certificate

(1) The Registrar shall allot to each patent that he grants a number (to be known as “the publication number of the patent”) in the sequential order of grant.

(2) The patent shall be granted in Form 3 of the Second Schedule and shall contain, in addition to the information indicated in subregulation (3), the date of publication of the patent, the documents or references cited of the prior art, the description, the claims and the drawings, if any.

(3) The publication of the notice, under section 43(1)(a), of the grant of the patent 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;
- (d) the name and address of the barrister-at-law, 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.

(4) The sealed patent, issued in accordance with section 43(1)(b), shall be issued in Form 4 of the Second Schedule and shall be signed by the Registrar and shall contain—

- (a) the number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the date of filing;
- (d) the effective date of grant of the patent; and
- (e) the title of the invention.

27. Use of patented invention for services of the Crown

(1) The Minister may, before making a decision under section 51, consult the Registrar and shall give the owner of the patent, beneficiaries of non-voluntary licences, and any other persons whose participation he considers useful at least twenty-one days written notice of the date on which they may be heard.

(2) The owner of the patent shall give all licensees written notice of the hearing mentioned in subregulation (1) and the licensees shall have the right to participate therein.

(3) The Minister shall reduce his decision, after the hearing, if any, to writing, stating the grounds upon which it is based and the terms of use, and shall transmit the decision to the Registrar.

(4) The Registrar shall record, publish and in writing, notify the owner of the patent and the other participants in the hearing of the decision of the Minister.

(5) If the decision of the Minister is the subject of judicial review, the Registrar of the Court shall notify the Registrar of the decision of the Court once it becomes final, and the Registrar shall record the decision and publish it.

28. Maintenance fees

(1) Upon payment of an annual maintenance fee in accordance with section 45(1), the Registrar shall, within two weeks from the date payment is received, issue to the applicant or to the owner of the patent a receipt of payment.

(2) The Registrar shall record and publish a notification of the lapse of a patent.

(3) Annual fees shall not be refundable.

29. Surrender of patent or claim

(1) The notice of an offer by an owner of a patent to surrender his patent, or a claim or claims therein under section 46 shall be filed with the Registrar, stating the reasons for making the offer and stating whether or not an action is pending before the Court for infringement or for revocation of the patent.

(2) An application under subregulation (1) shall be accompanied by the fee specified in the First Schedule.

(3) Notice of the receipt of an offer under subregulation (1) shall be published by the Registrar in the Official Journal.

(4) At any time within three months from the publication in the Official Journal of a notice of an offer to surrender, any person may file a notice of opposition to the surrender with the Registrar.

(5) A notice of opposition given under subregulation (4) shall be accompanied by a statement setting out fully the facts upon which the opponent relies and the relief which he seeks.

(6) The notice of opposition and statement in support shall be filed in duplicate original.

(7) The Registrar shall send a copy of the notice and the statement to the owner of the patent.

(8) Within three months of the receipt of the copy, the owner of the patent shall, if he wishes to continue with the surrender, file a counter-statement, in duplicate, setting out fully the grounds upon which the opposition is resisted.

(9) The Registrar shall send a copy of the counter-statement to the opponent.

(10) The Registrar may give such directions as he may think fit with regard to the subsequent procedure.

30. Entries in the register

(1) The Registrar shall cause to be entered in the register in respect of every patent, in addition to the information indicated in regulation 26(3)—

- (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 31 and 32;
- (d) the fact that a licence contract has been concluded and a reference to the relevant entry in the register;
- (e) the grant of a non-voluntary licence with respect to the patent pursuant to section 49 and the terms, variation of terms and termination thereof; and
- (f) any authorisation by the Minister pursuant to section 51 and the terms, variation of terms and termination thereof.

(2) The Registrar may at any time enter in the register such other particulars as he may think fit.

31. Change of name, address or address for service

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

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

32. Transmission of rights and interests

(1) An application to register or to give notice to the Registrar of any transaction to which section 47 applies shall be made in Form 5 of the Second Schedule and accompanied by the fee specified in the First Schedule.

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

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

(3) In order to be recorded in the register, an agreement assigning the ownership of the patent application or the patent shall include 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 shall specify—

- (a) the number of the application or registration concerned;

- (b) the date of filing and the date of grant;
- (c) the names of the assignor and the assignee; and
- (d) the nature of the change of ownership.

(5) If the Registrar is satisfied that the request should be allowed, he shall cause the patent or application therefor and, where necessary the register, to be altered accordingly.

33. Inspection of register

Entries in the register shall be made available for inspection by the public during the hours of business of CIPO, subject to the payment of the fee specified in the First Schedule.

34. Request for extracts and copies of documents

A request for a certified copy of a document or a copy of an extract from the register shall be made to the Registrar in writing and shall be subject to payment of the fee specified in the First Schedule.

35. Request for correction of errors

(1) A request for the correction of an error in the register or in any document filed with the Registrar in connection with registration shall be made in writing, stating the desired correction.

(2) A document filed with the Registrar may be corrected if the Registrar is satisfied that the document contains an error of a clerical nature and that its correction would involve no change in the substance of the document.

(3) Correction of a document under subregulation (2) shall be subject to payment of the fee specified in the First Schedule unless the correction is made by the Registrar of his own initiative, in which case, no fee shall be payable.

36. Register of licences

The Registrar shall maintain as part of the register a register of licences in which he shall register licence contracts.

37. Inspection of register of licences and files

The register of licences and the file relating to licence agreement may be inspected and extracts obtained therefrom only with the written permission of the licensor and licensee.

38. Submission of licence contracts

(1) The application for registration of a licence contract under section 48 shall be made in writing.

(2) The application shall be accompanied by—

- (a) copies of all the documents constituting the contract, including all amendments;
- (b) annexes, riders, and other supplements thereto or modifications thereof;

- (c) copies of all other documents or material relating to the contract necessary for the interpretation or understanding thereof; and
- (d) the fee specified in the First Schedule.

39. Amendment after grant

(1) An application to the Registrar for leave to amend the description, claims or drawings of a patent shall clearly show the amendment sought and the Registrar may request the applicant to file a copy of the amended text of the description, claims or drawings in which the amendment is shown in red ink.

(2) An application under subregulation (1) shall be accompanied by the fee specified in the First Schedule.

(3) The application and the nature of the proposed amendment shall be published in the Official Journal.

(4) Any person wishing to oppose the application to amend shall, within two months from the date of the publication in the Official Journal file a notice of opposition with the Registrar.

(5) A notice of opposition given under subregulation (4) shall be accompanied by a statement setting out fully the facts upon which the opponent relies and the relief which he seeks.

(6) The notice of opposition and statement in support shall be filed in duplicate original.

(7) The Registrar shall send a copy of the notice and the statement to the applicant.

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

(9) The Registrar shall send a copy of the counter-statement to the opponent.

(10) The Registrar may give directions as he may think fit with regard to the subsequent procedure.

40. Revocation

(1) Where the grounds for revocation under section 63 apply only to a part of the subject matter of a patent and no amendment or no satisfactory amendment of the description has been made pursuant to section 64(2), that part of the subject matter of the patent shall be revoked.

(2) The patent owner shall in writing notify any licensee of any court proceeding instituted for the revocation of the patent and the person requesting revocation shall so notify any beneficiaries of non-voluntary licences granted under section 49 and, where the ground of invalidity invoked is that the patent owner is not the inventor or his successor in title, the person alleged to have the right to the patent shall also be notified.

41. International applications under the Patent Co-operation Treaty

(1) For the purposes of these Regulations, “**designate**”, “**elect**”, “**international filing date**” and “**international preliminary examination**” have the same meanings as in the Patent Co-operation Treaty.

(2) For the purposes of section 79(1) where Saint Vincent and the Grenadines has been designated or elected in an international application, the time limit for the filing of a certified translation of an international application which is not in English and for payment of the fee specified in the First Schedule shall be not later than the expiration of thirty-one months from the international filing date.

(3) A certified translation of an international application that is not in English, shall include a translation of—

- (a) the description;
- (b) the claims (if amended under Article 19 of the Patent Co-operation Treaty, as so amended);
- (c) any text matter of the drawings; and
- (d) the abstract.

(4) Where the applicant fails to file a certified translation of an international application within the time limit prescribed under subregulation (2), the Registrar shall invite the applicant to furnish the missing translation within two months from the date of the invitation and if the missing translation is not furnished within that time limit, the application shall be deemed to have been withdrawn pursuant to section 79(2).

(5) Notwithstanding section 34, where CIPO 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.

(6) Any annual fee which falls due under section 45(1) in relation to an international application in which Saint Vincent and the Grenadines is designated need not be paid until the expiration of the time limit applicable under subregulation (2).

PART III*Utility Certificates***42. Application of provisions relating to patents**

(1) Part 1 of these Regulations shall apply, *mutatis mutandis*, to utility certificates, subject to the following exceptions—

- (a) the letter A in regulation 22, shall be read as the letter U;
- (b) the reference in regulation 40 to section 63 shall be read as a reference to section 70.

(2) A request under section 36 for the conversion of an application for a patent into an application for a utility certificate shall be signed by the applicant and accompanied by the fee specified in the First Schedule.

(3) The Registrar shall, within two months of the receipt of the request, notify the applicant of his decision thereon, in writing, and where he refuses the request he shall state the reasons.

PART IV

Miscellaneous

43. Address for service

(1) There shall be furnished to the Registrar—

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

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

44. Excluded days

When the last day for doing any act or taking any proceeding falls on a day when CIPO 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 CIPO is next open for business.

45. Hearing

(1) The Registrar shall, before exercising adversely against any person any discretionary power given to him by the principal Act or these Regulations, notify the 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 request for a hearing shall be in writing and may be granted subject to payment of the fee specified in the First Schedule.

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

46. Service by mail

(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 service, 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 in relation to according a filing date.

47. Extension of time limit

(1) The time or periods prescribed by these Regulations for doing any act or taking any proceedings thereunder, other than times or periods prescribed in the provisions mentioned in subregulation (2), may be extended by the Registrar if he thinks fit upon giving notice to the parties and upon terms as he may direct, and extensions may be granted although the time or period for so doing such act or taking such proceeding has already expired.

(2) The provisions referred to in subregulation (1) are regulations 19(2), 29(4), 39(4) and 41.

48. Directions as to furnishing of documents

The Registrar may, at any stage of any proceedings before him direct that any document, information or evidence that he may require be furnished within such period of time as he may fix.

49. Corrections of irregularities

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

50. Power to dispense with certain requirements

Where under these Regulations any person is to do any act or thing or any document or evidence is required to be produced or filed and it is shown to the satisfaction of the Registrar that from any reasonable cause that the person is unable to do that act or thing, or that the document or evidence cannot be produced or filed, the Registrar may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

51. Hours of business

CIPO shall be open to the public from Monday to Friday of each week, except public holidays between the hours of 8.30 a.m. and 12.00 noon and 1.00 p.m. and 3.00 p.m. for all classes of business.

52. Evidence

(1) Where under these Regulations evidence may be filed, it shall be by statutory declaration or affidavit.

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

53. Statutory declarations and affidavits

(1) Any statutory declaration or affidavit filed under the principal Act or these Regulations shall be made before any officer authorised by law in any part of Saint Vincent and the Grenadines to administer a declaration or an oath for the purpose of any legal proceedings.

(2) Statutory declarations or affidavits made outside Saint Vincent and the Grenadines shall be made before a Consular Officer, a Commissioner of Oaths or a Notary Public.

54. Publication

Particulars of patents, proceedings under the principal Act and any other information required to be published under the principal Act or these Regulations that are not contained in these Regulations shall be published in the Official Journal within the meaning of section 2.

FIRST SCHEDULE

[Regulation 3.]

Fees

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount of Fee</i>	<i>Form</i>
1	Application for a patent [section 30, regulation 9]	\$1,000.00	Form No. 1
2	Each divisional application for a patent [section 31, regulation 17]	\$750.00	Form No. 1
3	Application for utility certificate [section 67, regulations 9, 42(1)]	\$500.00	Form No. 1
4	Each divisional application for a utility certificate [section 31, regulations 9, 42(1)]	\$375.00	Form No. 1
5	Correction of application to comply with requirements for according filing date [section 32(2), regulation 23(2)]	\$125.00	
6	Correction of application to comply with formal requirements [section 37(3), regulation 24(2)]	\$125.00	
7	Preparation of abstract by Registrar [regulation 24(3)]	\$750.00	
8	Amendment of application at instance of applicant [section 40(1)]	\$250.00	
9	Amendment of application on invitation of Registrar [section 39(1), regulation 25(2)]	\$125.00	Form No. 2
10	Fee for search and examination carried out by an examining authority [section 38, regulation 25(1)]	\$750.00 plus amount payable to examining body authority	
11	Grant and publication fee [regulation 26]	\$250.00 plus amount payable to Publisher	
12	Annual maintenance fees for patents: [section 45]		
	2nd year	....	\$100.00
	3rd year	....	\$200.00
	4th year	....	\$200.00
	5th year	....	\$300.00
	6th year	....	\$450.00
	7th year	....	\$600.00
	8th year	....	\$800.00
	9th year	....	\$1,000.00
	10th year	....	\$1,200.00

FIRST SCHEDULE—continued

Item	Matter or Proceeding							Amount of Fee	Form
	11th year	....	....	....	....	....	....	\$1,600.00	
	12th year	....	....	....	....	....	....	\$2,100.00	
	13th year	....	....	....	....	....	....	\$2,600.00	
	14th year	....	....	....	....	....	....	\$3,100.00	
	15th year	....	....	....	....	....	....	\$3,600.00	
	16th year	....	....	....	....	....	....	\$4,200.00	
	17th year	....	....	....	....	....	....	\$4,800.00	
	18th year	....	....	....	....	....	....	\$5,400.00	
	19th year	....	....	....	....	....	....	\$6,000.00	
	20th year	....	....	....	....	....	....	\$6,600.00	
			
13	Surcharge for late payment of annual fee [section 45(2)]							10% of the overdue fee	
14	Request for conversion of a patent application into an application for a utility certificate and vice versa [section 36, regulation 42(2)]							\$100.00	
15	Application to register, or give notice of transaction, etc. [section 47, regulation 33]							\$75.00	Form 5
16	Request for recording transmission of rights and interests [section 47, regulation 32]							\$75.00	Form 5
17	Submission of licence contract for recording [section 48(2), regulation 36]							\$75.00	
18	Inspection of register, or file relating to licence agreement [regulation 33]							\$15.00	
19	Certified copies of documents [regulation 34]							\$25.00 plus \$2.50 per page	
20	Request for correction of an error [regulation 35]							\$75.00	
21	Request for extension of time limit [regulation 47]							\$75.00	
22	Request for hearing [regulation 45]							\$75.00	

SECOND SCHEDULE

Forms

[Regulation 3.]

FORM NO. 1

**COMMERCE AND INTELLECTUAL PROPERTY OFFICE,
SAINT VINCENT AND THE GRENADINES**

Form 1

For Office Use

PATENTS ACT, 2004

Date of Receipt Commerce and Intellectual
Property Office:

APPLICATION No.:

REQUEST FOR GRANT OF PATENT OR
UTILITY CERTIFICATE IN RESPECT OF
THE FOLLOWING PARTICULARS:

(Office's Stamp)

I. TITLE OF INVENTION

II. APPLICATION(S)

Additional information is contained in supplemental box.

Name(s):

Address(es):

Nationality/Nationalities:

Country/Countries of residence or principal place(s) of business

Tel No.:

Telegraphic Address(es):

Telex No.:

Fax No.:

Address for service in Saint Vincent and the Grenadines

III. AGENT

The following agent has been appointed by the applicant(s) in the authorisation of
agent accompanying this FormTo be filed within two months
From the filing of this Form

Name:

Address:

Tel No.:

Telegraphic Address(es):

Telex No.:

Fax No.:

Additional information is contained in supplemental box.

IV. INVENTOR

Additional information is contained in supplemental box

The inventor is the applicant

If the inventor is not the applicant

Name:

Address:

The statement justifying the applicant's(s') right accompanies this Form

SECOND SCHEDULE, FORM NO. 1—continued

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.

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 a regional or international application indicate the office with which and the countries for which it was filed):	Filing Date:
	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 regulation 19(5) has already been furnished with application No. [See regulation 19(5)]

The English translation of the earlier application accompanies this Form will be furnished upon request, as prescribed by regulation 19(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:

SECOND SCHEDULE, FORM NO. 1—continued

1. Request	sheet(s)	
2. Description	sheet(s)	Separate signed authorisation of Agent
3. Claim(s)	sheet(s)	
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 publication		application fee
		other document(s) (specify)
X. SIGNATURE(S).....		
Type name(s) under signature(s).		Date
Indicate whether applicant or agent.		
TO BE FILLED IN BY THE REGISTRAR		
1. Date of receipt of corrections or later filed documents completing the application:		
2. Date fees received:		

FORM NO. 2

COMMERCE AND INTELLECTUAL PROPERTY OFFICE, SAINT VINCENT AND THE GRENADINES	
Form 2 PATENTS ACT 2004 NOTIFICATION OF NON-COMPLIANCE WITH SUBSTANTIVE REQUIREMENTS AND INVITATION TO SUBMIT OBSER- VATIONS AND/OR AMENDED APPLICA- TION FOR GRANT OF PATENT	For Official Use
	Fee received on: 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	
..... <i>Registrar</i>	..... Date

FORM NO. 3

COMMERCE AND INTELLECTUAL PROPERTY OFFICE, SAINT VINCENT AND THE GRENADINES

Publication Number:

Publication Date:

IPC:

PATENT

Application Number:

Filing Date:

Owner(s):

Inventor(s):

Priority Number:

Priority Date:

Agent:

Priority Country:

Title:

Abstract:

COMMERCE AND INTELLECTUAL PROPERTY OFFICE, SAINT VINCENT AND THE GRENADINES

Publication Number:

Publication Date:

UTILITY CERTIFICATION

Application Number

Filing Date:

Owner(s):

Inventor(s):

Priority Number

Priority Date:

Agent:

Priority Country:

Title:

Abstract:

FORM NO. 4

**COMMERCE AND INTELLECTUAL PROPERTY OFFICE,
SAINT VINCENT AND THE GRENADINES**

Form 4

PATENTS ACT, 2004

CERTIFICATE OF GRANT OF PATENT/UTILITY CERTIFICATE:

In accordance with section 43(1)(b) of the Patents Act it is hereby certified that a patent/utility certificate having the number has been granted to:

Name:

Address:

on (date), in respect of an invention disclosed in an application for that patent/utility certificate having the following:

Filing date:

Priority date:

Being an invention for
(title)

Signature

.....
Registrar *Date*

FORM NO. 5

**COMMERCE AND INTELLECTUAL PROPERTY OFFICE,
SAINT VINCENT AND THE GRENADINES**

Form 5

For Official Use

PATENTS ACT, 2004

APPLICATION TO REGISTER, OR TO GIVE NOTICE OF, TRANSACTION, ETC.,
RECORDING OF TRANSMISSION OF RIGHTS AND INTERESTS ETC.;
RECORDING OF CHANGE IN OWNERSHIP

Received on:

To: The Registrar
Commerce and Intellectual Property Office

Applicant's or Representative's File Reference:

I. IN THE MATTER OF:

Patent Application No.:	Filing Date:
Application for Utility Certificate No.:	Filing Date:
Patent No.:	Date of Grant:
Utility Certificate No.:	Date of Grant:

II. APPLICATION TO REGISTER, OR TO GIVE NOTICE OF, TRANSACTION, ETC.

Name(s):
Address(es):

III. REQUEST FOR RECORDING OF TRANSMISSION OF RIGHTS AND INTERESTS

The Registrar is hereby requested to record the transmission of rights and interests of the above-identified

The present applicant(s)/owner(s) is/are identified below.
The new applicant(s)/new owner(s) is/are identified below.

FORMER APPLICANT(S)/OWNER(S):

Name(s):
Address(es):

NEW APPLICANT(S)/OWNER(S):

Name(s):
Address(es):

SECOND SCHEDULE, FORM NO. 5—continued

Address for service in Saint Vincent and the Grenadines			
Nationality/nationalities:			
Country/countries of residence or principal place(s) of business:			
Tel. No.:	Telegraphic Address(es):	Telex No.:	Fax: No.:
<p>IV. ADDITIONAL INFORMATION</p> <p>The following items accompany this Form:</p> <p>The original or a certified copy of the document evidencing the transmission of rights and interests, signed by or on behalf of the contracting parties.</p> <p>Other documents evidencing the transmission of rights and interests (specify).</p> <p>Fees</p> <p>Other (specify)</p> <p>V. SIGNATURES</p> <p>V. SIGNATURES</p> <p>..... (Person(s) making the application) (Date)</p> <p>..... [New Applicant(s) New Owners(s)] (Date)</p> <p>..... [Former Applicant(s)/ Owners(s)] (Date)</p>			