S.I. 90 of 2014

INDUSTRIAL PROPERTY ACT, 2014

(Act 7 of 2014)

INDUSTRIAL PROPERTY (PATENTS) REGULATIONS, 2014

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation
2. Interpretation
3. Fees
4. Language of documents and translations
5. Indication of name, address, nationality and residence
6. Signatures by partnerships, companies and associations

PART II

PATENTS

7. Classification of patents
8. Application for grant of patent
9. Description
10. Micro-organisms
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. Division of application
18. Declaration of priority and translation of earlier application
19. Time for furnishing information concerning corresponding foreign applications patents and other titles of protection
20. Withdrawal and amendment of application
21. Marking application
22. According and notifying filing date
PART III
NON-VOLUNTARY LICENCE

33. Non-voluntary licence

PART IV
UTILITY CERTIFICATES

34. Utility model certificate

PART V
INTERNATIONAL APPLICATIONS

35. International applications under the Patent Co-operation Treaty

PART VI
MISCELLANEOUS

36. Address for service
37. Excluded days
38. Hearings
39. Service by mail
40. Directions as to furnishing of documents
41. Corrections of irregularities
42. Evidence
43. Infringement

SCHEDULE 1 FORMS
SCHEDULE 2 FEES
SCHEDULE 3 CLASSIFICATION OF PATENTS

[27th October 2014] Supplement to Official Gazette 1713

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.
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.

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 situates; 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.

(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.

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.

(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.

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;

(c) 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 —

(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;

(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

II.(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.

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 —

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>top</td>
<td></td>
<td></td>
<td></td>
<td>2.5 cm</td>
</tr>
<tr>
<td>left side</td>
<td></td>
<td></td>
<td></td>
<td>2.5 cm</td>
</tr>
<tr>
<td>right side</td>
<td></td>
<td></td>
<td></td>
<td>1.5 cm</td>
</tr>
<tr>
<td>bottom</td>
<td></td>
<td></td>
<td></td>
<td>1.0 cm</td>
</tr>
</tbody>
</table>

(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.

(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.
(b) temperatures shall be expressed in degrees celsious; 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.

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 interrelationship between those inventions involving one or more.
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.

(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 —

(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.

(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.

(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.

(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).
(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.

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.

(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 certificate of patent is surrendered or revoked;
(c) any change in any particulars with respect to the patent or the patentee as required by this Act and the terms, conditions or the like of the termination thereof and
(d) any other of the matters required by section 30(4) of the Act.

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

27.(1) A request by the owner of a patent or any person for the alteration of a name, nationality, address or where service is to be made in respect of the patent or applications to be made in writing and shall be accompanied by the fee specified in Schedule 2.

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

28.(1) An application for registration of any transaction, instruction or event under section 4(2) of the Act applies shall be made in writing and shall be accompanied by the fee specified in Schedule 2.

(2) An application under subregulation (1) shall be accompanied, unless the Registrar otherwise directs in-
(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.

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 a 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.

(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.

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.

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.

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

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

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(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 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 —

(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.

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

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.

(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 in his affidavit or declaration.

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

SCHEDULE 1
FORMS
(Regulation 3)
FORM P-1
[Regulation 8(1) and 34(1)]

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.
<table>
<thead>
<tr>
<th><strong>THE APPLICANT(S) REQUEST(S)</strong></th>
<th><strong>THE GRANT OF A PATENT</strong></th>
<th><strong>THE GRANT OF A UTILITY CERTIFICATE</strong></th>
</tr>
</thead>
</table>

**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 of business:** |  |

**Telephone Number:** | **Fax Number:** | **E-mail:** | **WWW:** |
|-------------------|---------------|-----------|--------|

**III. AGENT**

The following agent has been appointed by the applicant(s) in the authorization of agent

<table>
<thead>
<tr>
<th><strong>accompanying this Form</strong></th>
<th><strong>to be filed within two months</strong></th>
<th><strong>from the filing of this Form</strong></th>
</tr>
</thead>
</table>

| **Name:** |  |
|-----------|  |
| **Address:** |  |

**IV. INVENTOR**

Additional information is contained in supplemental box

| **The inventor is the applicant** |  |
|----------------------------------|  |

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** |  |
|------------------------------------------------------|  |

<table>
<thead>
<tr>
<th><strong>Country (if the earlier application is a regional or international application, indicate the office with which the countries for which it was filed):</strong></th>
<th><strong>Filing Date:</strong></th>
</tr>
</thead>
</table>
The certificated 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)

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:

1. Description 
2. claim(s) & sheet(s)
3. Abstract & sheet(s)
4. drawing(s) & sheet(s)

B. This Form, as filed, is accompanied by the items ticked below:

1. separate signed authorization of Agent
2. statement justifying the applicant's Right
3. 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 application fee to accompany the abstract for publications other document(s) (specify)

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

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)]

INDUSTRIAL PROPERTY ACT, 2014
Industrial Property (Patents) Regulations, 2014

APPLICATION FOR RECORDING OF CHANGE IN OWNERSHIP 4 of the Industrial Property Act, 2014

FORM P-3

IDENTIFICATION OF THE APPLICATION/ PATENT

Application No.:
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)]

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

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
Signature of the Applicant/Agent.
**FORM P-5**

[Regulation 31(1)]

<table>
<thead>
<tr>
<th>APPLICATION FOR RECORDING OF LICENSING CONTRACTS under section 4 of the Industrial Property Act, 2014</th>
<th>For official use only:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FORM P-5</td>
<td>Date of Registration:</td>
</tr>
<tr>
<td></td>
<td>Fee paid on:</td>
</tr>
<tr>
<td>Application No. :</td>
<td>Filing Date:</td>
</tr>
<tr>
<td>Applicant/owner of the Patent</td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>hereby requests the recording of a license of Patent , which the applicant is the owner. The details of the registered Patent is as under:</td>
<td></td>
</tr>
<tr>
<td>Signature:</td>
<td>Dated:</td>
</tr>
<tr>
<td>Registered Number</td>
<td></td>
</tr>
<tr>
<td>Registered Owner</td>
<td></td>
</tr>
<tr>
<td>Details of Patent</td>
<td></td>
</tr>
<tr>
<td>Date of application for registration</td>
<td></td>
</tr>
<tr>
<td>Agent if any</td>
<td></td>
</tr>
</tbody>
</table>

**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. |  |

**Signature of Applicant/Owner/Agent** 
**Place and date**

**Signature of r/Licensee/Agent** 
**Place and date**

**Agent:**

| Address: |  |
| Telephone: | Fax | E-mail |

---

**FORM P-6**

[Regulation 33(1)]

<table>
<thead>
<tr>
<th>INDUSTRIAL PROPERTY ACT, 2014</th>
<th>For Official use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>INDUSTRIAL PROPERTY (PATENTS) REGULATIONS, 2014</td>
<td>Application Reference:</td>
</tr>
<tr>
<td>APPLICATION FOR A NON-VOLUNTARY LICENCE</td>
<td>Date received:</td>
</tr>
<tr>
<td>Form P-6</td>
<td>Fee paid:</td>
</tr>
</tbody>
</table>

TO:

The Registrar General
Republic of Seychelles

I hereby request the Registrar to grant me a Non-Voluntary Licence.

| Applicants Name: |  |

| Address: |  |
| Telephone: | Fax | E-mail |
| Evidence for application as set out in sections 23 and 24(2) of the Industrial Property Act, 2014, is enclosed. |  |
| Reference number or title for which the non-voluntary licence is sought: |  |

**Scope and duration being sought:**

| Agent (if any) |
| Address: |
| Telephone: | Fax | E-mail |

**Place and date**

**Signature of Applicant or Agent**
### SCHEDULE 2

**Fees (Regulation 3)**

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Matter or Proceeding</th>
<th>Fee in Seychelles Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Application for a patent under section 10 of the Act</td>
<td>3,000</td>
</tr>
<tr>
<td>2</td>
<td>Each division of application for a patent under section 11(2) of the Act</td>
<td>1,500</td>
</tr>
<tr>
<td>3</td>
<td>Application for a utility model certificate under section 39 of the Act</td>
<td>2,000</td>
</tr>
<tr>
<td>4</td>
<td>Each divisional application for a utility model certificate under section 11(2) of the Act</td>
<td>1,000</td>
</tr>
<tr>
<td>5</td>
<td>Amendment of application by the applicant under section 12</td>
<td>500</td>
</tr>
<tr>
<td>6</td>
<td>Amendment of application on invitation by Registrar under section 16(2)</td>
<td>500</td>
</tr>
<tr>
<td>7</td>
<td>Application for non-voluntary licence under section 24</td>
<td>500</td>
</tr>
<tr>
<td>8</td>
<td>International application for patent</td>
<td>5000</td>
</tr>
<tr>
<td>9</td>
<td>Fee for transmittal fee in respect of international application</td>
<td>1000</td>
</tr>
<tr>
<td>10</td>
<td>Fee for search and examination carried out by an examining authority under section 16(1)</td>
<td>500 plus amount payable to Examining Authority</td>
</tr>
<tr>
<td>11</td>
<td>Fee for copy of any patent under section 17(2)(d) of the Act</td>
<td>500</td>
</tr>
<tr>
<td>12</td>
<td>Annual fees for patents under section 22 of the Act</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>2nd year</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3rd year</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>4th year</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>5th year</td>
<td>1,500</td>
</tr>
<tr>
<td></td>
<td>6th year</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td>7th year</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td>8th year</td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td>9th year</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>10th year</td>
<td>10,000</td>
</tr>
</tbody>
</table>

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