



Tonga

# **INDUSTRIAL PROPERTY REGULATIONS**

**Chapter 40.16.1**

**2016 Revised Edition**





Tonga

## INDUSTRIAL PROPERTY REGULATIONS

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# INDUSTRIAL PROPERTY REGULATIONS

2016 Revised Edition

## INDUSTRIAL PROPERTY ACT 1994

*IN EXERCISE of the powers conferred by section 44 of the Industrial property Act 1994 the Minister of Labour, Commerce and Industries with the consent of Cabinet has made the following regulations -<sup>1</sup>*

### 1 Citation and Commencement

These Regulations may be cited as the Industrial Property Regulations 1998 and shall come into operation on a date to be appointed by the Minister by notice in the Gazette.

### 2 Fees First Schedule

There shall be payable fees in respect of the matters specified in the First Schedule.

### 3 Forms Second Schedule

- (1) The forms set out in the Second Schedule shall be applied as shown in column 3 of the First Schedule.

- (2) Copies of the printed forms shall be furnished by the Registrar on payment of the prescribed fee.

#### **4 Language of documents and translations**

Application under the Act and these regulations shall be in the English language and any document forming part of an application or submitted to the Registrar pursuant to the Act or to these regulations which is in a language other than English shall be accompanied by a certified English translation.

#### **5 Indication of names, address, nationality and residence**

- (1) Names of natural persons shall be indicated by the person's family name and given name, the family name being indicated before the given name, the names of legal entities shall be indicated by their full official designations.
- (2) Address 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, address shall also indicate telegraphic and telex addresses, if any, and telephone and facsimile numbers.
- (3) Nationality shall be indicated by the name of the State of which a person is a national, legal entities shall indicate the name of the State under whose laws they are constituted in which their registered office is situated.
- (4) Residence shall be indicated by the name of the State of which a person is a resident.

#### **6 Signature by partnerships, Companies and associations**

- (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 on behalf of the partnership stating that he does so sign or by any other person who satisfies the Registrar that he is authorized 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 authorized.
- (4) The Registrar may request evidence of authorization to sign.

## **7 Representation by agent**

The power of attorney appointing an agent may be filed together with the application or within two months from its filing date, if the appointment is not thus made and is not made in respect of an agent as defined in section 2 and in accordance with regulation 56, procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

# **PART II – PATENTS**

## **8 Classification of Patents**

The Registrar shall apply the International Patent Classification, as adopted under the Strasbourg Agreement of March 24, 1971, as last revised for all purposes relating to the grant and publication of patents, as well as for the maintenance of classified search files.

## **9 Request for grant of patent**

- (1) The request for the grant of a patent shall be made on Form 1 of the Second Schedule and shall be signed by each applicant.
- (2) The title of the invention shall be short, preferably not exceeding seven words.
- (3) Where the applicant is the inventor, the request shall contain a statement to that effect and, where he is not, it shall indicate the inventor's name and address and be accompanied by the statement justifying the applicant's right to the patent.
- (4) If the applicant is represented by an agent, the request shall so indicate and state the agent's name and address.
- (5) The request shall indicate the applicant's name, address, nationality and residence.

## 10 Description

- (1) 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 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 such terms that it can be understood and state its advantageous effects if any, with reference to the background art;
  - (d) Briefly describe the figures in the drawings, if any;
  - (e) Set forth at least one mode contemplated by the applicant for carrying out the invention, this shall be done in terms of examples, where appropriate, and with reference to the drawings if any;
  - (f) Indicate explicitly 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 sub-regulation (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 more concise presentation.

## 11 Claims

- (1) The number of the claims shall be reasonable taking into account the nature of the invention 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) characterizing portion preceded by the words “characterized in that”, “characterized by”, “wherein the improvement comprises”, or any other words to the same effect, stating concisely the technical feature which, in combination with the features stated under paragraph (a), it is desired to protect.

- (4) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings such as, “as described in part of the description”, or “as illustrated in figure of the drawings”.
- (5) Where the application contains drawings, the technical features mentioned in the claims may be followed by the reference signs relating to such features, when used, the reference signs may be placed between parentheses. If inclusion of reference signs does not facilitate quicker understanding of a claim, it shall not be made.
- (6) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application may be submitted either as an amended claim or as a new claim;
- (7) The deletion of any claims previously appearing in the application shall be made by indicating the number of the previous claim followed by the word “cancelled”.

## **12 Drawings**

Flow sheets and diagrams are considered to be drawings.

## **13 Abstract**

- (1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for 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 technical field to which the invention pertains and drafted in a way which allows the clear understanding of the technical problem, the essence of the solution of that problem through the invention and the principal use or uses of the invention, and
  - (b) Where applicable, the chemical formulae which, among all the formula contained in the application, best characterizes 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 may 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 Measures terminology and signs**

- (1) Units of weights and measures shall be expressed in the metric system.
- (2) Temperatures shall be expressed in degrees centigrade (Celsius).
- (3) Units of Density shall be expressed in the metric system.
- (4) Rules in general use shall be observed for indications of heat, energy, light, sound and magnetism, as well as for mathematical formulae and electrical units.
- (5) The symbols, atomic weights and molecular formulae in general use shall be employed for chemical formulae.
- (6) Only such technical terms, signs and symbols shall be used as are generally accepted in the art.
- (7) The terminology and the signs shall be consistent throughout the application.

#### **15 Number of copies and physical requirements**

- (1) Subject to regulation 19(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 allow direct reproduction by photography, electrostatic processes, photo off-set and microfilming.
- (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, which, smooth, non-shiny and durable.
- (5) The size of the sheets shall be A4 (29.7cm x 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 the first page 30mm;
  - (b) upper margin of each page, except the first 20mm;

- (c) side margin adjacent to the binding 25 mm;
  - (d) other side margin 20mm; and
  - (e) bottom margin 20mm.
- (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.
- (a) the request;
  - (b) the description;
  - (c) the claims;
  - (d) the abstract; and
  - (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 drawing only and commencing with the first sheet of the drawings.
- (10) Graphic symbols, chemical or mathematical formulae and certain characters, should be typed, but if not possible, may be hand-written 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

- (1) Section 8(1) of the Act shall be construed as permitting, in particular, one of the following three possibilities.
- (a) In addition to an independent claim for a given product, the inclusion in the same application of an independent claim for 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 for 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.

- (2) Subject to section 8(1) 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.
- (3) Subject to section 8(1) 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 each independent claim.

## **17 Divisional application**

- (1) A divisional application 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 the effect, in such a case, the declaration of priority and the documents furnished in accordance with, regulation 19 for the initial application shall be deemed to relate also 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**

- (1) An applicant who wishes a disclosure of the invention not to be taken into consideration in accordance with section 5(4) of the Act 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.
- (2) Where the disclosure was made at an exhibition, the applicant shall file, within the same period, a duly authenticated certificate issued by the authority responsible for the exhibition containing particulars of exhibition and stating that the invention was in fact exhibited there.

## **19 Declaration of priority and translation of earlier application**

- (1) The declaration referred to in section 9(1) of the Act shall indicate.
  - (a) The date of the earlier application;

- (b) The number of the earlier application subject to sub-regulation (2);
  - (c) The symbol of the International Patent Classification which has been allocated to the earlier application, subject to sub-regulation (3); and
  - (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.
- (2) Where, at the time of filing the declaration referred to in sub-regulation (1), the number of the earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed.
  - (3) Where, a symbol of the International Patent Classification has not been allocated to the earlier application, or had not been allocated at the time of filing the declaration referred to in sub-regulation (1), the applicant shall state this fact in 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 sub-regulation (1).
  - (5) The period for furnishing the certified copy of the earlier application, referred to in section 9(2) of the Act, shall be three months from the date of the request by the Registrar.
  - (6) Where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.
  - (7) Where the earlier application is in a language other than English, the applicant shall, within six months from the date of the request made under section 9(2) of the Act, furnish a certified English translation of the earlier application.
  - (8) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

**20 Time for furnishing information concerning corresponding foreign applications for patent and other titles of protection.**

- (1) The Registrar shall specify the time limit for furnishing the information requested under section 10 of the Act, shall not be less than two or more than six months from the date such a request is made, but he may extend such time limit on request and on good cause shown by applicant.
- (2) If the applicant advises the Registrar that the documents request under section 10 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.

## **21 Withdrawal of applications**

- (1) Each application shall be withdrawn by written declaration submitted to the Registrar and signed by the applicant.
- (2) The application fee shall not be refunded if the application is withdrawn.

## **22 Marking application**

- (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters TO, stroke, the letter P, stroke, the last two numbers of the year in which the initial papers were received, stroke, and a five-digit number allotted in the sequential order in which application are received
- (2) 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 the grant of the patent as set out in Form No. 1 of the Second Schedule.
- (3) The application number allotted under sub-regulation (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 fulfills the requirements of section 11(1).
- (2) The invitation to file any correction under section 11(2) of the Act, shall be in writing, it shall specify the correction required and request that it be filed within two months from the date of the invitation, together with the payment of the prescribed fee.
- (3) Once the Registrar accords a filing date, he shall notify the applicant in writing, if the application is treated as if it had not been filed under section 11(2) of the Act the Registrar shall notify the applicant in writing, specifying the reasons.



**24 Examination as to form**

- (1) In addition to the requirements of section 7(1), (2) and (3) of the Act and the regulations pertaining thereto, the requirements relating to the definition of “agent” in section 2 of the Act and the requirement of regulation 4,5,6,7, 14 and 15 to the extent applicable, shall be considered formal requirements for the purposes of being in order.
- (2) Where the Registrar finds that the conditions referred to in section 11(5) of the Act 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 prescribed fee.
- (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 prescribed fee for the preparation of the abstract by the Registrar himself, if the applicant does not comply with the invitation to correct a deficiency, or where, despite the correction submitted by the applicant, the Registrar is of the opinion that the conditions referred to in section 11(5) of the Act are not fulfilled, he shall reject the application and notify the applicant in writing, stating the reasons.
- (4) Rejection of the application shall not affect its filing date which shall remain valid.

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

- (1) For the purposes of the examination, the Registrar may cause the application to be transmitted together with all relevant document to examining authority which has concluded an arrangement to this effect with the Registrar, requesting search and examination report.
- (2) Where, taking due account of the conclusions of the search and examination report the condition referred to in section 11(5) are not fulfilled, he shall notify the applicant in writing, inviting him, to submit his observations and, where applicable, to amend or divide his application, within a specified period, such specified period shall not be less than two or more than six months from the date of the invitation.
- (3) Where, taking due account of the conclusions of the search and examination report the condition referred to in section 11(5) are not fulfilled, he shall notify the applicant in writing, inviting him, to submit his observations and, where applicable, to amend or divide his application, within a specified

period, such specified period shall not be less than two or more than six months from the date of the invitation.

- (4) Where two or more applications for the grant of a patent for the same filing date or, where applicable, the same priority date, are filed by the same applicant, the Registrar may, on that ground, refuse to grant a patent in pursuance of more than one of the applications.
- (5) Where the Registrar, taking due account of the conclusions of the search and examination report referred to in sub-regulation (1), is of the opinion, subject to regulation 24, that the conditions referred to in section 11(5) of the Act are fulfilled he shall grant the patent.
- (6) 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 upon which the decision is based and, in the case of a refusal to grant a patent, stating the reasons therefore, and in the case of a decision to grant a patent, requesting the applicant to pay the grant and publication fee with three months from the date of the notification.

## **26 Examination as to novelty and inventive step**

In accordance with section 11(5) of the Act, the examination shall cover the requirements of novelty and inventive step under section 5(2), (3), (4) in respect of all categories of inventions.

## **27 Grant of patent, publication thereof, issuance of certificate**

- (1) Subject to the payment of the grant and publication fee within three months from the date of the notification of the decision to grant the patent, the Registrar shall grant the patent in accordance with section 12(2) of the Act and this regulation.
- (2) The Registrar shall allot to each patent a publication number of the patent, in the sequential order of grant.
- (3) The patent shall be granted on Form No. 2 of the Second Schedule and shall contain in addition to the information indicated in sub-regulation (5), 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.
- (4) The patent shall be deemed to be granted on the date the Registrar publishes the fact that he has granted the patent in accordance with section 12(2)(a) of the Act.
- (5) The publication 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 agent, if any;
  - (e) The number of the application and 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.
- (6) The certificate of grant shall be issued on Form No. 3 in the Second Schedule and shall be signed by the Registrar and shall contain:
- (a) The name of the patent;
  - (b) The name and address of the owner of the patent;
  - (c) The filing date and where applicable, priority date of the application;
  - (d) The effective date of grant of the patent; and
  - (e) The title of the invention.

## **28 Exploitation of patented invention by Government or by third persons authorized by Government**

- (1) The Minister shall, before making a decision under section 13(5) of the Act, consult the Registrar and give the owner of the patent, beneficiaries of non-voluntary licenses, and any other persons whose participation he considers useful, at least 21 days written notice of the date of which they may be heard. The owner of the patent shall give all licenses at least 14 days written notice of the hearing and they shall have the right to participate therein.
- (2) The Minister shall make his decision after the hearing, in writing, stating the grounds upon which is based, and, if he has decided that the invention shall be exploited under section 13(5), he shall state the terms of exploitation, and transmit the decision to the Registrar.

- (3) The Registrar shall record, and publish the decision of the Minister and notify in writing the owner of the patent in the Gazette and the other participants in the hearing.
- (4) If the decision of the Minister with regard to remuneration is the subject of an appeal, the Registrar of the supreme Court shall notify the Registrar of the court's decision once it becomes final, and the Registrar shall record the decision and publish it in the Gazette.

## 29 Annual fees

- (1) Upon payment of an annual fee in accordance with section 14(2), the Registrar shall, within two weeks from the date the payment is received, furnish or send 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.

## 30 Non-Voluntary Licences

- (1) The request for grant of a non-voluntary licence under section 15 shall be made to the Registrar on Form No. 4 in the Second Schedule, together with the payment of the prescribed fee, it shall be accompanied by;
  - (a) A request from the person requesting the non-voluntary licence, for evidence that the owner of the patent has licence contract but that the latter has been unable to obtain such a licence on reasonable terms and within a reasonable time; and
  - (b) An indicating of the plan according to which the person requesting the non-voluntary licence intends to work the patented invention, including evidence that he has ability to do so in Tonga.
- (2) The Registrar shall, within three months the date of the request for the grant of a non-voluntary licence, examine whether the requirements of section 15(1) and (2) of the Act and sub-regulation (1) are satisfied, if he finds that the requirements are not satisfied, the Registrar shall reject the request and notify, in writing, the person request stating the grounds for the rejection. If he finds that the requirements are satisfied, the Registrar shall forthwith send a copy of the request to the owner of the patent and beneficiaries of non-voluntary licences and to persons exploiting the patented invention under section 13(5), and invite them in writing to submit observations thereon to the Registrar, within three months of the date of the invitation.

- (3) The patent owner shall forthwith notify, in writing, all licensees of the request, and the licensees shall have the right to submit, in writing, observations thereon to the Registrar within three months of the date of the invitation issued under sub-regulation (2).
- (4) The Registrar shall forthwith notify the person requesting the non-voluntary licence of any observations submitted under sub-regulations (2) and (3).
- (5) The Registrar shall then convene a hearing to which he shall invite the person requesting the non-voluntary licence, the owner of the patent and the persons who submitted observations under sub-regulations (2) and (3) giving them at least one month's written notice of the date of the hearing.
- (6) After the hearing, if the Registrar finds that the conditions for the grant of a non-voluntary licence are fulfilled, he shall grant the licence, otherwise, he shall refuse to grant it.
- (7) The decision to grant or to refuse to grant a non-voluntary licence shall be in writing, shall state the grounds upon which it is based and, in the case of decision to grant the non-voluntary licence shall include:
  - (a) the period for which the licence is granted;
  - (b) of the acts referred to in the definition of "exploitation", in section 13(1) of the Act to which the licence extends (other than importation);
  - (c) the time limit within which the beneficiary of the non-voluntary licence must commence working the patented invention; and
  - (d) the terms regarding payment of remuneration.
- (8) The Registrar shall record and publish the decision to grant or to refuse to grant the non-voluntary licence and transmit a copy thereof to the person requesting the non-voluntary licence, the owner of the patent and the persons who submitted observations under sub-regulations (2) and (3).

### **31 Invalidation**

- (1) Where the provisions of section 16(2) apply only to some of the claims or some parts of a claim, such claims or parts of a claim shall be invalidated.
- (2) The patents shall notify and licensees in writing of any court proceedings instituted for the invalidation of the patent. The person requesting invalidation shall so notify any beneficiaries of non-voluntary licences granted under section 15 and where the ground of invalidity invoked is that the patentee is not the inventor or his successor in title, he shall also notify the person alleged to have the right to the patent.

## PART III – UTILITY MODEL CERTIFICATE

### 32 Provisions relating to patents to apply to utility model certificates

- (1) The provisions of Part II of these regulations shall apply, *mutatis mutandis*, to utility model certificates, subject to the following exceptions.
  - (a) The letter “P” in regulation 22(1) shall be read as the letters “UM”;
  - (b) For the purposes of regulation 25 the examination shall be limited to the requirement of novelty and industrial applicability and public order and morality; and
  - (c) Regulations 26 and 31 shall not apply.
- (2) A request, under section 19, for the conversion of 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 prescribed fee. The Registrar shall, within two months of the receipt of the request, notify the applicant in writing of his decision thereon, and if the Registrar refuses the request he shall state the reasons.

## PART IV – INDUSTRIAL DESIGNS

### 33 Provisions relating to patents to apply to industrial design.

Regulation 22 shall apply *mutatis mutandis*, to industrial designs and, for this purpose, the letter “P” in regulation 22(1) shall be read as the letter “D”.

### 34 Application for registration of an industrial design.

- (1) The application for the registration of an industrial design shall be made on Form No. 5 in the Second Schedule and shall be signed by each applicant.
- (2) The application shall indicate each applicant’s name, address, nationality and residence.
- (3) Where the applicant is the creator, the request shall contain a statement to that effect, and where he is not, it shall indicate the creator’s name and address and be accompanied by a statement justifying the applicant’s right to the registration of the industrial design.
- (4) If the applicant is represented by an agent, the request shall so indicate and state the agent’s name and address.

**35 Number and size of representations and specimen**

- (1) The application shall be accompanied by the following:
  - (a) If the industrial design is two-dimensional, by four graphic representations or four drawings or tracing;
  - (b) If the industrial design is three-dimensional, by four graphic representations or four drawings or tracing of each of the different sides of the industrial design, and
  - (c) A printing block or printing blocks of such dimensions as the Registrar may consider appropriate.
- (2) A specimen shall be of a size not exceeding 20 centimeters x 20 centimeters x 20 centimeters. No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimeters x 20 centimeters. Each representation, drawing or tracing, shall be affixed to a sheet of cardboard of A4 size. Drawings and tracings shall be in black ink.

**36 According and notifying filing date, examination, decision to grant or refuse Application.**

- (1) The Registrar shall examine whether the application fulfills the requirement for the examination.
- (2) The invitation to file any correction, under section 23(1), shall be in writing, it shall specify the correction required and request that these be filed within two months from the date of the said invitation, together with the payment of the prescribed fee.
- (3) Once the Registrar accords a filing date, he shall so notify the applicant in writing. If the application is treated as if it had not been filed under section 23(1), the Registrar shall notify the applicant in writing, specifying the reasons.
- (4) Where the Registrar finds that the requirements relating to the definition of an industrial design in section 2, the conditions set out in sections 20(4) and 22(1) and (2) 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 prescribed fee. If the applicant does not comply with the invitation to correct a deficiency, or where, despite corrections submitted by the applicant, the Registrar is of the opinion that the said conditions are not fulfilled, he shall reject the application and notify the applicant in writing, stating the reasons.

- (5) Rejection of the application shall not affect its filing date which shall remain valid.
- (6) The Registrar shall notify the applicant in writing, of his decision to grant or to reject the application, and, in the case of a decision to grant the application, he shall request the applicant to pay the registration and publication fee with one month from the date of the notification.

### **37 Registration of industrial design, publication thereof, issuance of certificate**

- (1) Subject to the payment of the registration and publication fee within the period prescribed in regulation 36(6) the Registrar shall register the industrial design in accordance with section 23(4) and this regulation.
- (2) The Registrar shall allot to each industrial design a number in the sequential order of registration.
- (3) The registration of an industrial design shall include a representation of the industrial design and shall specify:
  - (a) The number of the industrial design;
  - (b) The name and address of the registered owner;
  - (c) The name and address of the a if any;
  - (d) The name and address of the creator, except where he has asked not to be named in the registration;
  - (e) If the priority has been claimed, and he claim has been accepted, the country or countries in which or for which the earlier application was filed; and
  - (f) The kind of products for which the industrial design is to be used.
- (4) The publication of the registration of an industrial design, under section 23(4) shall contain the particulars specified in sub-regulation (3).
- (5) The certificate of registration of an industrial design shall be issued on Form No 6 in the Second Schedule.

### **38 Renewal of registration**

- (1) The request for renewal of the registration of an industrial design under section 24(5) may be made by the registered owner or his agent during the six month period preceding the expiry of the registration.



- (2) The request for renewal shall be made by payment of the renewal fee within the period specified in sub-regulation (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 24(5).
- (3) The renewal of an industrial design registration shall be recorded in the register and shall be published.
- (4) The Registrar shall issue to the registered owner a certificate of renewal which shall contain:
  - (a) The registration number of the industrial design;
  - (b) The date of renewal and the date of expiry;
  - (c) The name and address of the registered owner, and
  - (d) An indication of the kind of products for which the industrial design has been registered.

## **PART V – MARKS**

### **39 Classification of Marks, Third Schedule**

The Registrar shall apply the International Classification, as last revised, set out in the Third Schedule.

### **40 Application for registration of a mark**

The application for the registration of a mark shall be made on Form No. 7 in the Second Schedule and shall be signed by the applicant or his agent. An application may be made for the registration of a mark in respect of goods or services in one or more classes of the International Classification.

### **41 Reproduction of the mark**

- 1) The application shall contain a durable graphic reproduction of the mark in the space provided therefore on Form No. 7. Where the reproduction exceeds the space in size, it shall be mounted upon hard and durable paper. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded.
- (2) An application for the registration of a mark, shall accompanied by here additional reproductions of the mark. The reproduction of the mark on the application and the additional reproduction shall be identical. The additional reproductions shall in all cases be noted with all such particulars as may, from

time to time, be required by the Registrar. Such particulars shall, if required, be signed by the applicant or his agent.

- (3) If the Registrar considers any reproduction of a mark unsuitable, he may, at any time before registration, require a suitable reproduction to be submitted.
- (4) Where a drawing or other reproduction cannot be given in the aforesaid manner, a specimen or copy of the mark may be submitted in such a form as the Registrar may direct.

#### **42 Transliteration and translation of the mark**

Where a mark consists of or contains a word or words in characters other than Roman alphabet, the application on Form No. 7 and the additional reproductions of the mark shall be accompanied, unless the Registrar otherwise directs, by a sufficient transliteration and translation to the satisfaction of the Registrar of each of such works, stating the language to which each work belongs.

#### **43 Declaration of priority and translation of earlier application**

- (1) The declaration referred to in section 27(2) shall indicate:
  - (a) The date of the earlier application;
  - (b) The number of the earlier application, subject to sub-regulation (2); and
  - (c) The State in which the earlier application was filed or, where the earlier application is a regional or an international application, the office with which it was filed and the country or countries for which it was filed.
- (2) Where at the time of filing the declaration referred to in sub-regulation (1), the number of any earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed. The Registrar may extend the time limit referred to in this sub-regulation for an additional period of three months, if the applicant supplies evidence that, due to circumstances beyond his control, he was not able to comply with the prescribed time limit.
- (3) Where the priorities of two or more earlier applications are claimed, in accordance with section 27(2) of the Act and indication relating to those earlier applications may be included in a single declaration.
- (4) The applicant may, at any time before the registration of the mark, amend the contents of the declaration referred to in the preceding sub-regulations.

**44 Copy of earlier application**

The period for furnishing the certified copy of the earlier application shall be three months from the date of the request by the Registrar.

**45 Withdrawal of application**

- (1) The withdrawal of the application shall be made by a written declaration signed by the applicant and submitted to the Registrar.
- (2) The application fee shall not be refunded if the application is withdrawn.

**46 Marking of application and filing date**

- (1) Regulation 22 shall apply, *mutatis mutandis*, to marks and the letter “P” in regulation 22(2) shall be read as the letter “M”.
- (2) The Registrar shall accord as the filing date of the application the date on which the following matters are received:
  - (a) The name of the applicant;
  - (b) An address to which communications can be directed;
  - (c) A reproduction of the mark;
  - (d) The class in the International Classification of goods or services and
  - (e) The required filing fee for at least one class of goods or services.
- (3) The Registrar shall notify the applicant in writing of the application number and the filing date.

**47 Objection to or conditional acceptance of application, hearing**

- (1) If, upon examination in accordance with section 28, the Registrar objects to the application for registration of a mark, he shall notify the applicant in writing of his objection with all the relevant details and invite the applicant to amend the application, submit his observations in writing or apply for a hearing within two months from the date of the notification. If the applicant does not comply with the invitation within the said period, he shall be deemed to have withdrawn his application.
- (2) If, upon examination in accordance with section 28, the Registrar decides to accept the application subject to amendments, notifications, conditions disclaimers or limitations, he shall communicate the decision to the applicant in writing.

- (3) If the applicant objects to the amendments, modifications, conditions, disclaimers or limitations, he shall, within two months from the date of the communication, apply for a hearing or submit his observations in writing. If the applicant does not object to such amendments, modifications, conditions, disclaimers or limitations, he shall notify the Registrar in writing and amend his application accordingly. If the applicant does not respond in one way or the other within the said period, he shall be deemed to have withdrawn his application.
- (4) The application for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving it, shall give the applicant at least one month's notice in writing of the date and time when he may be heard.

#### **48 Rejection of application or conditional acceptance to which applicant objects.**

- (1) If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar rejects the application or accepts it subject to any amendments, modifications, conditions, disclaimers or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing.
- (2) The applicant may, within one month from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the materials used by him in arriving thereat.

#### **49 Acceptance of application, publication, supply of printing block**

- (1) If the Registrar accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall proceed to publish the application setting out:
  - (a) The filing date;
  - (b) the representation of the mark;
  - (c) The goods or services in respect of which the registration of the mark is requested with an indication of the corresponding class or classes of the international classification;
  - (d) The name and address of the applicant; and
  - (e) The name and address of the agent, if any.
- (2) For the purposes of the publication required under section 28 of the Act and this regulation, the Registrar may, in writing, request the applicant to supply a

printing block of such dimensions as he may consider appropriate, the dimensions of which shall not exceed 30 x 21 centimeters.

## **50 Opposition**

- (1) The notice of opposition under section 28(4) shall be given within three months from the date of the publication, referred to in regulation 50 on Form No. 8 in the Second Schedule together with payment of the prescribed fee and accompanied by supporting evidence, if any.
- (2) The counter-statement referred to in section 28(5) shall be subject to payment of the prescribed fee and shall be given within two months from the date the notice of opposition is sent to the applicant in writing, stating the grounds upon which the applicant relies for his application and accompanied by supporting evidence if any.
- (3) The request for a hearing, under section 28(6), shall be made to the Registrar in writing at any time after the filing of the notice of opposition but not later than one month after the expiry of the prescribed period for filing the counter-statements. The Registrar shall set a date for the hearing and each party shall, within that period, pay the prescribed fee for the hearing.
- (4) Where the opponent or the applicant does not reside or carry on business in Tonga, the Registrar may require him to give security for the costs of the opposition proceedings in such amount as the Registrar thinks fit.
- (5) Where the Registrar decides to register the mark as provided in section 28(8) he shall notify the opponent and the applicant in writing, stating the reasons for his decision and, in the case of the applicant, requesting him to pay the registration fee within one month from the date of the notification.
- (6) Where the Registrar decides to refuse to register the mark, he shall notify the opponent and the applicant, in writing, stating the reasons for his decision.

## **51 Registration of mark, publication thereof, issuance of certificate**

- (1) Subject to the payment of the registration fee within the period prescribed in regulation 51(5), the Registrar shall register the mark in accordance with section 28(8) and this regulation.
- (2) The Registrar shall allot to each mark a number in the sequential order of registration.
- (3) The registration of a mark shall include:
  - (a) a representation of the mark;

- (b) The number of the mark;
  - (c) The name and address of the registered owner;
  - (d) The name and address of the agent, if any;
  - (e) The filing date and the date of registration;
  - (f) If priority has been claimed and accepted, country or countries in which the earlier application was filed; and
  - (g) The list of goods or services in respect of which the registration of the mark had been made with an indication of the corresponding class or classes of the International Classification.
- (4) The publication of the registration of a mark under section 28(8) shall contain the particulars specified in sub-regulation (3).
- (5) The certificate of registration of a mark shall be issued on Form No. 9 as set out in the Second Schedule.

## **52 Renewal of registration**

- (1) The request for renewal of the registration of a mark under section 29(4) may be made during the six month period preceding the expiry of the registration and shall be signed by the registered owner or his agent.
- (2) The renewal shall be subject to payment of the renewal fee which shall be made within the period specified in sub-regulation (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 29(4).
- (3) The renewal of the registration of mark shall be recorded in the register and shall be published.
- 4) The Registrar shall issue to the registered owner a certificate of renewal which shall contain:
- (a) The registration number of the mark;
  - (b) The date of renewal and the date of the expiry;
  - (c) The name and address of the registered owner; and
  - (d) The list of goods or services in respect of which the mark, has been registered with an indication of the corresponding class or classes of the International Classification.

## **53 Collective Marks**

Regulations 39 to 52 shall apply, mutatis mutandis, to collective marks subject to the following:

- (a) An application for registration of a collective mark shall not be accepted unless, in the application for registration, the mark is designated as a collective mark, and unless the application is accompanied by a copy of the conditions governing the use of the mark, duly certified by the applicant;
- (b) The conditions, governing the use of the collective mark shall define the common characteristics or quality of the goods or services which the collective mark shall by whom it may be used, they shall provide for the exercise of effective control of the use of the mark in compliance with those conditions, and shall determine adequate sanctions for any use contrary to the said conditions;
- (c) A copy of the conditions governing the use of the mark shall be appended to the registration of a collective mark;
- (d) Publication of the registration of the collective mark, in accordance with section 28(8), shall include a summary of the conditions appended to the registration;
- (e) Notification of changes effected in the conditions governing the use of the mark shall be in writing;
- (f) All notifications of such changes shall be recorded in the register. Changes in the conditions shall have no effect until such record is made. A summary of the recorded changes shall be published; and
- (g) For the purposes of use of the collective mark in connection with section 30(4), the registered owner of a collective mark may use the mark himself provided it is also used by other authorized persons in accordance with the conditions governing such use, by such persons shall be deemed to be used by the registered owner.

#### **54 Invalidation, Removal on the ground of non-use**

- (1) A request under section 30 or 31(4) for invalidation of a mark or for its removal from the register on the ground of non-use shall be made to the Registrar in writing and shall be signed by the applicant. The request shall be subject to payment of prescribed fee and shall be accompanied by a statement signed by the applicant indicating the nature of his interest and the grounds upon which he relies.
- (2) The procedure set out in regulation 50 shall apply, *mutatis mutandis*.
- (3) The removal of a mark from the register on the grounds of non-use shall be published.

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## PART VI – GENERAL

### 55 Changes in ownership, Licence contracts

- (1) The request under section 36, for the recording of a change of ownership of a title granted under the Act or of an application therefore, shall be made to the Registrar on Form No. 10 in the Second Schedule and shall be subject to payment of the prescribed fee.
- (2) The publication of the change of ownership shall specify:
  - (a) The title of protection concerned;
  - (b) The filing date and the date of registration or grant;
  - (c) The owner and the new owner; and
  - (d) The nature of the change of ownership.
- (3) A licence contract submitted to be recorded under section 36(5) shall be accompanied by the prescribed fee.
- (4) Where, under section 36(6), the Registrar invites the parties to a contract to modify the contract, the parties shall respond to the invitation within two months of the date thereof or within such extended period as the Registrar may allow and, upon a request made by the parties, the Registrar shall give them an opportunity to be heard.

### 56 Appointment of agent, address for service

The appointment of an agent shall be by a power of attorney which shall be signed by the applicant, or if there are more than one applicant, by each applicant. The address of the agent shall, for all purposes of these Regulations be treated as the addressee to which communications to the person or persons who appointed the agent shall be transmitted.

### 57 Excluded days

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



**58 Searches in registers, request for extracts and copies of the register**

Searches in the registers shall be subject to payment of the prescribed fee. Requests for certified copies of extracts of the register or for copies of documents shall be made to the Registrar and shall be subject to payment of the prescribed fee.

**59 Correction of errors**

Correction of errors under section 40, may be made by the Registrar upon receipt of a request in writing and subject to such terms as he may consider appropriate, or on his own initiative. Corrections made shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by the Registrar.

**60 Hearing**

- (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 and indicating a time limit, which subject to any time limit prescribed by these Regulations 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 shall be subject to payment of the prescribed fee.
- (3) Upon receiving such request, 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.

**FIRST SCHEDULE<sup>2</sup>**

**FEES**

(Regulation 2)

Matter of Proceeding	Amount Fee	Form
Patents and Utility Model Certificates		
1. Request for a patent	\$200.00	Form No. 1
2. Each divisional application for patent	\$200.00	Form No. 1
3. Request for a utility model certificate	\$160.00	Form No. 1
4. Each divisional application for a utility model	\$ 160.00	Form No. 1
5. Amendment of application at instance of application	\$ 150.00	Form No. 1
6. Correction of application on request of Registrar	\$ 90.00	
7. Preparation of abstract by Registrar	\$ 100.00	
8. Grant and publication fee	\$360.00	Form No. 2
9. Annual fees for patents:		
1 <sup>st</sup> anniversary of filing	\$200.00	
2 <sup>nd</sup> anniversary of filing	\$240.00	
3 <sup>rd</sup> anniversary of filing	\$280.00	
4 <sup>th</sup> anniversary of filing	\$320.00	
5 <sup>th</sup> anniversary of filing	\$360.00	
6 <sup>th</sup> anniversary of filing	\$400.00	
7 <sup>th</sup> anniversary of filing	\$440.00	
8 <sup>th</sup> anniversary of filing	\$480.00	
9 <sup>th</sup> anniversary of filing	\$520.00	
10 <sup>th</sup> anniversary of filing	\$560.00	
11 <sup>th</sup> anniversary of filing	\$600.00	
12 <sup>th</sup> anniversary of filing	\$640.00	
13 <sup>th</sup> anniversary of filing	\$680.00	
14 <sup>th</sup> anniversary of filing	\$720.00	
Where the term is extended, for each year.	\$1000.00	Form No. 3
Matter of Proceeding		
	Amount of Fee	Form
10. Annual fees for utility model certificates:		
1 <sup>st</sup> anniversary of filing	\$110.00	
2 <sup>nd</sup> anniversary of filing	\$120.00	
3 <sup>rd</sup> anniversary of filing	\$130.00	
4 <sup>th</sup> anniversary of filing	\$140.00	
5 <sup>th</sup> anniversary of filing	\$150.00	

**Industrial Property Regulations**

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	6 <sup>th</sup> anniversary of filing	\$160.00	
11.	Surcharge for late payment of annual fee	\$110.00	
12.	Request for extension of duration of a patent	\$550.00	
13.	Request for grant of a non-voluntary licence	\$400.00	Form No. 4
14.	Request for conversion of a patent application into An application for a utility model certificate and vice Versa	\$600.00	

**Industrial Designs**

15.	Application for registration	\$100.00	Form No. 5
16.	Correction of application on request of Registrar	\$70.00	
17.	Registration and publication fee	\$120.00	
18.	Renewal fee:		
	(a) First renewal	\$100.00	
	(b) Second renewal	\$110.00	
19.	Surcharge for the payment of renewal fee:	\$100.00	

**Marks**

20.	Application fee:		
	(a) For registration of a mark in one class	\$200.00	
	(b) For registration of a mark in each additional class	\$ 160.00	
21.	Request for statement of grounds for decision of Registrar	\$ 120.00	
22.	Filing notice of opposition	\$ 180.00	Form No. 8
23.	Filing counter-statement	\$ 80.00	
24.	Filing request for hearing	\$ 150.00	
25.	Fee for hearing in opposition proceedings (to be paid By applicant and by opponent)	\$200.00	
26.	Registration fee	\$200.00	
27.	Renewal fee:		
	(a) For a mark in one class	\$ 100.00	
	(b) For a mark in each additional class	\$ 100.00	
28.	Surcharge for late payment or renewal fee	\$ 130.00	
29.	Filing request for invalidation of mark or for removal Of mark from Register on grounds of non-use	\$200.00	

**General**

30.	Filing request for recording of change of ownership	\$ 100.00	Form No. 10
31.	Submission of licence contract for recording	\$ 100.00	
32.	Inspection of Register (for every quarter of an hour Or part thereof)	\$ 20	

33. Change of address \$ 20.00  
34. Filing request for hearing \$200.00

**SECOND SCHEDULE**

**FORMS**

Form No. 1

*REGISTRAR'S OFFICE*

*INDUSTRIAL PROPERTY*  
*Industrial Property Regulations*

**REQUEST FOR GRANT OF PATENT OR UTILITY MODEL CERTIFICATE**

*(Regulation 9)*

To: The Registrar

For Official Use  
Application received on  
Fee received on  
Application No.  
Filing Date  
Applicant's or agent's file  
Reference.

THE APPLICANT(S) REQUEST THE GRANT OF A PATENT OR UTILITY MODEL CERTIFICATE IN RESPECT OF THE FOLLOWING PARTICULARS:

- I. TITLE OF INVENTION  
II. APPLICANT(S)

Name:

Address:

Nationality:

Country of residence or principal place of business

Telephone No:

Telegraphic Address:

Telex No:

Fax No:

- III. AGENT (If applicant is represented by an agent)

**Industrial Property Regulations**

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Name:  
Address:  
Telephone No:

**IV. INVENTOR(S)**

If the inventor is not applicant:

Name:  
Address:  
The Statement justifying the applicant's right accompanies this Form

**V. DIVISIONAL APPLICATION**

This application is a divisional application.  
Initial application No. Initial application No:  
Date of filing of initial application:  
This section to be deleted if not applicable

**VI. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES**

Details of disclosure occurring not more than six months before the filing date or priority date of the present application:

**VII. PRIORITY DECLARATION (if any)**

Country(ies) in which filed:    Filing date  
Application No.  
Symbol of the International  
Patent Classification

**VIII. SUPPLEMENTAL BOX**

**IX. CHECK LIST**

A. This application contains the following

- |                     |          |
|---------------------|----------|
| 1. Request sheet(s) | sheet(s) |
| 2. Description      | sheet(s) |
| 3. Claims(s)        | sheet(s) |
| 4. Abstract         | sheet(s) |
| 5. Drawing(s)       | sheet(s) |

Total \_\_\_\_\_ Sheets

B. Figure Number .....of the drawings (if any) is suggested to accompany the abstract for publication

X. SIGNATURE(S) \*\* .....

(Applicant(s) / Agent)  
(Date)

\*Use this if any of the boxes is not large enough to contain the information to be furnished.

\*Indicate the boxes continued in this box by their Roman numerals and title (e.g. "II APPLICANT(S) (continued)" ).

\*\* Type name(s) under signature(s) and state whether applicant or agent.

XI. 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**

## REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY*  
*Industrial Property Regulations*  
*(Regulation 27)*

- |      |  |                                       |
|------|--|---------------------------------------|
| (19) | *COUNTRY   |                                       |
| (12) | PATENT/UTILITY MODEL **  | CERTIFICATE                           |
|      |  | PATENT NO: A                          |
|      |  | (11) Publication No:                  |
|      |  | (51) International Classification No: |
| (21) | Application No.  | (73) Name(s) of the owner(s)          |
| (22) | Filing Date  | Address(es):                          |
| (30) | Priority   |                                       |
| (45) | Date of publication:   | (72) Name(s) of Inventor(s)           |
|      |  | Address(es):                          |
| (24) | Effective date of grant:   |                                       |
| (56) | Documents/References cited of  | (74) Name of Agent:                   |
|      |  | Address                               |
| (54) | Title  |                                       |
| (57) | Abstract (with the most illustrative of the drawings, if there are any): |                                       |

Additional information or comments:

\*The numbers in parentheses before the bibliographic data are the Internationally Agreed Numbers for the Identification of Data (INID codes) as defined in WIPO Standard ST.9, whereby the various bibliographic data appearing on the first page of a patent document can be identified without knowledge of the language used and the industrial property laws applied. The list of definitions of the bibliographic data with their corresponding INID codes are published in the World Intellectual Property Organization (WIPO) Handbook on Patent Information and Documentation.

\*\*Delete whichever does not apply.

**FORM NO. 3**

REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY ACT*  
*Industrial Property Regulations*  
*(Regulation 27)*

CERTIFICATE OF GRANT OF PATENT/UTILITY  
MODEL CERTIFICATE

In accordance with Section 12(2)(b) of the Industrial Property Act, it is hereby certified that a patent/utility model certificate\* having the No. ....Has been granted to:

Name(s):

Address(es)

On .....(date), in respect of an invention disclosed in an application for that patent/utility model certificate\* having a:

Filing date:

Priority date:



Being an invention for .....

(title)

.....

Registrar

\*Delete whichever does not apply.

**FORM NO. 4**

REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY ACT*  
*Industrial Property Regulations*  
*(Regulation 30)*

REQUEST FOR GRANT OF NON-VOLUNTARY LICENCE ON GROUNDS OF NON-WORKING OR  
INSUFFICIENT WORKING

To: The Registrar

For Official Use  
Application received  
Fee received on  
Applicant's or agent's  
File reference

I. IN THE MATTER OF:

\*Patent No.:

\*Utility Model Certificate No:

II. APPLICANT(S)

Name

Address

Address for service

Nationality:

Country of residence or principal place of business

Telephone No.:

Telegraphic Address:

Telex No.:

Fax No.:

III. REQUEST

The above applicant(s) hereby requests the Registrar, in respect of the patent/utility model \* certificate identified above, to grant a non-voluntary licence under section 15 of the Industrial Property Act in accordance with the terms proposed and upon the grounds set out below.

IV. PROPPSED TERMS

Amount and conditions of payment of remuneration

Conditions of exploitation of invention

Others:

V. FACTS JUSTIFYING GRANT

VI. ADDITIONAL INFORMATION

VII. SIGNATURE(S) \*\*\* .....

(Applicant(s)/Agent)

(Date)

\*Delete whichever does not apply

\*\*The following items accompany this Form

Evidence that the owner of the patent/utility model certificate\* has received a request from the applicant to obtain a licence but that the applicant has been unable to obtain such a licence on reasonable terms and within a reasonable time, plan according to which the applicant intends to work the invention. Including evidence that he has the ability to do so. Other (specify):

\*\*\*Type name(s) under signature(s) and state whether applicant or agent.

**FORM NO. 5**

REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY ACT*  
*Industrial Property Regulations*  
*(Regulation 34)*

APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN

I. APPLICANT(S)

Name:

Address:

Nationality

Country of residence or principal place of business

Telephone No.:

Telegraphic Address:

Telex No.:

Fax No.:

II. AGENT (If the applicant is represented by an agent)

Name:

Address:

Telephone No.:

III. CREATOR (Applicant)

If the creator is not applicant

Name:

Address:

Statement justifying application

IV. REPRESENTATION OF THE INDUSTRIAL DESIGN, SPECIMEN  
(four copies of each graphics, drawings or tracings)

V. PRODUCTS (state the products for which the industrial designs is to be used)

VI. PRIORITY CLAIM (if any) is as follows:

Country

Filing Date:

Application No.:

VII. SUPPLEMENTAL BOX\*

VIII. SIGNATURE(S)\*\* .....

(Applicant(s)/Agent)

(Date)

\*Use this box if any of the boxes is not large enough to contain the information  
To be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g. "II  
APPLICANT(S) (continued)").

\*\*Type name(s) under signature(s) and state whether applicant or agent.

TO BE FILLED IN BY THE REGISTRAR

1. Date application received:
2. Date of receipt of corrections or later filed documents completing the application.
3. Date fees received.

**FORM NO. 6**

REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY ACT*  
*Industrial Property Regulations*  
*(Regulation 37)*

**CERTIFICATE OF REGISTRATION OF INDUSTRIAL DESIGN**

In accordance with Section 23(4) of the Industrial Property Act, it is hereby certified that an industrial design having the registration No. ....has been registered in the name(s) of

Name(s):

Address(es)

On.....(date)

In respect of an industrial design disclosed in an application for registration of that industrial design, having a:

Filing Date:

Priority Date

Being an industrial design for .....  
(products)

Created by

Name:

Address:

A copy of the reproduction of the industrial design accompanies this certificate,

Dated this .....day of .....19 .....

.....  
Registrar

**FORM NO. 7**

REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY ACT*  
*Industrial Property Regulations*  
*(Regulation 40)*

APPLICATION FOR REGISTRATION OF A MARK

To: The Registrar

For official use :  
Application received on :  
Fee received on :  
Application No. :  
Filing No. :  
Applicant(s) or agent(s) :



**FORM NO. 9**

REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY ACT*  
*Industrial Property Regulations*  
*(Regulation 51)*

**CERTIFICATE OF REGISTRATION OF THE MARK**

In accordance with section 28(8) of the Industrial Property Act, the mark shown above (being a collective mark) has been registered in the Register under No.

From the .....in class(es).....  
(date)



In respect of .....

.....  
Registrar

Registration is for ten years from the date first above-mentioned and may then be removed for additional successive ten-year periods. This certificate is not for use in legal proceedings or for obtaining registration abroad.

Dated this .....day of .....19.....

**FORM NO. 10**

REGISTRAR'S OFFICE

*INDUSTRIAL PROPERTY ACT*  
*Industrial Property Regulations*

RECORDING OF CHANGE IN OWNERSHIP

For Official Use  
Received on

To: The Registrar

I. IN THE MATTER OF:

Patent Application No:	Filing Date:
Application for Utility Model Certificate No.:	Filing Date:
Application for Registration of Industrial Design No.:	
Application for Registration of Mark No.:	Filing Date:
Patent No.:	Date of Grant:
Utility Model Certificate No.:	Date of Grant:
Industrial Design No.:	Date of Registration:
Mark No.:	Date of Registration:

II. APPLICANT(S)/OWNER(S)

Name(s):  
Address(es):

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III. Registrar is hereby requested to record the change in ownership of the above.  
The present applicant(s)/owner(s) \* is/are identified above.  
The new applicant(s)/new owner(s) \* is/are identified below.

IV. NEW APPLICANT(S)/NEW OWNER(S)

Name(s):  
Address(es):  
Address for service:  
Nationality:  
Country of residence or principal place of business:  
Telephone No.:      Telegraphic Address:      Telex No:      Fax No.

\*Delete whichever does not apply.

\*\*Indicate application or title concerned.

ADDITIONAL INFORMATION (original or certified copy of changes of ownership)

The following items accompany this Form:

(i) the original or a certified copy of the document evidencing the change of ownership signed by or on behalf of the contracting parties.

(New Applicant(s)/New Owner(s)

(Date)

.....

**THIRD SCHEDULE**

*(Regulation 39)*

**INTERNATIONAL CLASSIFICATION**

**LIST OF CLASSES OF GOODS AND SERVICES**

Goods

- Class 1. Chemicals used in industry, science and photography, as well as in agriculture horticulture and forestry, unprocessed artificial resins, unprocessed plastics, manures,

- fire extinguishing composition, tempering and soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry.
- Class 2.       Paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, mordents, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists.
- Class 3.       Bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices.
- Class 4.       Industrial oils and greases, lubricants, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, candles, wicks.
- Class 5.       Pharmaceutical, veterinary and sanitary preparations dietetic substances adapted for medical use, food for babies, plasters, materials for dressing, material for stopping teeth, dental was, disinfectants, preparations for destroying vermin, fungicides, herbicides.
- Class 6.       Common metals and their alloys, metal building materials, transportable buildings of metal, materials of metal for railway tracks, non-electric cables and wires of common metal, ironmongery, small items of metal hard ward, pipes and tubes of metal, safes, goods of common metal not included in other classes, ores.
- Class 7.       Machines and machine tools, (except for land vehicles), machine coupling and belting (except for land vehicles), agricultural implements, incubators for eggs.
- Class 8.       Hand tools and implements (hand operated, cutlery, side arms, razors.
- Class 9.       Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus of recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment and computers, fire.
- Class 10.      Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth, orthopedic articles, suture materials.
- Class 11.      Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
- Class 12.      Vehicles, apparatus for locomotion by land, or water.
- Class 13.      Firearms, ammunition and projectiles, explosives, fireworks.

**Industrial Property Regulations**

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- Class 14. Precious metal and their alloys and goods in precious metal or coated therewith, not included in other classes, jewelry, precious stones, homological and chronometric instruments.
- Class 15. Musical instruments.
- Class 16. Paper cardboard and goods made from these materials, not included in other classes printed matter bookbinding materials, photographs, stationery, adhesives for stationery or household purposes, artists materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus). Plastic materials for packaging (not included in other classes), playing card, printers' type, printing blocks.
- Class 17. Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes, plastics in extruded form for use in manufacture, packing stopping and insulating materials, flexible pipes, not of metal.
- Class 18. Leather and imitations of leather, and goods made of these materials and not included in other classes, animal skins, hides, trunks and travelling bags, umbrellas, parasols and walking sticks whips, harness and saddler.
- Class 19. Building materials (non-metallic), non-metallic rigid pipes for building, asphalt, pitch and bitumen, non-metallic transportable buildings, monuments, not of metal.
- Class 20. Furniture, mirrors, picture frames, goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or plastics.
- Class 21. Household or kitchen utensils and containers (not previous metal or coated therewith), combs and sponge, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steel wool, unworked or semi-worked glass (except glass used in building), glassware, porcelain and earthenware not included in other classes.
- Class 22. Ropes, string, nets, tents, awning, tarpaulins, sails, sacks and bags (not included in other classes), padding and stuffing materials (except of rubber or plastics), raw fibrous textile materials.
- Class 23. Yams and threads, for textile use.
- Class 24. Textiles and textile goods, not included in other classes, bed and table covers.
- Class 25. Clothing, footwear, headgear.

- Class 26. Lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers.
- Class 27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors, wall hangings (non-textile).
- Class 28. Games and playthings, gymnastic and sporting articles not included in other classes, decorations for Christmas trees.
- Class 29. Meat, fish, poultry and game, meat extracts, preserved, dried and cooked fruits and vegetables, jellies, jams, eggs, milk and milk products, edible oils and fats, salad dressing, preserves.
- Class 30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereal, bread, pastry and confectionery, ices, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (except salad dressings), spices, ice.
- Class 31. Agricultural, horticultural and forestry products and grains not included in other classes, living animals, fresh fruits and vegetables, seeds, natural plants and flowers, foodstuffs for animals, malt.
- Class 32. Beers, mineral and aerated waters and other non-alcoholic drinks, fruit drinks and fruit juices, syrups and other preparations for making beverages.
- Class 33. Alcoholic beverages (except beer).
- Class 34. Tobacco, smokers' articles, matches.
- Class 35. Advertising and business.
- Class 36. Insurance and financial.
- Class 37. Construction and repair.
- Class 38. Communication.
- Class 39. Transportation and storage.
- Class 40. Material Treatment.
- Class 41. Education and entertainment.
- Class 42. Miscellaneous.

## **ENDNOTE**

## ENDNOTES

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<sup>1</sup> Made 8th October 1998

<sup>2</sup> Substituted by 2010 amendment Regulations