

Patents (Amendment No. 3) Rules 1999

Table of Contents

Enacting Formula

1 Citation and commencement

2 Amendment of rule 9

3 Amendment of rule 18

4 Amendment of rule 23

5 Amendment of rule 28

6 Amendment of rule 39

7 Amendment of rule 43

8 Amendment of rule 44

9 Amendment of rule 45

10 Amendment of rule 46

11 Amendment of rule 47

12 Amendment of rule 51

13 Amendment of rule 86

14 Amendment of rule 109

15 Amendment of rule 117

16 Amendment of rule 118

17 Amendment of Second Schedule

18 Savings provision

No. S 510

PATENTS ACT CHAPTER 221

PATENTS (AMENDMENT NO. 3) RULES 1999

In exercise of the powers conferred by sections 42, 110 and 115 of the Patents Act, the Minister for Law hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Patents (Amendment No. 3) Rules 1999 and shall come into operation on 20th December 1999.

Amendment of rule 9

2. Rule 9 of the Patents Rules (R 1) is amended —

(a) by deleting paragraph (2A) and substituting the following paragraph:

“(2A) Subject to paragraph (4), the applicant shall at a time that is no later than —

(a) 28 months from the declared priority date; or

(b) the date of the filing of Patents Form 14 and payment of the prescribed fee under rule 47 for the grant of a patent,

whichever is the earlier, furnish to the Registry, in respect of every application specified in the declaration, a copy of that application duly certified by the authority with which it was filed or otherwise verified to the satisfaction of the Registrar.”;

(b) by deleting the words “rules 4.10 (a) and (c) and 17.1 (a) or (b)” in the 5th and 6th lines of paragraph (4) and substituting the words “rule 4.10 (a) and (b), to be read subject to rules 26bis.1 and 26bis.2(b), and of rule 17.1”;

and

(c) by deleting paragraph (5) and substituting the following paragraph:

“(5) Where a copy of an application is filed or treated as having been filed under paragraph (2A), (3) or (4) and that application is in a language other than English, a translation thereof into English, verified to the satisfaction of the Registrar as corresponding to the original text, shall be filed at a time that is no later than —

- (a) 28 months from the declared priority date; or
- (b) the date of the filing of Patents Form 14 and payment of the prescribed fee under rule 47 for the grant of a patent,

whichever is the earlier.”.

Amendment of rule 18

3. Rule 18(1) of the Patents Rules is amended by deleting “86(7)” in the 1st line and substituting “86(8)”.

Amendment of rule 23

4. Rule 23 of the Patents Rules is amended by deleting the words “at the top of the sheet, in the middle, but not in the top margin” in the 6th and 7th lines of paragraph (12) and in paragraph (14) and substituting in each case the words “at the top or bottom of the sheet, in the middle, but not in the top or bottom margin”.

Amendment of rule 28

5. Rule 28 of the Patents Rules is amended by deleting paragraphs (2) and (3) and substituting the following paragraphs:

“(2) Where a new application is filed under section 20(3), 26(6) or 47(4), the requirement of rule 9, if applicable, shall be met —

- (a) no later than the time prescribed in that paragraph;
- (b) if the earlier application is an international application, no later than that time as modified for the earlier application by rule 86(4); or
- (c) if the new application is filed after the time referred to in subparagraph (a) or (b), at the time of filing.

(3) Where a new application is filed under section 26(6)

after —

- (a) the period prescribed in rule 9(2) or 18(1);
- (b) the time prescribed in rule 9(2A) and (5); or
- (c) the time prescribed in rule 9(2A) and (5) as modified, in the case of an international application, by rule 86(4),

but within an extension of that period or time under rule 108(3) or (4) in respect of the earlier application, the requirements of rule 9(2), (2A) and (3), and rule 9(5) or 18, as the case may be, shall be complied with before the end of the extended period or time.”.

Amendment of rule 39

6. Rule 39 of the Patents Rules is amended —

- (a) by inserting the word “and” at the end of paragraph (b);
- (b) by deleting the word “; and” at the end of paragraph (c) and substituting a full-stop; and
- (c) by deleting paragraph (d).

Amendment of rule 43

7. Rule 43 of the Patents Rules is amended —

- (a) by deleting the words “22 months” in the 12th line of paragraph (1) and in the last line of paragraph (2) and substituting in each case the words “28 months”; and
- (b) by deleting the words “23 months” in the 4th line of paragraph (3)(a) and substituting the words “29 months”.

Amendment of rule 44

8. Rule 44 of the Patents Rules is amended by deleting the words “an application filed before any one of the prescribed patent offices” in paragraph (a) and substituting the words “any one of the corresponding international applications or other corresponding applications referred to in section 29(1)(c)”.

Amendment of rule 45

9. Rule 45(2) of the Patents Rules is amended by deleting the words “one month” in the 3rd line and substituting the words “2 months”.

Amendment of rule 46

10. Rule 46 of the Patents Rules is amended —

(a) by deleting paragraph (4) and substituting the following paragraph:

“(4) Any response by the applicant to a first written opinion in respect of —

(a) a search and examination report under section 29(6); or

(b) an examination report under section 29(3), (7) or (8),
shall be made within 5 months from the date of the Registrar’s letter enclosing the written opinion.”;

(b) by deleting the words “3 months” in the 6th line of paragraph (5) and substituting the words “5 months”; and

(c) by deleting the words “39 months” in the 3rd line of paragraph (8) and in paragraph (10) and substituting in each case the words “51 months”.

Amendment of rule 47

11. Rule 47 of the Patents Rules is amended by deleting the words “42 months” in paragraphs (1) and (2) and substituting in each case the words “54 months”.

Amendment of rule 51

12. Rule 51(2) of the Patents Rules is amended by deleting the words “certificate of payment on the appropriate portion of that Form” and substituting the words “notification confirming renewal of the patent”.

Amendment of rule 86

13. Rule 86 of the Patents Rules is amended —

(a) by deleting sub-paragraph (c) of paragraph (4) and substituting the following sub-paragraph:

“ (c) rule 9(2A) and (5) shall have effect with the substitution, for the reference to 28 months from the declared priority date, with a reference to any time before the end of 8 months from the time limit for entering the national phase;”;

(b) by deleting the word “and” at the end of paragraph (5)(a) and (b);