

*Government Notice No. 36 of 2022***THE INDUSTRIAL PROPERTY ACT 2019****Regulations made by the Minister under section 141 of  
the Industrial Property Act 2019****PART I – PRELIMINARY****1. Citation**

These regulations may be cited as the Industrial Property Regulations 2022.

**2. Interpretation**

In these regulations –

“Act” means the Industrial Property Act 2019;

“administrative procedures” means the administrative procedures issued by the Director under section 4(8) of the Act.

**PART II – PATENTS, UTILITY MODELS AND PATENT  
COOPERATION TREATY****Sub-part A – Patents****3. Application for patent**

(1) An application for a patent shall be filed in the form set out in the administrative procedures and be accompanied by the payment of the appropriate fee specified in the First Schedule.

(2) All the elements of an application shall be attached to the application form and shall be on paper which shall be flexible, strong, white, smooth, non-shiny and durable.

(3) An application shall, in addition to the information specified in section 13(2) of the Act, contain –

- (a) the name, address and nationality of the applicant;
- (b) the name and address of the inventor;
- (c) the name and address of the agent of the applicant, if any;

- (d) the signature of the applicant or his agent, if any, or a common representative, where it is a joint application;
- (e) such other information as the Director may require.

#### **4. Title of invention**

The title of an invention shall –

- (a) give an indication of the subject matter of the invention;
- (b) disclose the specific features of the invention in, generally, not more than 15 words; and
- (c) be as precise as possible.

#### **5. Description of invention**

(1) The description of an invention shall –

- (a) specify the technical field to which the invention relates;
- (b) indicate the state of the prior art which, in the opinion of the applicant, can be regarded as useful for understanding the invention and cite the relevant documents reflecting such art;
- (c) state any advantageous effects with reference to the state of the prior art;
- (d) where applicable, briefly describe the figures in the drawings;
- (e) include examples, where appropriate, and refer to the drawings, if any;
- (f) indicate explicitly, where it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and can be made and used, or where it can only be used, the way in which it can be used.

(2) The chronological order specified in paragraph (1) shall, so far as possible, be followed for a description except where, because of the nature of the invention, a different order will enable a better understanding and presentation of the invention.

**6. Claims relating to patent**

(1) Where there are several claims relating to an application for a patent, they shall be numbered consecutively in Arabic numerals.

(2) The claims shall define the invention, specifying the technical features of the invention.

(3) The claims shall, where appropriate, include –

(a) a statement indicating the technical features of the invention which are necessary for the definition of the invention, but which, in combination, are part of the prior art; and

(b) a characterising portion preceded by the words "characterised in that", "characterised by", "wherein the improvement comprises", or any other words to the same effect and stating concisely the technical features which, in combination with the features stated in subparagraph (a), the claim is desired to protect.

(4) No claim shall rely, in respect of the technical features of the invention, on references or cross references to any part of the description or drawings, except where it is necessary to do so.

(5) (a) Where an application for a patent contains drawings, the technical features mentioned in the claims shall, as far as possible, be followed by the reference signs relating to such features, and when used, the reference signs shall be placed between parentheses.

(b) Where the inclusion of reference signs does not facilitate better understanding of a claim, they shall not be used.

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

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

**7. Drawings**

(1) Any drawings forming part of an application for a patent shall be on writing sheets, the usable surface area of which shall not exceed 26.2 centimetres in length and 17 centimetres in height.

(2) The writing sheets shall not contain any frame around the usable or used surface and the margins shall be –

- (a) 2.5 centimetres at the top;
- (b) 2.5 centimetres on the left side;
- (c) 1.5 centimetres on the right side; and
- (d) 1.0 centimetre at the bottom.

(3) A drawing shall be done –

- (a) without colouring, in durable, black, sufficiently dense and dark, uniformly thick and well defined lines and strokes to authorise satisfactory reproduction;
- (b) indicating cross sections by hatching and the hatching shall not impede the clear reading of the reference signs and leading lines;
- (c) in a scale and graphical representation in such manner that a photographic reproduction with a linear reduction in size to two-thirds will enable every detail to be distinguished;
- (d)
  - (i) with simple and clear numbers, letters and reference signs; and
  - (ii) without brackets, circles and inverted commas;
- (e) in such manner that the elements of the same figure are in proportion to each other, unless a difference in proportion is necessary for the clarity of the figure; and
- (f) in such manner that –
  - (i) the height of the numbers and letters are not less than 0.32 centimetre; and
  - (ii) the lettering of drawings are in Latin and, where customary, in Greek.

(4) Where a scale is given as an exception on a drawing, the scale shall be represented graphically.

(5) (a) The same sheet of drawings may contain several figures.

(b) Where figures drawn on 2 or more sheets are intended to form one whole figure, the figures on the different sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures.

(c) The different figures shall be arranged without wasting space and clearly separated from one another.

(d) The numbering of consecutive pages shall be in Arabic.

(6) (a) A reference sign not mentioned in the description or claims shall not appear in the drawings and vice versa.

(b) The same features when denoted by reference signs shall, throughout, be denoted by the same signs.

(7) (a) Subject to subparagraphs (b) and (c), drawings shall not contain textual matter.

(b) A single word such as "water", "steam", "open", "closed" or words such as "section on AA" may be used in a drawing.

(c) A few short catchwords may be used in respect of electric circuits, block schematic or flow sheet diagrams.

(8) Flow sheets and diagrams shall be considered as drawings.

(9) All sheets of the drawings shall be numbered in Arabic numerals.

## **8. Abstract of invention**

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

(2) (a) An abstract shall consist of –

(i) 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

(ii) where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.

(b) The summary referred to in subparagraph (a)(i) shall be drafted so as to enable –

- (i) a clear understanding of the technical problem;
  - (ii) the gist of the solution to the problem through the invention; and
  - (iii) the principal use or uses of the invention.
- (3) An abstract shall –
- (a) be as concise as the disclosure permits and shall, as far as practicable, not exceed 150 words; and
  - (b) not contain statements on the alleged merits or value of the invention or on its speculative application.
- (4) Every 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.
- (5) An abstract shall be accompanied by the most illustrative of the drawings, if any, furnished by the applicant.

#### **9. Physical requirements of application**

- (1) (a) The elements of an application shall be suitable for direct reproduction by photography, electrostatic processes, photo-offset, microfilming and scanning in any number of copies.
- (b) Every sheet of paper shall be free from creases and cracks and shall not be folded.
  - (c) Only one side of each sheet shall be used.
- (2) (a) The size of the sheets shall be A4, 29.7 cm x 21.0 cm.
- (b) Each sheet shall be used in such manner that the short sides are at the top and bottom, in an upright position.
- (3) (a) Each element of an application, such as the description, claims, drawings and abstract, shall commence on a new sheet.
- (b) The sheets shall be so connected that they can be easily turned, separated and joined again.
- (4) (a) The minimum margins of sheets not containing drawings shall be as follows –

- (i) top – 2 centimetres;
- (ii) left side – 2.5 centimetres;
- (iii) right side – 2 centimetres; and
- (iv) bottom – 2 centimetres.

(b) The recommended maximum margins of a sheet which does not contain drawings shall be as follows –

- (i) top – 4 centimetres;
- (ii) left side – 4 centimetres;
- (iii) right side – 3 centimetres; and
- (iv) bottom – 3 centimetres.

(5) All the sheets contained in an application –

- (a) shall be numbered in consecutive Arabic numerals;
- (b) shall be centred at the top of the sheet; and
- (c) shall not be placed in the margin.

(6) (a) The lines of each sheet of the description and claims shall be numbered in sets of 5.

(b) The numbers shall appear on the right half of the left margin.

(7) (a) The description of the invention, patent claims and abstract shall be clearly printed.

(b) Graphic symbols and characters and chemical or mathematical formulae may, where necessary, exceptionally be handwritten.

(c) The line spacing shall be one and a half.

(8) (a) The height of the capital letters in the text shall not be less than 0.28 centimetre.

(b) The letters on the sheet shall be printed in a dark and indelible colour.

(9) (a) Units of measures shall be expressed in terms of the metric system.

(b) (i) Temperatures shall be expressed in Celsius degrees.

(ii) For the other physical values, the units recognised in international practice shall be used.

(10) The terminology and the signs of the application shall be consistent.

(11) The sheets shall be free from erasures, overwriting and interlineations.

#### **10. Prior art purposes**

(1) Where an applicant wishes to avail himself of paragraph (b) of the definition of "prior art" in section 2 of the Act, he shall so indicate in the application form and shall furnish in writing, together with the application or within one month from the filing of the application, full particulars of the disclosure.

(2) Where the disclosure was made at an exhibition, the applicant shall file a duly authenticated certificate issued by the authority or person responsible for the exhibition.

(3) A certificate under paragraph (2) shall contain particulars of the exhibition together with a statement to the effect that the invention was in fact exhibited there.

#### **11. Deposit of microorganisms**

(1) Where an invention claiming patent protection involves the use of or concerns microorganisms which are not available to the public and which cannot be described in a patent application in such a manner as to enable the invention to be carried out by a person skilled in the art, the invention shall be considered to be described in a manner sufficiently clear and complete where the following requirements are complied with –

(a) a sample of the microorganisms is deposited in accordance with section 13(3)(f) of the Act not later than the day the application is filed;

(b) the application contains all the information known to the applicant on the deposited microorganisms;

(c) the application indicates the name of the authorised institution referred to in section 13(3)(f) of the Act and is accompanied



by a copy of the receipt of the deposit issued by the international depository authority.

- (2) The matters referred to in paragraph (1)(c) may be furnished –
  - (a) within 3 months from the date of the filing of an application;
  - (b) not later than the day of the filing of a request for early publication under section 18(2) of the Act.
- (3) The deposited sample of microorganisms shall, upon request, be made available –
  - (a) from the publication of the application till the granting of the patent, to any person making the request or, where the applicant so requests, to an independent expert only;
  - (b) after the patent has been granted, and notwithstanding the cancellation or revocation of the patent, to any person making the request.
- (4) The sample shall be made available only where the person making the request undertakes, for the term during which the patent is in force –
  - (a) not to make the microorganisms or any material derived from them available to third parties;
  - (b) not to use the microorganisms or any material derived from them except for experimental or research purposes, unless the applicant or the owner of the patent, as applicable, expressly waives such an undertaking.
- (5)
  - (a) At the request of an applicant, where an application is refused or withdrawn, access to the deposited material shall be restricted to an independent expert for 20 years from the date on which the application was filed.
  - (b) Paragraph (4) shall apply mutatis mutandis.
- (6) The undertaking referred to in paragraph (4)(b) shall not be applicable where the applicant uses the furnished sample of the deposited microorganisms on the basis of a compulsory licence.
- (7) Where a sample of the microorganisms is no longer available at the international depository authority with which it was deposited or has not been transferred to another depository institution in which it could be made available, the invention shall be considered not to have been correctly described for the purpose of section 13(3) of the Act.

**12. Unity of invention**

An application under section 14 of the Act shall permit –

- (a) in relation 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 or for the use of the product;
- (b) in relation to an independent claim for a given process, the inclusion in the same application, of an independent claim for an apparatus or a means specifically designed for carrying out the said process;
- (c) in relation to an independent claim for a given process, the inclusion in the same application, of an independent claim for a process specially adapted for the manufacture of the product and an independent claim for an apparatus or a means specifically designed for carrying out the process;
- (d) the inclusion in the same application of 2 or more independent claims of the same category which cannot readily be covered by a single generic claim;
- (e) the inclusion in the same application of a reasonable number of dependent claims, claiming specific forms of the invention in an independent claim.

**13. Division of application**

(1) A divisional application made under section 14(3) of the Act shall contain a reference to the initial application.

(2) Where an applicant wishes a divisional application to benefit from any priority claim in the initial application, he shall make a request to that effect in the divisional application.

(3) Where a request is made under paragraph (2), the declaration of priority and the documents furnished together with the initial application shall be deemed to also relate to the divisional application.

(4) Where priority for 2 or more earlier applications are claimed for the initial application, a divisional application shall benefit only from the priority that is applicable to it.

**14. Right of priority**

(1) A declaration claiming priority under section 15 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 reference number of the earlier application;
- (c) the symbol of the International Patent Classification allocated to the earlier application;
- (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 priority declaration the reference number of the earlier application is not known, the reference number shall be furnished not later than 16 months from the priority date.

(3) Where a symbol of the International Patent Classification was not allocated to the earlier application or had not yet been allocated at the time of filing the priority declaration, the applicant shall disclose this fact in the declaration and shall communicate the symbol as soon as it is allocated.

(4) The applicant may, at any time before the grant of a patent, amend the contents of the priority declaration.

(5) (a) Subject to paragraph (b), where an earlier application is referred to in a priority application, the applicant shall, within 3 months of a written request from the Director, furnish a copy of the earlier application referred to in section 15(2)(a) of the Act.

(b) Where a copy of the earlier application has already been furnished in relation to another application, the applicant shall inform the Director in writing by giving the reference number of the other application.

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

(d) Unless the Director otherwise requests, the certified copy of the earlier application and any translation thereof shall be filed in one copy.

**15. Information concerning foreign application**

(1) Subject to paragraph (2), an applicant shall, within 3 months from a request from the Director, furnish the information specified in section 16 of the Act.

(2) The Director may, on good cause shown by an applicant, extend the period of 3 months by such period as he may determine.

**16. Withdrawal**

(1) An application may be withdrawn by a declaration made in the form set out in the administrative procedures.

(2) A withdrawal under paragraph (1) shall be subject to the payment of the appropriate fee specified in the First Schedule.

(3) Where a declaration is made by an agent or a common representative, it shall be accompanied by a document authorising the agent or common representative to effect the withdrawal.

**17. Amendment**

An amendment pursuant to section 14(2) of the Act shall be made in the form set out in the administrative procedures.

**18. Marking application**

(1) The Director shall, on receipt of an application for a patent, mark on each document forming part of the application, the date of receipt and the application number in the following format "MU/P/X/Y", where –

- (a) "X" shall be the last 2 numbers of the year in which the initial documents were received; and
- (b) "Y" shall be a five-digit application number allotted in the sequential order in which applications for the grant of patents are received.

(2) Where any correction or other documents to be filed are received on different dates, the Director shall mark their respective date of receipt in the appropriate place of the application for a patent.

(3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence concerning the application.

**19. Filing date**

- (1) A request under section 17(2) of the Act shall specify –
  - (a) the correction to be made or require the filing of any missing drawing;
  - (b) the delay within which the corrections are to be effected or the missing documents are to be furnished.

(2) The Director shall, where he is satisfied that section 17(1) of the Act has been complied with, notify the applicant, in writing, of the filing date.

(3) Where the Director refuses to grant a filing date to an application, he shall notify the applicant, in writing, specifying the reasons for the refusal.

**20. Publication of patent application**

(1) The information referred to in section 18(1)(b) of the Act shall be represented by the Internationally Agreed Data Identification Numbers, known as “INID – codes”.

(2) For the purpose of section 18(2) of the Act, the fee relating to a request to the Director for an early publication of an application shall be as specified in the First Schedule.

**21. Opposition**

(1) An interested person may, by way of a notice in the form set out in the administrative procedures, file a notice of opposition within a period of 3 months from the date an application for a patent is open for public inspection.

(2) A notice of opposition under paragraph (1) shall, in addition to the information referred to in section 18 of the Act –

- (a) specify the nature of his interest;
- (b) be filed in duplicate;
- (c) be accompanied by the appropriate fee specified in the First Schedule.

(3) An applicant for a patent shall, within 3 months from the date of receipt of a notice of opposition, file a counter-statement.

(4) A counter-statement shall state the grounds on which the applicant relies for his application and shall be accompanied by all relevant evidence.

(5) Where a notice of opposition is filed by an agent, it shall be accompanied by a power of attorney authorising the filing of the notice.

## **22. Examination of patent application**

(1) Where 2 or more applications for a patent for the same invention, having the same filing date or, where applicable, the same priority date, are filed by the same applicant, the Director may refuse to grant a patent in respect of more than one application.

(2) Where the Director refuses an application for a patent under section 20(2) of the Act, he shall specify the reasons for the refusal.

(3) A refusal of an application for a patent shall not affect its filing date which shall remain valid.

## **23. Fee for copy of patent**

Any person may obtain a copy of a patent on payment of the appropriate fee specified in the First Schedule.

## **24. Request for change in texts or drawings**

(1) A request for a change in the texts or drawings of a patent shall be made in the form set out in the administrative procedures.

(2) A request under paragraph (1) shall be accompanied by the appropriate fee specified in the First Schedule.

## **25. Maintaining patent or patent application**

(1) The annual fee for maintaining a patent or patent application shall be as specified in the First Schedule.

(2) The annual fee shall be paid not less than 2 weeks before the expiry of every period of one year.

(3) For the purpose of section 22(2)(b) of the Act, the surcharge shall be as specified in the First Schedule.

(4) Where the annual fee is not paid in accordance with section 22(2) of the Act, the Director shall record and give public notification of the lapse of a patent or withdrawal of a patent application, as the case may be.

**26. Restoration of lapsed patent**

(1) A patent owner may make an application to the Director for the restoration of a lapsed patent, in the form set out in the administrative procedures.

(2) For the purpose of determining an application under paragraph (1), the Director may request the applicant to provide such written explanations, information and documents as he considers appropriate.

(3) (a) Where the Director is satisfied that a lapsed patent may be restored, he shall inform the applicant accordingly and request the payment of the appropriate fee specified in the First Schedule within such time as he may specify.

(b) The Director shall, on payment of the fee referred to in subparagraph (a), restore the lapsed patent.

(4) The Director shall record the restoration of a lapsed patent in the appropriate register and cause it to be published.

**27. Application for compulsory licence**

(1) An application for the issue of a compulsory licence under section 23 of the Act shall be made to the competent authority in the form set out in the administrative procedures and shall be accompanied by the appropriate fee specified in the First Schedule.

(2) An application for the issue of a compulsory licence shall specify –

(a) the grounds and the evidence upon which the application is based;

(b) the name and address of the owner of the patent or licensee, as the case may be.

(3) The competent authority may grant a hearing to the owner of the patent and any interested party where a request is made under section 23(7) of the Act.

(4) Where the competent authority authorises a Government agency or a third party to exploit a patented invention, he shall specify the terms and conditions of the exploitation and forward his decision to the Director.

(5) The competent authority may, for the purpose of determining an application under paragraph (1), consult such person as he considers appropriate.

(6) Where the competent authority grants a compulsory licence, he shall state the terms of exploitation and communicate his decision to the interested parties.

## **28. Variation and termination of compulsory licence**

(1) An application under section 23(9) of the Act for the variation of the terms of a decision of the competent authority shall be accompanied by supporting evidence, if any.

(2) The competent authority may request the other parties for their grounds of objection, if any, and any supporting evidence.

(3) Where the competent authority decides to vary the terms of a decision regarding a compulsory licence or to terminate a compulsory licence, he shall forthwith communicate his decision to the owner of the patent or licensee, as the case may be, of the compulsory licence.

## **Sub-Part B – Utility Models**

### **29. Application for registration of utility model**

(1) An application for the registration of a utility model under section 28 of the Act shall be filed with the Director in the form set out in the administrative procedures and be accompanied by the appropriate fee specified in the First Schedule.

(2) Regulations 3 to 14, 16 and 17 shall apply, where appropriate and with such modifications as may be necessary, to an application for the registration of a utility model in the same manner as they apply to an application for the grant of a patent.

### **30. Marking application**

(1) The Director shall, on receipt of an application for a utility model, mark on each document forming part of the application, the date of receipt and application number in the following format "MU/UM/X/Y", where –

- (a) "X" shall be the last 2 numbers of the year in which the initial documents were received; and
- (b) "Y" shall be a five-digit application number allotted in the sequential order in which applications for registration are received.



(2) Where any corrections or other documents to be filed are received on different dates, the Director shall mark their respective date of receipt in the appropriate place on the application for registration of a utility model.

(3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence concerning the application.

### **31. Filing date**

(1) A request under section 29(2) of the Act shall -

- (a) be in the form set out in the administrative procedures;
- (b) specify the correction to be made or require the filing of any missing drawing; and
- (c) state the delay within which the corrections are to be effected or the missing documents are to be furnished.

(2) The Director shall, where he is satisfied that section 29(1) of the Act has been complied with, notify the applicant, in writing, of the filing date.

(3) Where the Director refuses to grant a filing date to an application, he shall notify the applicant, in writing, specifying the reasons for the refusal.

### **32. Renewal**

(1) A utility model owner may make an application, in the form set out in the administrative procedures, for the renewal of the registration of a utility model within the 6 months period preceding the expiry of the registration.

(2) An application under paragraph (1) shall be -

- (a) signed by the utility model owner or his agent; and
- (b) accompanied by the appropriate renewal fee specified in the First Schedule.

(3) For the purpose of section 32(3) of the Act, the surcharge shall be as specified in the First Schedule.

(4) Where the Director renews the registration of a utility model, he shall issue to the utility model owner a certificate of renewal.

(5) The renewal of the registration of a utility model shall be recorded in the register.

(6) Where the registration of a utility model lapses under section 32(4) of the Act, the registration shall be removed from the register.

(7) The Director shall, within one month from the date of expiry of a utility model, publish a notice in the Gazette.

### **33. Conversion of application**

An application under section 33(1) of the Act to convert an application for a patent into an application for a utility model or to convert an application for a utility model into an application for a patent shall be made to the Director in the form set out in the administrative procedures and shall be accompanied by the appropriate fee specified in the First Schedule.

## **Sub-Part C – Patent Cooperation Treaty Applications**

### **34. Interpretation of Sub-part C**

In this Sub-part –

“designated State” means the national office of, or acting for, the State designated by the applicant under Chapter I of the Patent Cooperation Treaty;

“elected State” means the national office of, or acting for, the State elected by the applicant under Chapter II of the Patent Cooperation Treaty.

### **35. International application**

(1) The Office shall receive, check and transmit an international application to the International Bureau, in accordance with the Patent Cooperation Treaty and the regulations made under the Patent Cooperation Treaty.

(2) An international application shall be filed in the application form designed by the International Bureau, in 3 copies, and shall meet the conditions provided for in the Patent Cooperation Treaty and the regulations made under the Patent Cooperation Treaty.

(3) (a) The description, claims and abstract shall be submitted in English or any other language chosen by the applicant.

(b) Where an international application is filed in a language other than English, the applicant shall, within such time as the Director may determine, submit a translation of the international application in the English language.

(4) (a) The Director shall designate which office shall be the International Searching Authority.

(b) Where the description, claims and drawings are filed in a language other than any of the languages accepted by the International Searching Authority designated by the Director, the applicant shall file, within one month from the date the application is filed, a translation of the documents into a language approved by the International Searching Authority.

(5) The applicant shall pay to the Office, as receiving Office –

- (a) the transmittal fee specified in the First Schedule for the purpose of section 37(1) of the Act, for the transmission of copies of the international application to the International Bureau and the International Searching Authority, in accordance with Rule 14 of the Regulations made under the Patent Cooperation Treaty;
- (b) the international filing fee referred to in Rule 15 of the Regulations made under the Patent Cooperation Treaty;
- (c) the search fee referred to in Rule 16 of the Regulations made under the Patent Cooperation Treaty.

(6) (a) The fees referred to in paragraph (5)(b) and (c) shall be collected by the Office on behalf of the International Bureau and the International Searching Authority, respectively, and shall be transmitted to them.

(b) The international filing fee shall be paid to the Office in Mauritian rupees and shall be equivalent to the amount of the international filing fee specified in Swiss currency in the Schedule of Fees of the Regulations made under the Patent Cooperation Treaty.

(7) Where any of the fees referred to in paragraph (5) is not paid within the time specified in the Regulations made under the Patent Cooperation Treaty or is only partially paid on the expiry of the time limit, Rule 16 bis of the Regulations made under the Patent Cooperation Treaty shall apply.

(8) The Office shall refund the international filing fee to the applicant where it finds that the requirements of regulation 37(1) are not met and the international application shall be deemed to be withdrawn.

### **36. Contents of international application**

(1) An international application shall contain the elements specified in Article 11, paragraph 1(iii) of the Patent Cooperation Treaty, namely –

- (a) an indication that the application is intended as an international application;

- (b) the designation of at least one Contracting State as defined in the Patent Cooperation Treaty;
- (c) the name, nationality and address of the applicant;
- (d) a part which on the face of it appears to be a description;
- (e) a part which on the face of it appears to be a claim or claims.

(2) An international application shall be accompanied by the title of the invention, description, claims, abstract, drawings, if any, and any other relevant documents.

(3) An international application and the accompanying documents shall, as specified in Rule 11 of the Regulations made under the Patent Cooperation Treaty, meet the physical requirements.

### **37. Requirements relating to international application**

(1) The Director shall examine whether an international application fulfils the following requirements –

- (a) the applicant does not lack, for reasons of residence or nationality, the right to file an international application with the Office;
- (b) the international application is in one of the languages specified in regulation 35(4)(b);
- (c) the international application contains the elements set out in regulation 36.

(2) Where the Director is satisfied that the requirements listed in paragraph (1) are fulfilled at the time of receipt of an international application, the date of receipt of the international application shall be considered as the international filing date.

(3) The Director shall notify the applicant, in writing, of the filing date where he is satisfied that –

- (a) the accompanying documents of the international application referred to in regulation 36 are complete;
- (b) the international application is signed;

- (c) the Regulations made under Rule 11 of the Patent Cooperation Treaty have been complied with;
- (d) the name of the applicant or the reference to his address clearly shows his identity.

(4) The Director shall immediately transmit the international application and the accompanying documents to the International Bureau and the International Searching Authority designated by the Director.

(5) (a) Where the requirements of paragraph (3) are not fulfilled, the Director shall request the applicant to correct the application within a month from the date of receipt of the request.

(b) Where the correction is made within the time limit referred to in subparagraph (a), the international filing date shall be the date of receipt of the corrections by the Office.

(6) (a) Where the international application refers to drawings which are not included in the application, the Director shall request the applicant to furnish them within one month from the date of receipt of the application.

(b) (i) The international filing date shall be the date on which the drawings are received by the Office.

(ii) Where the applicant fails to submit the drawings, they shall be considered as non-existent.

(7) Where the applicant fails to comply with paragraph (5), the application shall be deemed not to have been filed.

### **38. Registration of international application**

An international application shall be recorded in the appropriate register.

### **39. International application entering national phase**

(1) This regulation shall apply to international applications for which Mauritius is a designated State or an elected State.

(2) An international application which was granted an international filing date by a receiving Office shall have the same effect as a patent application filed in Mauritius on the same date.

(3) Where an applicant wishes to continue the international application in Mauritius within 30 months from the international filing date or, where a priority is claimed, from the date of priority, he shall open the national phase in Mauritius.

(4) Paragraph (3) shall apply where, for justified reasons, the applicant enters the national phase within 2 months from the date of the expiry of the thirty-month time limit, subject to payment of a fee in an amount equal to the amount of the fee for filing an application for reinstatement.

(5) The applicant shall, for the purpose of entering the national phase in Mauritius –

- (a) file a request for entering the national phase;
- (b) pay to the Office the same fee as for the filing of a patent application; and
- (c) files 3 copies of the certified translation into English of the description, claims, drawings and abstract of the international application.

(6) A request for entering the national phase under paragraph (5) shall be made in the form set out in the administrative procedures for entering the national phase.

(7) An application which enters the national phase shall be recorded in the patents register.

(8) Upon entering the national phase, an international application shall be subject to the provisions of the Act and these regulations.

#### **40. Reinstatement of rights following failure to enter national phase**

(1) A request for reinstatement of rights in accordance with section 39 of the Act shall be made in the form set out in the Second Schedule and shall contain –

- (a) an unequivocal application for reinstatement of rights;
- (b) the number of the international application;
- (c) the identity of the person filing the request;
- (d) the identity of the agent, if any;
- (e) the signature of the person or agent filing the request.

(2) A request under paragraph (1) shall be accompanied by –

- (a) the reasons for which the reinstatement of rights is requested;

- (b) evidence pertaining to the reasons referred to in subparagraph (a).

(3) (a) Where a request for reinstatement of rights does not contain all the information referred to in paragraphs (1) and (2), the Director shall request the applicant to submit the missing information and documents within a period of 30 days from the receipt of the request.

(b) Where an applicant fails to comply with a request under subparagraph (a) within the prescribed time limit, the Director shall reject the request.

(4) Where a request fulfils the requirements of this regulation, or where it is subsequently corrected in the manner provided for in paragraph (3), the Director shall examine the reasons for which the reinstatement is requested.

(5) Where the Director is satisfied that the request is justified, he shall reinstate the rights of the applicant.

(6) Where the Director is of the opinion that the request is unjustified, completely or partially, he shall inform the applicant of the reasons for the complete or partial refusal and of his right to make representations within a period of 60 days from the date of receipt of the decision of the Director.

(7) Where the applicant fails to make representations within the time limit referred to in paragraph (6), the Director shall refuse the request for reinstatement of rights.

(8) Where the applicant makes representations under paragraph (6), the Director shall examine the representations and decide on the request for reinstatement of rights.

## **PART II – LAYOUT-DESIGNS OF INTEGRATED CIRCUITS**

### **41. Application for registration**

- (1) An application for the registration of a layout-design shall be –
  - (a) made in the form set out in the administrative procedures;
  - (b) accompanied, where relevant, by the material representing the layout-design of integrated circuits;
  - (c) accompanied by the appropriate fee specified in the First Schedule; and

- (d) signed by the applicant or his representative, if any, or a common representative, where it is a joint application.
- (2) Where the applicant –
- (a) is the creator of the layout-design, the application for registration shall contain a statement to that effect;
  - (b) is not the creator, the application for registration shall contain the name and address of each creator and shall be accompanied by a statement justifying the right of the applicant to the registration of the layout-design.

#### **42. Marking application**

(1) The Director shall, on receipt of an application for the registration of a layout-design, mark on each document forming part of the application, the date of receipt and application number in the following format “MU/LD/X/Y”, where –

- (a) “X” shall be the last 2 numbers of the year in which the initial documents were received; and
- (b) “Y” shall be a five-digit application number allotted in the sequential order in which applications for registration are received.

(2) Where any correction or other documents to be filed are received on different dates, the Director shall mark their respective date of receipt in the appropriate place on the application for the registration of a layout-design.

(3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence in respect of the application.

#### **43. Filing date**

(1) The Director shall examine whether an application fulfils the requirements of section 42 of the Act.

(2) Where the Director is satisfied that section 42 of the Act has been complied with, he shall notify the applicant in writing of the filing date.

#### **44. Exploitation by Government agency or third person**

- (1) An application under section 50(1) of the Act shall specify –



- (a) the grounds and the evidence upon which the application is based;
- (b) the name and address of the owner of the layout-design or licensee, as the case may be.

(2) The competent authority may, for the purpose of determining an application under section 50(1) of the Act, consult such person as he considers appropriate.

(3) Where the competent authority gives an authorisation, he shall state the terms of exploitation and communicate the decision to the interested parties.

(4) The competent authority may grant a hearing to the right holder or beneficiary of an authorisation where a request is made under section 50(3) of the Act.

#### **45. Publication of particulars of exploitation**

The Director shall, within one month from the date the competent authority makes his decision, notify the applicant, right holder or licensee, as the case may be, of the decision and shall record the decision in the appropriate register, including the following particulars –

- (a) the name and address of the applicant;
- (b) the date of filing of the application for exploitation;
- (c) the statutory provision under which the application was made;
- (d) the number and date of the registration of the layout-design;
- (e) the date and contents of the decision.

#### **46. Variation and termination of authorisation**

(1) A request under section 50(3) or (4) of the Act shall be accompanied by supporting evidence, if any.

(2) Where the competent authority decides to vary the terms of the decision authorising exploitation or to terminate an authorisation, he shall forthwith communicate his decision to the interested persons.

**PART III – NEW PLANT VARIETIES****47. Application for breeder's right**

An application for a breeder's right shall –

- (a) be made in the form set out in the administrative procedures;
- (b) state the grounds for title to the variety in question, where the applicant is not the original breeder;
- (c) contain a description of the plant variety, specifying its botanical classification, origin and the characteristics which distinguish it from other varieties, including the results of any tests carried out on the variety and a description of the propagation of the material;
- (d) specify whether protection has been sought in other countries for the variety in question, the name or names under which protection has been sought and the decision of the authorities of the countries concerned on the applications;
- (e) where right of priority is claimed, indicate the country where the application invoked was filed, the date of filing of the application and the application number;
- (f) contain information on previous exploitation of the variety which, by virtue of section 54 of the Act, may prevent the granting of breeders' rights;
- (g) be accompanied by the appropriate fee specified in the First Schedule; and
- (h) be signed by the applicant or his agent, if any, or a common representative, where it is a joint application.

**48. Marking application**

(1) The Director shall, on receipt of an application for a breeder's right, mark on each document forming part of the application, the date of receipt and application number in the following format "MU/PV/X/Y", where –

- (a) "X" shall be the last 2 numbers of the year in which the initial documents were received; and
- (b) "Y" shall be a five-digit application number allotted in the sequential order in which applications are received.

(2) Where any corrections or other documents to be filed are received on different dates, the Director shall mark their respective date of receipt in the appropriate place on the application for a breeder's right.

(3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence in respect of the application.

#### **49. Filing date**

Where the Director is satisfied that section 58(1) and (2) of the Act has been complied with, he shall notify the applicant, in writing, of the filing date.

#### **50. Right of priority**

(1) A claim for priority under section 61 of the Act shall indicate –

- (a) the date of filing of the earlier application;
- (b) the reference number of the earlier application;
- (c) 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 in relation to which it was filed; and
- (d) where the earlier application is a regional or an international application, the office with which it was filed.

(2) Where at the time of claiming priority, the reference number of the earlier application is not known, the reference number shall be furnished within 3 months from the filing date of an application under section 61 of the Act.

(3) An applicant may, at any time before the registration of a breeder's right, amend the contents of the priority declaration.

(4) (a) Where a copy of a first application has been furnished in relation to another application, the applicant shall inform the Director, in writing, by giving the reference number of the first application.

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

(c) Unless the Director otherwise requests, the certified copy of a first application and any translation thereof shall be filed in one copy.

**51. Provisional protection**

The protection granted under section 60 of the Act shall cease where an application for a breeder's right –

- (a) is withdrawn;
- (b) is rejected or refused; or
- (c) is considered to have been withdrawn and lapses under section 65(2)(c) of the Act.

**52. Examination of application**

(1) Where the Director determines that a test growing of the variety to which the application relates is needed, he shall notify the applicant in writing.

(2) For the purpose of section 62(2) of the Act, the applicant shall, at the request of the Director, supply to him sufficient plants or sufficient propagating material of plants of the variety and all necessary information and documents –

- (a) in the case of trees and vines, or propagating materials of trees and vines, within 2 years from the date of the request; and
- (b) in the case of other species of plant or propagating materials of other species of plant, within 12 months from the date of the request.

(3) Where a person, without reasonable excuse, fails to comply with a request of the Director under paragraph (2), the Director may decide not to proceed with the application.

(4) (a) The results of a test growing shall be submitted to the applicant before the Director proceeds with an application for a breeder's right.

(b) After the completion of a test growing arranged by the Director, any propagating material of the variety used in, or resulting from, the test growing that is capable of being transported shall be delivered to the applicant.

**53. Maintaining breeder's right and cancellation**

(1) For the purpose of section 65(2) of the Act, the annual fee and any surcharge shall be as specified in the First Schedule.

(2) The annual fee shall be paid at least 2 weeks before the expiry of every period of one year.

(3) For the purpose of section 72(b)(i) of the Act, information, documents or material shall be provided to the Office within a period of 2 months from the date of receipt of a request.

#### **54. Restoration of lapsed breeder's right**

(1) The owner of a breeder's right may make an application to the Director for the restoration of a lapsed breeder's right in the form set out in the administrative procedures.

(2) For the purpose of determining an application under paragraph (1), the Director may request the applicant to provide such written explanations, information and documents as he considers appropriate.

(3) (a) Where the Director is satisfied that a lapsed breeder's right may be restored, he shall inform the applicant accordingly and request the payment of the appropriate fee specified in the First Schedule within such time as he may specify.

(b) The Director shall, upon payment of the fee referred to in subparagraph (a), restore the lapsed breeder's right.

(4) The Director shall record the restoration of the lapsed breeder's right in the appropriate register and cause it to be published.

#### **55. Exceptions to breeder's right**

(1) (a) A breeder's right shall not encompass harvested material which –

(i) a farmer obtains by planting, on his own holding, propagating material of a protected variety of any of the varieties specified in the Third Schedule, with the exception of hybrids, synthetic varieties or any other type of variety as the Director may determine; and

(ii) is used as propagating material, commonly known as farm-saved seeds, where the farmer complies with paragraphs (2) to (4).

(b) For the purpose of producing farm-saved seeds, the harvested material may be conditioned by the farmer or another person authorised by him to do so.

(2) (a) A farmer who uses farm-saved seeds shall pay a suitable remuneration to the owner of the breeder's right.

(b) Remuneration shall be deemed to be suitable where it is considerably lower than the amount that is agreed upon by the owner of the breeder's right and the farmer for the production of propagating material of the same variety in the same area on the basis of an exploitation right.

(3) The Director may, on the recommendation of the Ministry responsible for the subject of agriculture, exempt small farmers from the payment of remuneration to the owner of a breeder's right.

(4) A farmer who uses farm-saved seeds and any other person referred to in paragraph (1)(b) shall provide the owner of a breeder's right with such relevant information as the owner of the breeder's right may require.

#### **56. Restrictions on exercise of breeder's right**

(1) An application for an authorisation under section 68(2) of the Act shall specify –

- (a) the grounds and the evidence upon which the application is based;
- (b) the name and address of the person against whom the request is made; and
- (c) the name and address of the owner of the breeder's right.

(2) The Office may, for the purpose of determining an application under paragraph (1), consult such person as he considers appropriate.

(3) Where the Office grants an authorisation, it shall state the terms of exploitation and communicate the decision to the interested parties.

### **PART IV – INDUSTRIAL DESIGNS AND HAGUE AGREEMENT**

#### **Sub-part A – Industrial Designs**

#### **57. Application for registration of industrial design**

(1) An application for the registration of an industrial design shall be –

- (a) made in the form set out in the administrative procedures;
- (b) accompanied by the appropriate fee specified in the First Schedule; and

- (c) signed by the applicant or his agent, if any, or a common representative, where it is a joint application.

(2) Where the applicant is not the creator of an industrial design, he shall specify the name and address of each creator.

(3) An application under paragraph (1) may contain a brief description, not exceeding 100 words, of the characteristic features of the industrial design, including any colours, the features characterising the industrial design in accordance with its filed representation or specimen, but shall not refer to technical particulars related to the operation of the product incorporating the industrial design, its possible uses or the manufacturing material.

**58. Graphic representation and specimen**

(1) An application for the registration of an industrial design shall contain –

- (a) 3 copies of the necessary drawings, photographs or graphic representations and the industrial design may be shown from different angles;
- (b) an indication of the article which constitutes the industrial design or in relation to which the industrial design is to be used; and
- (c) a reproduction of the industrial design directly onto a separate sheet of A4 size strong paper which is white and opaque and shall not contain more than 25 reproductions of the industrial design.

(2) (a) A graphic representation or drawing of the industrial design shall not exceed 10 centimetres by 20 centimetres.

(b) The drawings, photographs or graphic representations of the industrial design may be in black and white or in colour.

(c) The drawings, photographs or graphic representations shall represent –

- (i) the industrial design; or
- (ii) the product in relation to which the industrial design is to be used, excluding any other object, accessory, person or animal.

(d) A graphic representation of an industrial design which contains dimensions and explanatory text shall not be accepted.

(e) A reproduction shall be of a quality which permits publication and all the details of the industrial design to be clearly distinguished.

(f) Where a graphic representation consists of a specimen, the specimen shall be of a size not exceeding 20 centimetres x 20 centimetres x 20 centimetres and which may be returned to the applicant or agent at such time as the Director may determine.

(3) (a) Where an application is for more than one design, separate graphic representations shall be submitted for each design.

(b) Every graphic representation shall be numbered consecutively so that it is clearly indicated which design it applies to.

(c) Where 2 or more graphic representations are submitted for each design, an additional number shall be added to the main number for each graphic representation (1.1, 1.2, 1.3 etc).

#### **59. Prior disclosure**

Where an applicant is aware, at the time of filing his application, of prior disclosure and wishes to avail himself of the exception set out in section 73(2) of the Act for prior art purposes, he shall mention the prior disclosure in his application form and provide full particulars of the disclosure.

#### **60. Right of priority**

(1) A declaration claiming priority under section 78 of the Act shall specify –

(a) the date of filing of the earlier application;

(b) the reference number of the earlier application; and

(c) (i) the country in which the earlier application was filed; or  
(ii) where the earlier application is a regional or an international application, the office with which it was filed.

(2) (a) For the purpose of section 78(2) of the Act, the documents shall be furnished within a period of 3 months from the date of receipt of the request.



(b) Where a copy of the documents has already been furnished for another application, the applicant may inform the Director accordingly by referring to the other application.

(3) (a) Where, at the time of filing an application, the reference number of an earlier application is not known, the reference number shall be furnished within 2 months from the date on which the application was filed.

(b) The Director may, at the request of an applicant and on good cause shown, extend the time limit specified in subparagraph (a).

(4) An applicant may, at any time before the registration of the industrial design, amend the contents of a declaration made under section 78(1) of the Act.

### **61. Marking application**

(1) The Director shall, on receipt of an application for the registration of an industrial design, mark on each document forming part of the application, the date of receipt and application number in the following format –

(a) “MU/D/X/Y”, where “X” shall be the last 2 numbers of the year in which the initial documents were received;

(b) “Y” shall be a five-digit application number allotted in the sequential order in which applications are received.

(2) Where any corrections to be made or any other documents to be filed are received on different dates, the Director shall mark their respective date of receipt in the appropriate place of the application for the registration of an industrial design.

(3) The application number allotted under paragraph (1) shall be quoted in every subsequent correspondence in respect of the application.

### **62. Filing date**

The Director shall notify an applicant, in writing, of the filing date of an application.

### **63. Withdrawal and amendment of application**

(1) The withdrawal of an application for the registration of an industrial design pursuant to section 77 of the Act shall be –

(a) made to the Director in the form set out in the administrative procedures; and

(b) signed by the applicant or his agent, if any, or a common representative, where it is a joint application.

(2) An application under paragraph (1) shall be subject to the payment of the appropriate fee specified in the First Schedule.

(3) An amendment pursuant to section 77 of the Act shall be made in the form set out in the administrative procedures.

#### **64. Registration fee**

For the purpose of section 81(1)(a) of the Act, the registration fee shall be as specified in the First Schedule.

#### **65. Renewal**

(1) The registered owner of an industrial design may make an application for renewal of the registration of the industrial design within 6 months preceding the expiry of the registration in the form set out in the administrative procedures.

(2) An application under paragraph (1) shall be signed by the registered owner or his agent.

(3) For the purpose of section 84(2)(a) of the Act, the renewal fee shall be as specified in the First Schedule.

(4) For the purpose of section 84(3) of the Act, the surcharge fee shall be as specified in the First Schedule.

(5) Where the registration of an industrial design is renewed, the Director shall issue to the registered owner a certificate of renewal in the form set out in the administrative procedures and the certificate shall contain –

- (a) the registration number of the industrial design;
- (b) the date of renewal and the date of expiry of the registration;
- (c) the name and address of the registered owner; and
- (d) the kind of products for which the industrial design is registered.

(6) The Director shall, within one month from the date of expiry of an industrial design, publish a notice in the Gazette.

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**Sub-part B – Hague Agreement**

**66. Interpretation of Sub-part B**

In this Sub-part –

“Bulletin” means the periodical bulletin in which the International Bureau effects publications provided for in the 1999 Act and 1960 Act of the Hague Agreement.

**67. Filing of application**

(1) An application shall be deemed to originate from Mauritius where the applicant has a real and effective industrial or commercial establishment in Mauritius or is a resident or citizen of Mauritius.

(2) An international application shall be in the English language.

**68. Contents of application**

(1) An application for international design registration shall be filed in 2 copies and shall specify –

- (a) the name and address of the applicant;
- (b) the number of industrial designs included in the international application, which shall not exceed 100;
- (c) the product or products which constitute the industrial design or in relation to which the industrial design is to be used, specifying whether the product or products constitute the industrial design or are products in relation to which the industrial design is to be used; and
- (d) the designated Contracting Parties.

(2) An application may contain the optional elements referred to in Article 5(3) and (4) of the Hague Agreement.

**69. Application filed with Office**

(1) Where an application is filed with the Office, the Director shall notify the applicant of the date on which it received the application.

(2) (a) The Office shall, when transmitting an application to the International Bureau, notify the International Bureau of the date on which it received the application.

(b) The Office shall notify an applicant that an application has been transmitted to the International Bureau.

(3) Where there are irregularities in an application, the Director shall request the applicant to make the necessary amendments within such time as the Director may determine.

(4) Where an applicant fails to comply with a request under subparagraph (3), the Director shall send the unmodified application to the International Bureau and inform the applicant accordingly.

#### **70. Examination of international registration and notification to International Bureau**

(1) Where the Office receives a notification from the International Bureau to the effect that Mauritius is designated in an application for international design registration, the Office shall examine whether there are any grounds for refusal of the international registration in Mauritius.

(2) Where there are no grounds for refusal of the international registration in Mauritius, the Director shall, within the period of 6 months referred to in Rule 18(1) of the Common Regulations, notify the applicant accordingly.

#### **71. Registration of application**

(1) The date of an international registration shall be the filing date of the international application.

(2) Where an application contains, on the date on which it is received by the Office or International Bureau, an irregularity which relates to Article 5(2) of the Hague Agreement, the date of the international registration shall be –

- (a) the date on which the correction of the irregularity is received by the Office or International Bureau; or
- (b) the filing date of the international application (Article 6(2) of the Hague Agreement),

whichever is later.

#### **72. Payment of fees**

(1) The fees provided for in Article 7 of the Hague Agreement shall be paid directly to the International Bureau, irrespective of whether the application is filed with the Office or directly with the International Bureau.

(2) A request for the renewal of an international design registration shall be made to the International Bureau and the prescribed renewal fee shall be paid directly to the International Bureau.

**73. Legal effect of international registration**

The publication by the International Bureau of an international registration in the Bulletin shall have the same effect as a publication in the Gazette.

**PART V – MARKS AND MADRID PROTOCOL**

**Sub-Part A – Marks**

**74. Application for registration**

(1) An application for the registration of a mark shall be made in the form set out in the administrative procedures and be accompanied by the appropriate fee specified in the First Schedule.

(2) An application for the registration of a mark may be made in respect of –

- (a) goods;
- (b) services; or
- (c) goods and services,

in one or more classes of the International Classification.

(3) An application under section 92 of the Act shall, in addition to the information specified in section 92(2) –

- (a) include the nationality and place of residence of the applicant and, where the applicant is represented by an agent, the name and address of the agent;
- (b) specify the goods and/or services in respect of which registration of the mark is sought;
- (c) be signed by the applicant or his agent, if any, or a common representative, where it is a joint application.

**75. Translation and transliteration**

Where a mark consists of, or contains, a word or words in characters other than Latin characters, or numerals other than Arabic or Roman, the application for registration of the mark and any additional reproductions of the mark shall be accompanied by a transliteration or translation, or both, of each of the said words, specifying the language to which each word belongs, unless the Director otherwise directs.

**76. Right of priority**

(1) A declaration claiming priority under section 93 of the Act shall specify –

- (a) the date of filing of the earlier application;
- (b) the number of the earlier application; and
- (c) the country 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 making a declaration the number of an earlier application is not known, the number shall be furnished within 3 months from the date on which the application was filed.

(3) The Director may, at the request of an applicant and on good cause shown, extend the time limit specified in paragraph (2).

(4) Where priority for 2 or more earlier applications is claimed, the particulars relating to the earlier applications may be included in a single declaration.

(5) An applicant may, at any time before the registration of a mark, amend the contents of a declaration.

**77. Representation of mark**

(1) The representation of a mark shall be clear, precise and legible.

(2) Where the representation of a mark is unsuitable for the purpose of the registration of the mark, the Director may, at any time, request the applicant to submit a suitable representation.

(3) The types of mark for which an application for registration may be made shall be –

- (a) a wordmark, which shall consist only of words, letters, numerals, any other standard typographic signs or a combination of words, letters, numerals and any other standard typographic signs, without any special graphic elements;
- (b) a figurative mark, which shall consist of non-standard characters, stylisation, arrangement of characters, graphic element or colour, including marks that consist only of figurative elements or of a combination of word and figurative elements, displaying all of its elements and, where applicable, colours;
- (c) a shape that makes a mark, which shall consist of or extend to, a three-dimensional shape, including containers and packaging, a product itself or its appearance;
- (d) a position mark, which shall consist of a specific way in which it is placed or affixed on the product;
- (e) a colour mark, which shall consist –
  - (i) only of one colour and shall be represented in a generally recognised colour code;
  - (ii) only of a combination of colours and shall be represented in a generally recognised colour code;

(4) Where a mark does not fall in any of the categories referred to in paragraph (3), the applicant shall specify the type of mark.

#### **78. Marking application**

(1) The Director shall, on receipt of an application for the registration of a mark, mark on each document forming part of the application, the date of receipt and the application number in the following format “MU/M/X/Y”, where –

- (a) “X” shall be the last 2 numbers of the year in which the initial documents were received; and
- (b) “Y” shall be a five-digit application number allotted in the sequential order in which applications are received.

(2) Where any corrections or other documents to be filed are received on different dates, the Director shall mark their respective date of receipt in the appropriate place of the application for the registration of a mark.

(3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence in respect of the application.

**79. Filing date**

The Director shall notify an applicant in writing of the filing date where he is satisfied that section 92 of the Act has been complied with.

**80. Division of application for registration**

(1) An applicant may, in the form set out in the administrative procedures, request that his application filed with the Director be divided into 2 or more applications.

(2) A request under paragraph (1) shall be filed with the Director before a decision is taken to register the mark referred to in the initial application.

(3) Where the initial application is made in respect of 2 or more classes of goods or services, a request under paragraph (1) may be made to divide the initial application into 2 or more applications, as follows –

- (a) one or more classes of goods or services, being classes of goods or services to which the initial application relates; or
- (b) one or more of the goods or services included in one or more of the classes of goods or services to which the initial application relates.

(4) Where the requirements of paragraphs (1) to (3) are not complied with, the Director shall reject the request for divisional application and shall notify the applicant accordingly.

(5) Where the requirements of paragraphs (1) to (3) are complied with, the Director shall allot a new application number to each divisional application.

(6) The Director shall notify the applicant, in writing, of the new application number.

**81. Amendment and withdrawal**

(1) An amendment pursuant to section 95 of the Act shall be made in the form set out in the administrative procedures.



(2) The withdrawal of an application for the registration of a mark shall be made to the Director in the form set out in the administrative procedures and shall be signed by all the applicants.

**82. Examination of application**

(1) For the purpose of section 96(2) of the Act, an application shall be amended within a period not exceeding 2 months from the date the applicant receives written notification from the Director of the amendments to be made.

(2) The refusal of an application for the registration of a mark shall not affect its filing date which shall remain valid.

**83. Opposition**

(1) For the purpose of section 96(5) of the Act, an opposition shall be lodged by way of notice in the form set out for in the administrative procedures within a period of 2 months from the date of publication of an application for the registration of a mark and upon payment of the appropriate fee specified in the First Schedule.

(2) A notice under paragraph (1) shall, where appropriate, be accompanied by relevant evidence in support of the opposition.

(3) (a) The Director shall, on receipt of a notice of opposition and any supporting evidence, forthwith send to the applicant a copy of the notice and evidence.

(b) The applicant shall, within 2 months from the date of receipt of the notice and any evidence, send a counter-statement and the grounds relied upon to the Director and the opponent.

(4) The counter-statement shall, where appropriate, be accompanied by any supporting evidence.

**84. Renewal**

(1) The registered owner of a mark may make an application for renewal of the registration of the mark within the period of 6 months preceding the expiry of the registration, in the form set out in the administrative procedures.

(2) An application under paragraph (1) shall be –

(a) signed by the registered owner or agent; and

(b) accompanied by the appropriate renewal fee specified in the First Schedule.

(3) Where the Director renews the registration of a mark, he shall issue to the registered owner a certificate of renewal in the form set out in the administrative procedures.

(4) For the purpose of section 97(3) of the Act, the surcharge payable shall be as specified in the First Schedule.

(5) (a) The Director shall, within one month from the date of expiry of a mark, publish a notice in the Gazette.

(b) The notice shall specify –

(i) the mark and registration number of the mark;

(ii) the name and address of the owner; and

(iii) the date of expiry of the mark.

#### **85. Removal on ground of non-use**

(1) A request under section 100 of the Act to remove a mark from the appropriate register shall be –

(a) made in the form set out in the administrative procedures;

(b) accompanied by a statement setting out all the facts on which the request is made.

(2) The Director shall, on receipt of a request under paragraph (1), forthwith notify the owner of the registered mark and send him a copy of the request.

(2) The owner of the registered mark may, within 2 months from the date of receipt of a notification under paragraph (2), provide to the Director a reply to the request.

(4) The Director shall publish the removal of a mark from the register.

#### **86. Cancellation or limitation**

An application for the cancellation of a registered mark or limitation in respect of some or all of the goods or services for which it is registered shall be made to the Director in the form set out in the administrative procedures and shall be signed by all the applicants.

**Sub-Part B – Madrid Protocol****87. Interpretation of Sub-part B**

In this Sub-part –

“applicant” means a person who files an international application with the Director;

“designated Contracting Party” means a Contracting Party for which an extension of protection is requested under Article 3ter(1) or (2) of the Madrid Protocol, as the case may be, or in respect of which an extension is recorded in the International Register.

**88. International application**

(1) Any citizen of Mauritius, person residing in Mauritius or legal entity may file an international application with the Director provided that the basic application or basic registration is in the name of the person or legal entity, as the case may be.

(2) For the purpose of section 119 of the Act, the handling fee specified in the First Schedule shall be paid to the Director at the time of filing the international application.

**89. Contents of international application**

(1) An international application shall –

- (a) contain a reproduction of the mark;
- (b) specify the goods or services in respect of which registration of the mark is sought, grouped in classes in conformity with the International Classification;
- (c) specify the date and number of the basic application or basic registration; and
- (d) specify the States or organisations which are designated.

(3) Where the applicant wishes to be represented by an agent before the International Bureau, the name and address of the agent shall be specified in the application.

(4) An international application shall be in accordance with Articles 3, 3bis and 3ter of the Madrid Protocol and Common Regulations.

**90. Irregularities in international application, to be remedied before Director**

(1) Where an international application does not comply with the Common Regulations, the Director shall give the applicant the opportunity to submit any missing information within one month from the date he receives notification thereof.

(2) Where the applicant does not provide the missing information within one month, the international application shall be considered to have been abandoned and the Director shall not forward it to the International Bureau.

**91. Irregularities in international application, to be remedied before International Bureau**

(1) Where the International Bureau notifies the Director that there are irregularities in an international application, the Director shall remedy the irregularities or request the applicant to remedy the irregularities accordingly within 2 months from receipt of the request.

(2) Where the irregularities are remedied within the time limit specified in paragraph (1), the Director shall forward them to the International Bureau.

**92. Effects of international registration**

In accordance with the Common Regulations, the Director may determine the scope of protection of an international registration designating Mauritius and shall not be bound by any list of goods and services set out in an international registration.

**93. Examination of international application**

(1) The Director shall examine whether marks which are subject of an international registration designating Mauritius comply with section 91 of the Act.

(2) (a) Where any element of a mark is in a language other than English, the applicant shall submit to the Director a translation into English.

(b) Where a translation is not submitted, the Director shall issue a provisional refusal of protection under section 122 of the Act.

**94. Ex officio provisional refusal of protection**

(1) A provisional refusal of the protection, together with a statement of all grounds for refusal, shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification of the extension of protection is sent to Mauritius by the International Bureau.

(2) The holder of an international registration may respond to a provisional refusal of protection by requesting a review of the decision within a period of 6 months from the date he receives notification from the International Bureau.

(3) Where the holder of an international registration does not have any address for service in Mauritius, the request for review shall be submitted in writing through a duly appointed agent domiciled in Mauritius.

(4) Where the holder does not respond to a provisional refusal of protection within the specified time limit, the designation of Mauritius shall be deemed to have been abandoned.

**95. Notification of provisional refusal based on opposition in accordance with Article 5(2)(c) of Madrid Protocol**

Where the period of 18 months specified in Article 5(2)(b) of the Madrid Protocol expires, the Director shall communicate to the International Bureau the details pertaining to the international registration.

**96. Provisional refusal of protection based on opposition**

(1) The holder of an international registration may, within a period of 6 months from the date of the notification by the International Bureau of a provisional refusal of protection, file a counter-statement.

(2) Where the holder of an international registration does not have any address for service in Mauritius –

(a) the request for review shall be submitted in writing through a duly appointed agent domiciled in Mauritius;

(b) section 136 of the Act shall apply *mutatis mutandis*.

(3) Where the holder of an international registration does not file any counter-statement within the specified time limit, the designation of Mauritius shall be deemed to have been abandoned.

(4) The Director shall, after giving both parties the opportunity to be heard, make his decision on the opposition and protection of the international registration in Mauritius.

**97. Confirmation of total provisional refusal of protection**

A statement under section 125 of the Act shall be in accordance with the relevant provisions of the Common Regulations.

**98. Replacement and transformation**

(1) (a) For the purpose of section 131(2) of the Act, a request shall be made to the Director in the form set out in the Fourth Schedule and shall be accompanied by the appropriate fee specified in the First Schedule.

(b) The effective date of the replacement of a national registration shall be the date of the subsequent designation.

(c) A national registration shall not be cancelled or otherwise affected by the fact that the international registration is deemed to replace it or that the Director has taken note of the international registration in the register.

(d) Where all the goods and services listed in the national registration are not listed in the international registration, the scope of protection shall be limited to the goods and services listed in the international registration.

(2) For the purpose of section 132(3) and (4) of the Act, an application resulting from transformation shall be made in the form set out in the Fifth Schedule and shall be accompanied by the appropriate fee specified in the First Schedule.

**99. Renewal of international registration designating Mauritius**

An international registration which is, in accordance with Article 7 of the Madrid Protocol, renewed in respect of Mauritius as a designated Contracting Party, shall continue to have effect in Mauritius.

**100. Entries in International Register**

Where the Director finds that under the laws of Mauritius a record made in the International Register has no effect in Mauritius, he shall, where so provided in the Regulations made under the Madrid Protocol and in accordance with regulations 102 and 103, send a communication to the International Bureau accordingly.

**101. Declaration relating to change in ownership in international registration**

(1) (a) Where the International Bureau notifies Mauritius of a change in ownership of an international registration affecting Mauritius, the Director may declare that the change in ownership has no effect in Mauritius.

(b) Where a declaration is made under subparagraph (a), the international registration shall, with respect to Mauritius as the designated Contracting Party, remain in the name of the transferor.

(2) A declaration under paragraph (1) shall specify –

- (a) the reasons for which the change in ownership has no effect;
- (b) the relevant provisions of the law; and
- (c) whether the declaration may be subject to review or appeal.

(3) A declaration under paragraph (1) shall be sent to the International Bureau before the expiry of 18 months from the date Mauritius receives the notification referred to in paragraph (1).

(4) The holder of an international registration may, within 6 months from the date of notification by the International Bureau, request a review of a declaration made under paragraph (1).

(5) (a) Where the holder of an international registration does not have any address for service in Mauritius, the request for review shall be submitted in writing through a duly appointed agent domiciled in Mauritius.

(b) Section 136 of the Act shall apply *mutatis mutandis*.

(6) The decision of the Director following a review of a declaration shall be notified to the International Bureau.

#### **102. Declaration relating to limitation of goods and services in international registration**

(1) (a) Where the International Bureau notifies Mauritius of a limitation of the list of goods and services in an international registration affecting Mauritius, the Director may declare that the limitation has no effect in Mauritius.

(b) Where a declaration is made under subparagraph (a), the limitation shall not, with respect to Mauritius as the designated Contracting Party, apply to the goods and services affected by the declaration.

(2) A declaration under paragraph (1) shall specify –

- (a) the reasons for which the limitation has no effect;
- (b) where the declaration does not affect all the goods and services to which the limitation relates, the goods and services which are and are not affected by the declaration;
- (c) the relevant provisions of the Act; and
- (d) whether the declaration may be subject to review or appeal.

(3) A declaration under paragraph (1) shall be sent to the International Bureau before the expiry of 18 months from the date Mauritius receives the notification referred to in paragraph (1).

(4) The holder of an international registration may, within 6 months from the date of the notification sent by the International Bureau, request a review of a declaration made under paragraph (1).

(5) Where the holder of an international registration does not have any address for service in Mauritius, the request for review shall be submitted in writing through a duly appointed agent domiciled in Mauritius.

(6) The decision of the Director following a review of a declaration shall be notified to the International Bureau.

### **103. Licences**

(1) Section 135 of the Act shall apply with respect to the recording of a licence in an international registration having effect for Mauritius.

(2) Any person who wishes to record a licence in an international registration with effect for Mauritius shall contact the Office and abide by the domestic procedures and requirements.

### **104. Corrections in International Register**

(1) The Director may, upon receipt of a notification from the International Bureau of a correction of an international registration where Mauritius is designated, inform the International Bureau in a notification of provisional refusal that it considers that protection cannot, or can no longer, be granted to the international registration as corrected.

(2) The Director shall send the notification referred to in paragraph (1) within a time limit of 18 months from the date Mauritius receives the correction from the International Bureau.

### **105. Division of international registration**

(1) An application for division of an international registration designating Mauritius shall be made to the Director on the relevant official form of the International Bureau.

(2) An application under paragraph (1) shall contain the information prescribed in the Common Regulations.

(3) (a) Where a request does not comply with paragraph (2), the Director shall give the holder the opportunity to submit the prescribed information.



(b) Where the holder does not provide the information within the time specified by the Director, the request for division shall be considered to have been abandoned and the Director shall not forward it to the International Bureau.

(4) Where the Director finds that a request for division complies with paragraph (2), the Director shall submit it to the International Bureau.

(5) The Director shall, within the specified time limit, respond to any irregularities notified by the International Bureau concerning the request for division and the Director may, where necessary, hold consultations with the holder of the international registration.

(6) The Director shall, with respect to a divisional international registration, update the register of marks, specifying the new international registration number.

(7) (a) The Director shall process the international registration and divisional international registration.

(b) The Director shall notify the International Bureau of his decisions concerning the scope of protection for the international registration and divisional international registration.

#### **106. Collective mark and certification mark**

(1) Section 101 of the Act shall apply *mutatis mutandis* to a collective mark in an international registration designating Mauritius.

(2) Section 102 of the Act shall apply *mutatis mutandis* to a certification mark in an international registration designating Mauritius.

(3) For the purpose of section 130 of the Act, an applicant shall submit the regulations governing the use of the collective mark or certification mark within a period of 3 months from the date an international application is filed with the Office.

#### **107. Publication of application for international registration and opposition**

(1) Where Mauritius is designated in an application for international registration, the Director shall publish the application for international registration in the Gazette.

(2) Any person who opposes the protection of an international registration designating Mauritius may, within 2 months from the date of publication under paragraph (1), lodge a notice of opposition with the Director.

(3) An opposition to the international registration shall, mutatis mutandis, be dealt with in accordance with section 121 of the Act.

#### **PART VI – GEOGRAPHICAL INDICATIONS**

##### **108. Classification**

For the purpose of the registration of geographical indications, goods shall be classified in the manner specified in the Sixth Schedule.

##### **109. Homonymous geographical indications**

The Director may require that the country of origin of every homonymous indication, or that a representation of a map showing the country of origin of every homonymous indication, appears prominently on the labels used for every geographical indication.

##### **110. Application for registration**

An application for the registration of a geographical indication shall be made in the form set out in the administrative procedures and shall be accompanied by the appropriate fee specified in the First Schedule.

##### **111. Marking application**

(1) The Director shall, on receipt of an application for the registration of a geographical indication, mark on each document forming part of the application, the date of receipt and the application number in the following format “MU/GI/X/Y”, where –

- (a) “X” shall be the last 2 numbers of the year in which the initial documents were received;
- (b) “Y” shall be a five-digit application number allotted in the sequential order in which applications are received.

(2) Where any corrections or other documents filed are received on different dates the Director shall mark their respective date of receipt in the appropriate place of the application for the registration of a geographical indication.

(3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence in respect of the application.

**112. Filing date**

Where the Director is satisfied that section 106 of the Act has been complied with, he shall notify the applicant in writing of the filing date.

**113. Withdrawal**

The withdrawal of an application for the registration of a geographical indication shall be made to the Director in the form set out in the administrative procedures.

**114. Examination of application**

(1) Where the Director refuses an application for registration of a geographical indication, he shall notify the applicant, in writing, stating the reasons for the refusal.

(2) The refusal of an application for the registration of a geographical indication shall not affect its filing date which shall remain valid.

**115. Opposition**

(1) (a) An interested person may, within 2 months from the date of publication of an application for the registration of a geographical indication, give notice to the Director of his opposition to the registration in the form set out in the administrative procedures.

(b) An opposition under subparagraph (a) shall be accompanied by the fee specified in the First Schedule.

(2) A notice under paragraph (1) shall –

(a) state the grounds of opposition; and

(b) be accompanied by any supporting evidence.

(3) The applicant shall, within 2 months from the date of receipt of the notice, send a counter-statement to the Director and the opponent.

(4) The counter-statement shall be accompanied by any supporting evidence.

**116. Renewal**

(1) An application for the renewal of the registration of a geographical indication shall be made within 6 months preceding the expiry of the registration, in the form set out in the administrative procedures.

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

(3) For the purpose of section 111(3) of the Act, the surcharge shall be as specified in the First Schedule.

(4) Where the registration of a geographical indication lapses under section 111(4) of the Act, the registration of the geographical indication shall be removed from the register.

(5) Where the Director renews the registration of a geographical indication, he shall issue to the registered owner a certificate of renewal.

#### **117. Rectification of register**

(1) An application for the rectification of the register relating to geographical indications under section 113 of the Act shall be made to the Director in the form set out in the administrative procedures.

(2) An application under paragraph (1) shall be accompanied by such documents and evidence as may be appropriate.

#### **118. Cancellation of registration**

A request for the cancellation of the registration of a geographical indication under section 114 of the Act shall be made to the Director in the form set out in the administrative procedures.

### **PART VII – MISCELLANEOUS**

#### **119. Change in address, application and ownership**

(1) An application under section 134 of the Act shall be –

- (a) made to Director in the form set out in the administrative procedures; and
- (b) accompanied by the appropriate fee specified in the First Schedule and such documents and evidence as may be appropriate.

(2) The Director may, on receipt of an application under paragraph (1), request the applicant to furnish such additional information as he may require.

(3) The publication of a change under section 134(2) of the Act shall specify –

- (a) the title of protection concerned;
- (b) the filing date, the priority date, if any, and the date of registration or grant;
- (c) the owner and the new owner, where applicable; and
- (d) the nature of the change.

**120. Agents**

(1) The Director shall not act on a power of attorney appointing an agent unless –

- (a) section 136 of the Act is complied with; and
- (b) the power of attorney is registered with the Registrar-General.

(2) The power of attorney appointing an agent shall be filed together with an application or, where the power of attorney is not available at the time the application is filed, it shall be filed within 2 months from the filing date of the application.

**121. Language**

(1) Any application made under the Act or these regulations shall be in the English language and any document forming part of the application or submitted to the Director shall be accompanied by an English translation where the document is in a language other than English.

(2) A translation in English filed under paragraph (1) shall be deemed to be the original document and shall, in case of conflict, prevail over any application or document filed in another language.

**122. Fees**

Any fee specified in the First Schedule shall be paid in cash, by electronic means or by cheque drawn to the order of the Government of Mauritius.

**123. Common representative**

Where an application is filed by 2 or more applicants –

- (a) they shall designate one of the applicants as the common representative; or

- (b) where no common representative is designated, the applicant whose name appears first in the application form shall be considered to be the common representative.

**124. Particulars of applicant**

(1) Any person who files an application or any other document with the Director shall specify his nationality and residence.

(2) A natural person shall specify his family name and other names and the family name shall precede the other names.

(3) A legal entity shall specify its official name, the name of the country under the laws of which it is constituted and the address of its registered office.

(4) An 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 or building number, if any.

**125. Consultation of registers**

(1) A consultation of the registers shall be subject to the payment of the fee specified in the First Schedule.

(2) A request from any person to obtain a certified copy of extracts from a register or a copy of any document shall be made in writing to the Director and shall be subject to the payment of the fee specified in the First Schedule.

**126. Revocation**

The following enactments are revoked –

- (a) the Patents, Industrial Designs and Trademarks Regulations 2004;
- (b) the Patents, Industrial Designs and Trademarks (Industrial Property Tribunal) Appeal Rules 2007;
- (c) the Patents, Industrial Designs and Trademarks (Tribunal) (Rules of Procedure) Regulations 2008.

**127. Commencement**

(1) Subject to paragraph (2)(a), (b) and (c), these regulations shall come into operation on 31 January 2022.

(2) (a) Regulations 34 to 40 shall come into operation on the date the Patent Cooperation Treaty enters into force in Mauritius.

(b) Regulations 66 to 73 shall come into operation on the date the Hague Agreement enters into force in Mauritius.

(c) Regulations 87 to 107 shall come into operation on the date the Madrid Protocol enters into force in Mauritius.

(d) The Director shall give public notice in the Gazette of the date the Patent Cooperation Treaty, the Hague Agreement and the Madrid Protocol shall enter into force in Mauritius.

Made by the Minister on 31 January 2022.

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**FIRST SCHEDULE**

[Regulation 122]

**FEEs****PATENTS**

<b>REGULATION</b>		<b>(Rs)</b>
3(1)	Application for patent	10,000
16(2)	Withdrawal of application	1,000
20(2)	Early publication of application	2,000
21(2)(c)	Opposition	5,000
23	Copy of patent	300 per page
24(2)	Request for change in text or drawings	5,000
25(1)	Annual fee for –	
"	(a) first anniversary	NIL
"	(b) second anniversary	NIL
"	(c) third anniversary	3,000
"	(d) fourth anniversary	3,000
"	(e) fifth anniversary	10,000
"	(f) sixth anniversary	10,000
"	(g) seventh anniversary	10,000
"	(h) eighth anniversary	10,000
"	(i) ninth anniversary	10,000
"	(j) tenth anniversary	30,000
"	(k) eleventh anniversary	30,000
"	(l) twelfth anniversary	30,000
"	(m) thirteenth Anniversary	30,000



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"	(n) fourteenth anniversary	30,000
"	(o) fifteenth anniversary	50,000
"	(p) sixteenth anniversary	50,000
"	(q) seventeenth anniversary	50,000
"	(r) eighteenth anniversary	50,000
"	(s) nineteenth anniversary	50,000
25(3)	Surcharge for late payment of annual fee	2,000
26(3)	Restoration of lapsed patent	10,000
27(1)	Application for compulsory licence	100,000
35(5)(a)	Transmittal fee	5,000

#### UTILITY MODELS

29(1)	Application for registration of utility model	6,000
32(2)(b)	Renewal fee for –	
	(a) first term	3,000
	(b) second term	5,000
32(3)	Surcharge for late payment of renewal fee	1,000
33	Fee for conversion of application for patent into application for utility model	1,000
33	Fee for conversion of application for registration of utility model into application for patent	5,000

#### LAYOUT-DESIGNS

41(1)(c)	Application for registration of layout-design	10,000
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#### NEW PLANT VARIETIES

47(g)	Application for breeder's right	5,000
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53(1)	Annual fee for –	
	(a) first anniversary	2,000
"	(b) second anniversary	2,000
"	(c) third anniversary	3,000
"	(d) fourth anniversary	3,000
"	(e) fifth anniversary	5,000
"	(f) sixth anniversary	5,000
"	(g) seventh anniversary	5,000
"	(h) eighth anniversary	5,000
"	(i) ninth anniversary	5,000
"	(j) tenth anniversary	8,000
"	(k) eleventh anniversary	8,000
"	(l) twelfth anniversary	8,000
"	(m) thirteenth Anniversary	8,000
"	(n) fourteenth anniversary	8,000
"	(o) fifteenth anniversary	12,000
"	(p) sixteenth anniversary	12,000
"	(q) seventeenth anniversary	12,000
"	(r) eighteenth anniversary	12,000
"	(s) nineteenth anniversary	12,000
"	(t) twentieth anniversary	20,000
"	(u) twenty-first anniversary	20,000
"	(v) twenty-second anniversary	20,000

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"	(w) twenty-third anniversary	20,000
"	(x) twenty-fourth anniversary	20,000
53(1)	Surcharge for late payment of annual fee	2,000
54	Restoration of lapsed breeder's right	5,000

**INDUSTRIAL DESIGNS**

57(1)(b)	Application for registration of industrial design	4,000
63(2)	Withdrawal of application	1,000
64	Registration fee	6,000
65(3)	Application for renewal of registration for –	
	(a) first term	5,000
	(b) second term	7,000
	(c) third term	10,000
65(4)	Surcharge for late payment of renewal fee	2,000

**MARKS**

74(1)	Application for registration of mark for –	
	(a) the first class	6,000
	(b) each additional class	2,000
83(1)	Opposition	5,000
84(2)(b)	Renewal fee for registration of mark for –	
	(a) the first class	5,000
	(b) each additional class	2,000
84(4)	Surcharge for late payment of renewal fee	2,000
88(2)	Handling fee for international application	3,000
98(1)(a)	Request to replace national registration by international registration	1,000

98(2)	Application resulting from transformation for –	
	(a) the first class	6,000
	(b) each additional class	2,000

**GEOGRAPHICAL INDICATIONS**

110	Application for registration of geographical indication	10,000
115(1)(b)	Opposition	5,000
116(2)	Renewal fee for registration of geographical indication	10,000
116(3)	Surcharge for late payment of renewal fee	2,000

**CHANGE IN  
ADDRESS/APPLICATION/OWNERSHIP**

119(1)(b)	Change in address	2,000
119(1)(b)	Change in application/ownership (assignment, merger, change of name, etc.)	3,000
125(1)	Consultation of registers	300
125(2)	Copies of extracts/documents	500

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**DECLARATION**

**By applicant**

I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.

**By agent**

I, the undersigned, do hereby declare that –

- (a) I have been duly authorised to act as an agent on behalf of the applicant;
- (b) the information furnished above on behalf of the applicant is true to the best of my knowledge.

..... Date	..... Signature of applicant/agent*
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**FOR OFFICIAL USE ONLY**

Decision .....

The request for reinstatement is approved\*\*\*

The request for reinstatement is not approved \*\*\*

..... Name	..... Authorised signature
..... Date	

\* Delete as appropriate

\*\* Note: If the space provided is insufficient, please use a separate sheet

\*\*\* Tick as appropriate

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## THIRD SCHEDULE

[Regulation 55]

LIST OF AGRICULTURAL AND VEGETABLE CROPS FOR WHICH PLANTERS  
ARE AUTHORISED TO USE FARM-MADE SEEDS FOR FURTHER  
PROPAGATION IN THEIR PLANTATIONS

SN	COMMON NAME	ENGLISH NAME	BOTANICAL NAME
1.	<i>Ail</i>	Garlic	<i>Allium sativum</i>
2.	<i>Arouille Carri</i>	Eddo	<i>Colocassia esculenta var antiquorum</i>
3.	<i>Arouille Violet</i>	Dasheen	<i>Colocassia esculenta var esculenta</i>
4.	<i>Brede Malbar</i>	Amaranth	<i>Amaranthus hybridus</i>
5.	<i>Bringelle Anguive</i>	Andive egg apple	<i>Solanum indicum</i>
6.	<i>Calebasse</i>	Bottle gourd, calabash	<i>Lagenaria leucantha</i>
7.	<i>Canne à sucre</i>	Sugar cane	<i>Saccharum officinarum</i>
8.	<i>Chouchou</i>	Chayote	<i>Sechium edule</i>
9.	<i>Chou-Fleur</i>	Cauliflower	<i>Brassica oleracea var botrytis</i>
10.	<i>Echalotte</i>	Shallot	<i>Allium ascalonicum</i>
11.	<i>Gingembre</i>	Ginger	<i>Zinziber officinale</i>
12.	<i>Giraumon</i>	Pumpkin	<i>Cucurbita maxima</i>
13.	<i>Gros Pois</i>	Lima Bean	<i>Phaseolus lunatus</i>
14.	<i>Lalo</i>	Okra, lady's finger	<i>Abelmoschus esculentus</i>
15.	<i>Mais</i>	Maize	<i>Zea mays</i>
16.	<i>Margoze</i>	Bitter gourd	<i>Momordica charantia</i>
17.	<i>Manioc</i>	Cassava	<i>Manihot esculenta</i>

18.	<i>Oignon</i>	Onion	<i>Allium cepa</i>
19.	<i>Patate Chinois</i>	Yam bean	<i>Pachyrhizus erosus</i>
20.	<i>Patate Douce</i>	Sweet potato	<i>Ipomea batatas</i>
21.	<i>Patole</i>	Snake gourd	<i>Trichosantes cucumerina</i> var <i>anguina</i>
22.	<i>Piment</i>	Chilli, hot pepper	<i>Capsicum spp</i>
23.	<i>Pipengaille</i>	Ridge gourd	<i>Luffa acutangula</i>
24.	<i>Pistache</i>	Groundnut	<i>Arachis hypogea</i>
25.	<i>Pois Carré</i>	Winged bean	<i>Psophocarpus tetragonolobus</i>
26.	<i>Safran</i>	Turmeric	<i>Curcuma longa</i>
27.	<i>Sourane</i>	Elephant's foot yam	<i>Amorphophallus paeoniifolius</i>

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**FOURTH SCHEDULE**  
[Regulation 98(1)(a)]

**INDUSTRIAL PROPERTY OFFICE OF MAURITIUS**

**THE INDUSTRIAL PROPERTY ACT 2019**

**REQUEST TO REPLACE NATIONAL REGISTRATION BY  
INTERNATIONAL REGISTRATION**

**1. DETAILS OF INTERNATIONAL REGISTRATION**

**Representation of mark**

International registration no. ....

Class number(s) affected by replacement .....

Replacement is requested for all the goods and/or services covered by the registration\*

Replacement is requested in respect of the following goods and/or services covered by the international registration\*

.....  
.....  
.....  
.....

(Note – If the space is insufficient, please use a separate sheet)

**2. NAME AND ADDRESS OF HOLDER OF INTERNATIONAL REGISTRATION**

Name .....

Address .....

**3. DETAILS OF NATIONAL MARK REGISTRATION TO BE REPLACED**

Application no. ....

Filing date .....

Registration no. ....

Registration date .....

Priority date (*if any*) .....

List of goods/services .....

.....

.....

.....

((Note – If the space is insufficient, please use a separate sheet))

**4. AGENT (*if any*)**

Name .....

.....

Address .....

.....

Tel. no. .... Fax no. ....

Email address .....

**5. DECLARATION**

By Person Filing the Form

I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.

By Agent

I, the undersigned, do hereby declare that –

- (a) I have been duly authorised to act as an agent on behalf of the applicant;
- (b) the information furnished above is true to the best of my knowledge.

.....  
Name of applicant/agent\*\*

.....  
Signature

.....  
Date

\* Tick as appropriate

\*\* Delete as appropriate

**FIFTH SCHEDULE**  
(Regulation 98(2))

**INDUSTRIAL PROPERTY OFFICE OF MAURITIUS**

**THE INDUSTRIAL PROPERTY ACT 2019**

**REQUEST TO TRANSFORM INTERNATIONAL REGISTRATION  
INTO NATIONAL REGISTRATION**

**1. DETAILS OF INTERNATIONAL REGISTRATION**

Representation of mark

International registration no. ....

International registration date .....

Date of subsequent designation (*where applicable*) .....

Date of cancellation of International registration .....

**2. MARK TYPE**

Please indicate whether the application is for\* –

Trade mark

Service mark

3-dimensional mark

Collective mark

Certification mark	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>
<b>3. SPECIFICATION OF GOODS/SERVICES**</b>	
<b>Class no.</b>	<b>List of goods/services</b>
<b>4. PRIORITY DETAILS (if any)</b>	
Country .....	
Application no. ....	
Date .....	
Class number(s) for which priority is claimed .....	
<b>5. PARTICULARS OF APPLICANT FOR REGISTRATION</b>	
Name .....	
Address .....	
<b>6. AGENT (if any)</b>	
Name .....	
Address .....	
Telephone no. ....	Fax no. ....
Email address .....	

**7. DECLARATION**By person filing the form

I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.

By agent

I, the undersigned, do hereby declare that –

- (a) I have been duly authorised to act as an agent on behalf of the applicant;
- (b) the information furnished above is true to the best of my knowledge.

.....  
Name of applicant/agent\*\*\*

.....  
Signature

.....  
Date

\* Tick as appropriate

\*\* Please use a separate sheet if necessary

\*\*\* Delete as appropriate

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**SIXTH SCHEDULE**

[Regulation 108]

**CLASSIFICATION OF GOODS FOR THE PURPOSE OF REGISTRATION  
OF GEOGRAPHICAL INDICATIONS****Class 1**

Wine and spirit	(1) Wine
	(2) Spirit

**Class 2**

Manufactured goods	(1) Handicraft
	(2) Food

**Class 3**

Natural products	(1) Mineral
	(2) Agricultural

**Class 4**

Miscellaneous	Goods other than those specified in Classes 1 to 3
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