

THE PATENTS LAW.

(CAP. 200.)

PATENTS RULES.

24 *Gaz.* 415

1. These rules may be cited as the Patents Rules.

Interpretation.

2. In these rules—

“agent” means an advocate or other person duly authorized to the satisfaction of the Registrar and approved by him;

“certificate” means a certificate of entry in the Register of Patents in Cyprus;

“Court” means the Supreme Court;

“Law” means the Patents Law or any other Law amending or substituted for the same; Cap. 200.

“Office” means the office of the Official Receiver and Registrar, Nicosia, Cyprus.

3.—(1) The fees to be paid in pursuance of the Law shall be the fees specified in the First Appendix to these rules and all such fees shall be payable in stamps.

First Appendix.

(2) All advertisements required by the Law or by these rules or by the Registrar to be effected by an applicant for, proprietor of or other person concerned in a patent in the *Gazette* or other journal shall be at the expense of such applicant, proprietor or person.

Forms.

4.—(1) The forms herein referred to are the forms contained in the Second Appendix to these rules and such forms shall be used in all cases to which they are applicable and shall be modified as directed by the Registrar to meet other cases.

Second Appendix.

(2) Any of the forms contained in the said Appendix can be obtained from the Registrar.

(3) The proper stamps denoting the prescribed fees shall wherever possible be affixed to such forms.

Documents.

5. Subject to any other directions that may be given by the Registrar all applications, notices or other documents required by the Law or by these rules to be left with or sent to the Registrar shall be upon strong foolscap paper of a size of approximately 13 inches by 8 inches and shall have on the left-hand part thereof a margin of not less than one inch and a half.

6.—(1) Any application, statement, notice or other document authorized or required to be left, made or given at the office or to or with the Registrar, or with or to any other person may be sent through the post by a prepaid letter; any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

(2) A letter addressed to a holder of a certificate at his address as it appears on the Register, or address for service or to any applicant for a certificate at the address appearing in the application or given for service as hereinafter provided shall be deemed to be sufficiently addressed.

7. Where any person is by the Law or these rules bound to furnish the Registrar with an address the following provisions shall apply—

(a) the address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of business of the person whose address is given;

(b) when a person does not reside in a town, the Registrar may require the address to include all indications which he thinks necessary for such purpose so far as it can be attained;

(c) when an applicant resides in a town, the address given shall include the name of the street and the number in the street or name of premises, if any.

8.—(1) Every applicant for a certificate and every agent who does not reside or carry on business in Cyprus shall, if so required, give an address for service in Cyprus and such address may be treated as the actual address of such applicant, or agent for all purposes connected with such application for a certificate.

(2) The Registrar may require the holder of a certificate who does not reside or carry on business within Cyprus to give an address for service within Cyprus, and such address may be treated as the actual address of the proprietor for all purposes connected with such patent.

Agents.

9.—(1) An application for a certificate and all communications between an applicant and the Registrar, and between the holder of a certificate and the Registrar or any other person may be made by or through an agent.

(2) Any such applicant or holder may appoint an agent to represent him in the matter of the patent by signing and sending to the Registrar an authority in writing to that effect in the Form No. Pat. 1, or in any other such form as the Registrar may deem sufficient. In case any holder of a certificate shall appoint such an agent, service upon such agent of any document relating to such certificate shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such certificate may be addressed to such agent.

Application for a Certificate and proceedings thereon.

10.—(1) If application for a certificate be made by a firm or partnership it may be signed in the name or for and on behalf of the firm or partnership by any one or more members thereof.

(2) If the application be made by a body corporate it may be signed by a director or by the secretary or other principal officer of such body corporate.

(3) Any application may be signed by an agent.

11. On or after the receipt of application the Registrar shall furnish the applicant with an acknowledgment thereof.

12. Every application for a certificate shall be made on Form No. Pat. 2.

13. The Registrar shall file every application and the enclosures thereto in the Register of Patents and make an entry in the Register in Form No. Pat. 3.

14. If the Registrar is satisfied that the applicant is entitled to the grant of a certificate, a certificate in duplicate in Form No. Pat. 4 of the entry in the Register shall thereupon be made under the hand and official seal of the Registrar. One copy of such certificate shall be issued to the applicant and one copy shall be filed by the Registrar.

15. No notice of any trust, express, implied or constructive, can be entered in the Register.

Assignment.

16.—(1) The Registrar may on request made jointly by a holder of a certificate and the person to whom he has assigned such certificate, register the assignee as the holder of the certificate. Such application shall be made on Form No. Pat. 5.

(2) If the Registrar so require the assignee shall furnish an affidavit.

17.—(1) Where no such joint request is made, any person who has become entitled to a certificate by assignment, transmission or other operation of law, may leave a request at the office for the entry of his name in the Register as proprietor of such certificate.

(2) The request shall be on Form No. Pat. 6 and such request shall contain the name, address and description of the person claiming to be entitled to the certificate, hereinafter called the claimant.

18. Together with such request the claimant shall leave a case stating full particulars of the assignment, transmission or other operation of law by virtue of which he claims to be entered in the register as holder of the certificate, so as to show the manner in which and the person or persons to whom the certificate has been assigned or transmitted.

19. Such request shall in the case of an individual be made and signed by the claimant, and in the case of a firm or partnership by one or more members of such firm or partnership, and in the case of a body corporate shall be signed by a director or by the secretary or other principal officer of such body corporate.

20. Where the Registrar shall determine that the case sets out particulars such as entitle the claimant to be registered as the holder of such certificate, he shall call upon the claimant to furnish an affidavit verifying the several statements in the case and declaring that the particulars given comprise every material fact and document affecting the proprietorship of the certificate claimed by such request.

Alteration of Address.

21. Every registered holder of a certificate who alters his address shall forthwith apply to the Registrar on Form No. Pat. 7 to insert the new address on the Register, and the Registrar shall alter the Register accordingly.

Clerical Errors.

22. The Registrar may, on request in writing on Form No. Pat. 8, accompanied by the prescribed fee—

- (a) correct any clerical error in or in connection with an application ;
- (b) correct any clerical error in the name, style or address of the registered holder of a certificate.

Discretionary Power.

23. Before exercising any discretionary power adversely to any person, the Registrar shall, if so required, hear the person who will be affected by the exercise of such power.

24. An application for a hearing shall be made within two months from the date when the matter on which the Registrar is called on to exercise discretionary power has arisen.

25.—(1) Upon receiving such application the Registrar shall give the person applying two months notice of a time when he may be heard by himself or his agent.

(2) Within six weeks from the date when such notice would be delivered in the ordinary course of the post the person applying shall notify the Registrar whether or not he intends to be heard on the matter.

26. The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the person affected.

Search.

27. Every Register kept under the Law and the specification of every registered patent shall be open to the inspection of the public on payment of the prescribed fee, subject to the provisions of the Law and to the rules made thereunder. Certified copies sealed with the seal of the Registrar of any entry in such Register or of any such specification, shall be given to any person requiring the same on payment of the prescribed fee; provided that whenever any specification or extract includes any tracing, drawing or diagram, an additional fee for any copy thereof shall be paid equal to the cost of preparing such tracing, drawing or diagram.

Hours of Inspection.

28. The Office shall be open to the public every week day, except public holidays, during Government Office hours.

Power to dispense with Evidence.

29. Where under these rules any person is required to do any act or thing, or to sign any document or to make any affidavit on behalf of himself or of any body corporate, or any document or evidence is required to be produced

to or left with the Registrar or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such affidavit or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, and upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, affidavit or evidence.

Affidavits.

30. The affidavits required by these rules, or used in any proceeding thereunder, shall be made and subscribed as follows :—

- (a) In Cyprus before a Registrar or Assistant Registrar of any District Court ;
- (b) In the United Kingdom before any Justice of the Peace, or any Commissioner or other Officer authorized by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding ;
- (c) In any other part of Her Majesty's dominions, before any Court, Judge, Justice of the Peace, or any Officer authorized by law to administer an oath there for the purpose of a legal proceeding ; and
- (d) If made out of Her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a Notary Public, or before a Judge or Magistrate.

31. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person hereby authorized to take such affidavit in testimony of such affidavit having been made and subscribed before him, may be admitted by the Registrar without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

Appeals to the Court.

32. When any person intends to appeal to the Court, such appeal shall be made in the usual way, and no such appeal shall be entertained unless notice of such appeal be given within two months of the decision appealed against or within such further time as the Registrar shall allow. Such notice shall be on Form No. Pat. 9.

Applications to and Orders of the Court.

33.—(1) Where an order has been made by the Court in any case under the Law, the person in whose favour such an order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the Office an office copy of such order together with Form No. Pat. 10, if required.

(2) The Register may, if necessary, thereupon be rectified or altered by the Registrar.

(3) Every application to the Court under the Law shall be served on the Registrar.

34. Whenever an order is made by the Court under the Law, the Registrar may, if he thinks that such order should be made public, publish it in the *Gazette* or in other journals as he may deem necessary.

Entries in Register.

35. Every entry subsequent to the original entry in the Register of Patents shall be made in Form No. Pat. 11, and a copy of such entry shall be endorsed on the certificate under the hand and seal of the Registrar.

Advertisements.

36. Every grant of a certificate and every entry subsequent to the original entry in the Register of Patents shall be advertised at the expense of the applicant in the *Gazette* during such times and in such manner as the Registrar may direct.

FIRST APPENDIX.

<i>Fees.</i>	£	s.	p.
On application for a certificate of entry in the Register of Patents	2	0	0
For the advertisement in the <i>Gazette</i> of the grant of such certificate	1	0	0
On application made on assignment or transmission of certificate	2	0	0
On request to enter subsequent proprietor	2	0	0
On any other application or notice	-	10	0
For the advertisement in the <i>Gazette</i> of any application or other matter requiring to be published	-	15	0
For every search or inspection of the Register	-	10	0
For inspection of any specification	-	10	0
For every certificate under seal of the Registrar	1	0	0

SECOND APPENDIX.

Form No. Pat. 1.

The Patents Law, Cap. 200.

FORM OF AUTHORIZATION OF AGENT IN A MATTER OR PROCEEDING UNDER THE LAW.
(Rule 9.)

I (or We) (a).....

 have appointed (b)
 of.....
 to act as my (or our) agent for (c).....
 No.....
 and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.
 I (or We) hereby revoke all previous authorizations, if any, in respect of the same matter or proceeding.
 Dated this.....day of....., 19.....
 (d)
 Address (e)

- (a) Here insert name of grantee of patent.
- (b) Here insert name and address of agent.
- (c) Here state the particular matter or proceeding for which the agent is appointed, giving the reference number, if known.
- (d) If a firm or partnership it may be signed in the name or for and on behalf of the firm or partnership by anyone or more members thereof. If a body corporate it may be signed by a director or by the secretary or other principal officer.
- (e) Here insert the full trade or business address of the person appointing the agent.

Form No. Pat. 2.

The Patents Law, Cap. 200.

Fee: £2

APPLICATION FOR CERTIFICATE.

Application is hereby made for a certificate of the grant of letters patent in respect of letters patent granted in England, No. in the name of (a).....
 Address and description.....
 trading as.....
 who claim(s) to hold.....
 a valid patent in England in respect thereof. The following documents are transmitted herewith (b).....
 (Signature).....
 Dated the..... day of....., 19.....
 To the Registrar of Patents,
 Nicosia, Cyprus.

- (a) Here insert legibly the full name, address and description of the individual, firm or company. Add trading style (if any).
- (b) Set out list of documents sent.

Form No. Pat. 3. *The Patents Law, Cap. 200.*
 FORM OF ENTRY IN THE REGISTER OF PATENTS.

Number of application.....
 Date of application.....
 Name of applicant.....
 Address.....
 Calling.....
 Number and date of patent in the United Kingdom.....
 Nature of patent.....
 Documents, etc., filed in Registry.....
 No. of Letters Patent issued.....
 Date of issue.....

Form No. Pat. 4. *The Patents Law, Cap. 200.*
 CERTIFICATE OF ENTRY IN THE REGISTER OF PATENTS.

Number of certificate.....
 This is to certify that an entry has been made in the Register of Patents in the name of..... of..... as appears in the Schedule hereto.

2. This certificate is issued in pursuance of the provisions of the above mentioned Law.

Seal.

Registrar.

SCHEDULE

To contain a copy of the entry in the Register.

Form No. Pat. 5. *The Patents Law, Cap. 200.* Fee: £2

JOINT REQUEST BY HOLDER OF CERTIFICATE AND ASSIGNEE TO REGISTER THE ASSIGNEE AS SUBSEQUENT HOLDER.

We (a).....
 of (b)..... and (c).....
 of (d)..... hereby request that the name of (e)..... carrying on business as (f)..... at (g)..... may be entered in the Register of Patents as proprietor of Certificate No.....
 (h).....
 (i).....

To the Registrar of Patents,
 Nicosia, Cyprus.

- | | |
|---------------------------------------|---|
| (a) Name of holder of certificate | (f) Trade or business of assignee. |
| (b) Address of registered proprietor. | (g) Address of assignee. |
| (c) Name of assignee. | (h) Signature of registered proprietor. |
| (d) Address of assignee. | (i) Signature of assignee. |
| (e) Name of assignee. | |

Form No. Pat. 6. *The Patents Law, Cap. 200.* Fee: £2

REQUEST TO ENTER THE NAME OF SUBSEQUENT PROPRIETOR OF CERTIFICATE UPON THE REGISTER.

I (or We) (a)..... hereby request that you will enter my (or our) name(s) in the Register of Patents as the holder(s) of Certificate No..... I am (or We are) entitled to the said Certificate.

Accompanying this request is a statement of my (or our) case.....
 Signature.....

Dated this..... day of....., 19.....
 To the Registrar of Patents,
 Nicosia, Cyprus.

(a) Here insert name, address and description.

Form No. Pat. 7. *The Patents Law, Cap. 200.* *Fee: 10s.*

NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS ON REGISTER OF PATENTS.

In the matter of Certificate No.....

I (or We)..... of.....
the registered holder(s) of the certificate numbered as above desire that my (our) address on the Register of Patents be altered to.....

Signature of Proprietor.....

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

To the Registrar of Patents,
Nicosia, Cyprus.

Form No. Pat. 8. *The Patents Law, Cap. 200.* *Fee: 10s.*

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR.

In the matter of Certificate No.....

I (or We) being the..... hereby request that.....

Signature.....

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

To the Registrar of Patents,
Nicosia, Cyprus.

Form No. Pat. 9. *The Patents Law, Cap. 200.* *Fee: 10s.*

FORM OF APPEAL FROM THE REGISTRAR TO THE COURT.

I (or We)(a)..... of (b).....
hereby give notice of my (our) intention to appeal to the Court from (c).....
of the Registrar of the..... day of....., 19..... whereby he (d).....

Accompanying this notice is a statement of my (our) case for the decision of the Court.

Signature.....

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

To the Registrar of Patents,
Nicosia, Cyprus.

(a) Here insert name of appellant(s).

(b) Here insert address of appellant(s).

(c) Here insert "the decision" or "that part of decision", as the case may be.

(d) Here insert the decision complained of.

Form No. Pat. 10. *The Patents Law, Cap. 200.* *Fee: 10s.*

NOTICE OF ORDER OF COURT.

Notice is hereby given that by an Order of the Court made on the..... day of....., 19....., it was directed that.....

An office copy of the Order of the Court is enclosed herewith.

(a).....

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

To the Registrar of Patents,
Nicosia, Cyprus.

(a) To be signed by the person interested or his agent.

Form No. Pat. 11. *The Patents Law, Cap. 200.*

FORM OF SUBSEQUENT ENTRY IN THE REGISTER OF PATENTS.

Number of original certificate of entry :

Date of application :

Name of applicant :

Address :

Calling :

Nature of application :

Documents filed in Registry :

Nature of subsequent entry made :

Date of entry in Register and endorsement on original certificate :