

(14 December 2007 – to date)

PATENTS ACT 57 OF 1978

*(Government Notice 956 in Government Gazette 6012 dated 17 May 1978. Commencement date:
1 January 1979 – unless otherwise indicated)*

PATENT REGULATIONS, 1978

*Government Notice R2470 in Government Gazette 6247 dated 15 December 1978. Commencement date:
1 January 1979*

As amended by:

*Correction Notice R697 in Government Gazette 6379 dated 30 March 1979. Commencement date:
1 January 1979.*

*Government Notice R1110 in Government Gazette 9242 dated 30 May 1984. Commencement date:
30 May 1984.*

*Government Notice R1613 in Government Gazette 9346 dated 3 August 1984. Commencement date:
3 August 1984.*

*Government Notice R1364 in Government Gazette 10321 dated 4 July 1986. Commencement date:
4 July 1986.*

*Government Notice R1482 in Government Gazette 11436 dated 29 July 1988. Commencement date:
29 July 1988.*

*Government Notice R2703 in Government Gazette 12216 dated 15 December 1989. Commencement date:
1 January 1990.*

*Government Notice R3038 in Government Gazette 12919 dated 28 December 1990. Commencement date:
1 January 1991.*

*Government Notice R687 in Government Gazette 13096 dated 28 March 1991. Commencement date:
28 March 1991.*

*Government Notice R1566 in Government Gazette 13382 dated 5 July 1991. Commencement date:
5 July 1991.*

Government Notice R3163 in Government Gazette 13695 dated 27 December 1991. Commencement date:
1 January 1992.

Government Notice R3433 in Government Gazette 14498 dated 31 December 1992. Commencement date:
1 January 1993.

Government Notice R2514 in Government Gazette 15389 dated 31 December 1993. Commencement date:
1 January 1994.

Government Notice R478 in Government Gazette 16332 dated 31 March 1995. Commencement date:
1 April 1995.

Government Notice R49 in Government Gazette 16930 dated 19 January 1996. Commencement date:
22 January 1996.

Government Notice R309 in Government Gazette 17812 dated 28 February 1997. Commencement date:
1 March 1997.

Government Notice R963 in Government Gazette 18143 dated 11 July 1997. Commencement date:
14 July 1997.

Government Notice R250 in Government Gazette 19775 dated 26 February 1999 and Government Notice
R327 in Government Gazette 19845 dated 12 March 1999. Commencement date: **16 March 1999.**

Government Notice R824 in Government Gazette 20248 dated 28 June 1999. Commencement date:
1 July 1999.

Government Notice R1270 in Government Gazette 20565 dated 21 October 1999. Commencement date:
14 October 1999.

Government Notice R1552 in Government Gazette 20790 dated 30 December 1999 and corrected by
Government Notice 76 in Government Gazette 20837 dated 4 February 2000. Commencement date:
1 January 2000.

Government Notice 1432 in Government Gazette 21960 dated 29 December 2000. Commencement date:
1 January 2001.

Government Notice R309 in Government Gazette 22187 dated 30 March 2001. Commencement date:
1 April 2001.

Government Notice 746 in Government Gazette 22560 dated 17 August 2001. Commencement date:
1 September 2001.

Government Notice R1032 in Government Gazette 22750 dated 19 October 2001. Commencement dates as indicated in the notice.

Government Notice R216 in Government Gazette 23156 dated 1 March 2002. Commencement dates as indicated in the notice.

Government Notice 567 in Government Gazette 24800 dated 23 April 2003. Commencement date:
23 April 2003.

General Notice 1358 in Government Gazette 24845 dated 16 May 2003. Commencement date:
16 May 2003.

Government Notice 721 in Government Gazette 24934 dated 29 May 2003. Commencement date:
1 July 2003.

Government Notice 963 in Government Gazette 25161 dated 2 July 2003. Commencement date:
2 July 2003.

Government Notice R1343 in Government Gazette 25491 dated 23 September 2003. Commencement date:
15 September 2003.

General Notice 235 in Government Gazette 26026 dated 20 February 2004. Commencement date:
1 April 2004.

Government Notice R604 in Government Gazette 27713 dated 1 July 2005. Commencement date:
1 July 2005.

Government Notice R989 in Government Gazette 28104 dated 10 October 2005. Commencement date:
10 October 2005.

Government Notice R205 in Government Gazette 28579 dated 28 February 2006. Commencement date:
28 February 2006.

General Notice 1174 in Government Gazette 29154 dated 1 September 2006. Commencement date:
1 September 2006.

Government Notice R1181 in Government Gazette 29413 dated 1 December 2006. Commencement date:
1 January 2007.

Government Notice R449 in Government Gazette 29898 dated 25 May 2007. Commencement date:
25 May 2007.

*Government Notice R1226 in Government Gazette 30593 dated 14 December 2007. Commencement date:
14 December 2007 [Proc. No. 46, Gazette No. 30593].*

The Minister of Economic Affairs has, by virtue of the powers vested in him in terms of section 91 of the Patents Act, 1978 (Act 57 of 1978), made the following regulations and with the concurrence of the Minister of Finance prescribed the matters in respect of which fees shall be payable and the tariff of such fees set forth in Schedule 1 hereto:

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1. DEFINITIONS

In these regulations the expression "the Act" means the Patents Act, 1978, and, unless the context otherwise indicates, an expression used in these regulations to which a meaning has been assigned in the Act shall bear the meaning so assigned, and -

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Trade Marks Act, 1993 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), the

Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), the Close Corporations Act, 1984 (Act 69 of 1984), and the Companies Act, 1973 (Act 61 of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

'office' means the patent office established under section 5(1) of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'priority document' means a copy of the application and all relevant documents lodged with such application in a convention country certified by the authority with whom the application in the convention country was filed.

(Regulation 1 amended by regulation 1 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Regulation 1 substituted by regulation 2 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

1A. ELECTRONIC SERVICES

- (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

- (2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -
- (a) registration procedures;
 - (b) identification, authentication and verification;
 - (c) form and format of records;
 - (d) manner and form of payment;
 - (d) information security requirements; and
(Publisher's note – Numbering as published in the original Government Gazette)
 - (e) record retention requirements.
- (3) The operational requirements may be published in different forms over different parts of the CIPRO portal.
- (4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO customer entering his access code on the CIPRO system and any record lodged after the CIPRO customer having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.
- (5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.
- (6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.
- (7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so: Provided that proper notice of such suspension or termination shall be given and that such suspension or termination will not effect existing rights of any person who has been using such electronic services.

(Regulation 1A inserted by regulation 3 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

CHAPTER I

PROCEDURE IN THE PATENT OFFICE

2. Fees

The fees to be paid in terms of the Act shall be the fees specified in Schedule 1 to these regulations and shall be payable in such manner as the registrar may direct.

(Regulation 2 substituted by regulation 4 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

3. Forms

The forms referred to in these regulations are the forms contained in Schedule 2 hereto and such forms, whether in paper form or in any electronic form authorized by the registrar for electronic services, shall be used substantially in the manner prescribed for those cases to which they apply, but may be modified or amended with the approval of the registrar provided that such modifications or amendments shall not substantially affect their identity.

(Regulation 3 substituted by regulation 5 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

4. The register and indices

The registrar shall cause to be entered in the register the particulars called for in form P 2.

5. The registrar shall maintain an alphabetical index of the names of all applicants for patents, inventors and patentees on the register and may also maintain an alphabetical index of the names of all assignees of patents or patent applications, registered licensees and hypothec holders on the register.

6. The registrar shall maintain an index of all granted patents according to their classification.

7. Office hours

(1) The office will be open to the public from Mondays to Fridays from 08:00 to 15:00 except on the following days:

- (a) All days proclaimed public holidays in terms of any law; and
- (b) days which may from time to time be notified by placard posted in a conspicuous place at the office.

(Regulation 7(1) substituted by regulation 2 of Government Notice R989 in Government Gazette 28104 dated 10 October 2005)

- (2) Whenever the last day fixed by the Act or by these regulations for doing anything falls on a day when the office is not open to the public it shall be lawful to do any such thing on the day next following such excluded day, or days, if two or more of them occur consecutively.

8. Power of attorney

- (1) Any agent appointed to act on behalf of any person shall file a power of attorney on form P 3.
- (2) On termination of the authority of an agent referred to in subregulation (1) the person concerned may act on his own behalf or appoint any other agent to act for him. Such other agent shall file a power of attorney.
- (3) The registration of an assignment shall not revoke a power of attorney previously given, unless the assignee files a power of attorney in terms of subregulation (2).
- (4) An agent who withdraws from proceedings under the Act may do so on notice to the registrar.
- (5) Upon withdrawal of an agent the provisions of subregulation (2) shall apply.
- (6) Where any change is made in the authorisation of an agent referred to in subregulation (1) the principal shall, within one month of the date of such change or such further period as the registrar may allow, change his address for service in terms of section 87 of the Act by lodging form P 4.

9. Address for service

On all documents lodged in terms of the Act there shall be stated the address for service of the person by or on behalf of whom the document has been lodged.

10. Any change of address for service shall be made by lodging form P 4.

11. Corrections or alterations

Except where specific provision is made for the use of special forms, any application or request to the registrar for the correction of an error in any document or for the alteration of any entry on a document or on the register shall be made on form P 4.

12. Documents

Subject to the provisions of section 30(6)(c) of the Act, all documents other than drawings, priority documents or a specification lodged in terms of section 30(6)(a)(iii) shall be in one of the official languages of the Republic.

13. All documents shall be so presented as to permit of direct reproduction by photography, reprography or electronic means, as the case may be, in an unlimited number of copies. Where paper forms are used, all sheets shall be free of cracks, creases and folds. Only one side of a sheet shall be used, except where otherwise specified.

(Regulation 13 substituted by regulation 6 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

14. All documents which are not photocopies of other documents shall be on A4 paper which shall be strong, pliable, smooth, matt and durable or in such electronic form as authorized by the registrar for electronic services. Each sheet shall be used with its short sides at the top and bottom (except where inappropriate in the case of drawings).

(Regulation 14 substituted by regulation 2 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Regulation 14 substituted by regulation 7 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

15. Except for drawings, the minimum margins (which shall be kept completely blank) shall be as follows:

Top: 20mm.

Left side: 25 mm.

Right side: 15 mm.

Bottom: 10 mm.

16. In all original typed documents the typing shall be 1½ line spacing or double spacing. The capital letters used shall be not less than 2,1 mm high. All documents except drawings shall be in typescript or printed and shall be in dark, durable colour.

(Regulation 16 amended by regulation (b)(i) of Correction Notice R697 in Government Gazette 6379 dated 30 March 1979)

17. Units of weight and measures shall be expressed in terms of the metric system. If a different system is used, such units shall also be expressed in terms of the metric system. Temperatures shall be expressed in degrees Celsius. If a different system is used, such temperatures shall also be expressed in degrees Celsius. For the other physical values, the units recognised in international practice shall be used. For mathematical formulae the symbols in general use, and for chemical formulae the symbols, atomic weights and molecular formulae in general use, shall be employed. In general, use should be made of technical terms, signs and symbols generally accepted in the field in question.

(Regulation 17 substituted by regulation 1 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

18. If a formula or symbol is used in the specification a copy of such formula or symbol, prepared in the same manner as drawings, shall be filed if the registrar so directs.
19. All documents, including drawings, shall be reasonably free from erasures and from alterations, overwritings[*sic*] and interlineations and shall, in any event, be legible.

20. Drawings

Drawings accompanying an application shall be on sheets of A4 size and the minimum margins shall be the same as those set out in regulation 15, except that below the top margin there shall be a space clear of any drawing matter to leave space for the name of the applicant, the application number and the numbering of the sheets and that at the bottom righthand corner there shall be a space within the margin and not occupied by drawing matter for the signature of the applicant or his agent. All reference signs appearing on the drawings shall be simple and clear.

21. Drawings shall be on strong, pliable, smooth, matt and durable drawing paper or on strong, pliable, smooth, matt and durable tracing cloth or in such electronic form as authorized by the registrar for electronic services and shall be executed without colouring in durable, black, sufficiently dense and dark, uniformly thick and well defined lines and strokes to permit of satisfactory reproduction.

(Regulation 21 substituted by regulation 3 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Regulation 21 substituted by regulation 8 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

22. Application for the grant of patents

- (1) An application for a patent shall be made on form P 1 and shall be accompanied by the following documents:
 - (a) Form P 1, in duplicate, one copy of which shall be returned to the applicant as proof of lodging;
 - (b) form P 2 in duplicate;
 - (c) a declaration and power of attorney on form P 3;
 - (d) where the applicant has acquired a right to apply from the inventor, an assignment or other proof, to the satisfaction of the registrar, of the right of the applicant to apply;
 - (e) a single copy of a provisional specification on form P 6 or two copies of a complete specification on form P 7;

- (eA) a statement in terms of section 30(3A) on Form P 26, if the application is accompanied by a complete specification;

*(Regulation 22(1)(eA) inserted by regulation 1 of Government Notice R205 in Government Gazette 28579 dated 28 February 2006 – **withdrawn** by Government Notice R1125 in Government Gazette 30593 with effect from 28 February 2006)*

(Regulation 22(1)(eA) reinserted by regulation 1 of Government Notice R1226 in Government Gazette 30593 dated 14 December 2007)

- (f) drawings, in the prescribed manner, if drawings are necessary to exemplify the invention; and
- (g) an abstract on form P 8, in duplicate, if the application is accompanied by a complete specification.

(2) ...

(Regulation 22(2) deleted by regulation 4 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

23. A convention application, if not made by the applicant in the convention country, shall also contain an assignment or other proof, to the satisfaction of the registrar, of the applicant's right to claim priority.
24. An application claiming priority under the Act from any prior application to the patent office shall contain a copy, in duplicate, on form P 2 of such prior application as well as the specification lodged in support of such prior application.
25. In addition to the documents required under regulations 22 and 23, a convention application shall also contain a copy, certified to the satisfaction of the registrar, of the priority document. If any such document is in a language other than an official language of the Republic, the certified copy shall be accompanied by the translation thereof into one of the official languages, which translation shall be verified to the satisfaction of the registrar. Priority documents shall be lodged within six months of the lodging of the application or within such further period as the registrar may allow on request.

(Regulation 25 substituted by regulation 2 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

26. After grant of a patent an updated copy of form P 2 shall accompany the letters patent.

27. Provisional specification

A provisional specification shall commence on form P 6 and be continued on a new page with a description of the invention and shall be signed at the end of the description by the applicant or his agent.

28. Complete specification

A complete specification shall commence on form P 7 and shall be signed at the end thereof by an agent.

28bis.

- (1) A complete specification which claims as an invention a microbiological process or a product thereof shall, where no samples of the micro-organism in question are available to the public as required by section 32(6) of the Act, only be deemed fully to describe, ascertain and disclose the invention in terms of section 32(3)(b) and (c) if before acceptance of the application -
 - (a) a culture of the micro-organism has been deposited in a culture collection recognised by the European Patent Office for the purpose of rule 28 of the implementing regulations to the convention on the granting of European Patents;
 - (b) the complete specification gives such relevant information as is available to the applicant on the characteristics of the micro-organism;
 - (c) the complete specification gives the date when the culture was deposited, the culture collection in which it was deposited and the file number of the deposit.
- (2) Before an application for a patent referred to in regulation 28bis (1) can be accepted, the applicant must furnish proof to the satisfaction of the Registrar that samples of the micro-organism in question are available from such culture collection to the public in the Republic of South Africa.

(Regulation 28bis inserted by regulation 1 of Government Notice R1110 in Government Gazette 9242 dated 30 May 1984)

28A. Microbiological processes and products

- (1) If the complete specification accompanying an application claims as an invention a microbiological process or a product thereof and requires for the performance of the invention the use of a micro-organism which is not available to the public on the date of lodging the application and which cannot be made or obtained on the basis of the description in the specification, the following provisions shall apply:
 - (a) Not later than the date of lodging the application, a culture of the micro-organism shall be deposited with a depositary institution which has acquired the status of international depositary authority as provided for in the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure;
 - (b) Subject to subregulation (2), the complete specification shall state the name, or a recognised abbreviation, of the international depositary authority with which the culture was deposited and the accession number given to the deposit by the international depositary authority; and

- (c) The complete specification, as lodged, shall give such relevant information as is available to the applicant on the characteristics of the micro-organism.
- (2) Where the information specified in subregulation (1)(b) is not contained in the complete specification as lodged, it may be added to the complete specification in accordance with section 50(1)(b) of the Act at any time before the date of publication in terms of section 42 of the Act or before coming open to public inspection in terms of section 43(3) of the Act, whichever is the earlier.
- (3) The communication of the information provided for in subregulation (1) shall be considered as constituting the unreserved and irrevocable consent of the applicant to make the deposited culture available to the public in accordance with this regulation from the date contemplated in subregulation (2).
- (4) A sample of the deposited culture shall be furnished to any person (hereinafter referred to as the "requesting party") from the date contemplated in subregulation (2) provided that the requesting party makes a valid request therefor to the international depositary authority with which the culture is deposited.
- (5) A request for the furnishing of a sample of the deposited culture shall be valid if it is lodged on Form P23 as set out in Schedule 2 and the Registrar has certified on that form that a patent or patent application referring to the deposit of the culture has been published in terms of section 42 of the Act or has come open to public inspection in terms of section 43(3) of the Act, as the case may be, and that the requesting party is entitled to the furnishing of a sample of the deposited culture.
- (6)
 - (a) The Registrar shall not make the certification referred to in subregulation (5) unless the Registrar has received a request on Form P24 as set out in Schedule 2.
 - (b) The request shall contain an undertaking from the requesting party vis-à-vis the patentee that the requesting party shall not make the deposited culture, or any culture derived therefrom, available to any third party until the patent application has been abandoned or has lapsed, or until the patent ceases to have effect by way of expiration, revocation, voluntary surrender, or lapsing without the possibility of renewal in accordance with section 46 of the Act, as the case may be.
- (7) An undertaking given on Form P24 as set out in Schedule 2 in accordance with subregulation (6) shall not prevent the requesting party concerned from depositing with an international depositary authority a derived culture or the culture itself necessary for the purpose of complying with section 32(6) of the Act.
- (8) For the purpose of subregulation (6) or (7), a derived culture shall be deemed to be any culture of the micro-organism which exhibits those characteristics of the deposited culture which are essential to the

carrying out of the invention described in the complete specification in which reference is made to the deposited culture.

(9) Where the patentee is notified-

- (a) by the international depositary authority with which the culture of the micro-organism has been deposited that the depositary institution is unable, for any reason, to furnish samples of the culture; or
- (b) in writing by a requesting party that the depositary institution with which the culture of the micro-organism has been deposited is unable, for any reason, to satisfy a valid request by the requesting party for the furnishing of a sample of the culture,

and, if a culture of the micro-organism has not been transferred to or deposited with another international depositary authority from which samples of the culture can be furnished, the patentee shall, within a period of six months from the date on which he was so notified-

- (i) make a new deposit of a culture of the micro-organism with the international depositary authority with which the original deposit was made;
 - (ii) furnish to the international depositary authority with which the new deposit is made a statement alleging that the newly deposited culture is the same as that originally deposited; and
 - (iii) apply to substitute, in the complete specification of the patent, in accordance with section 50(1)(b) of the Act, the accession number given to the new deposit and, where applicable, the name of the international depositary authority with which the new deposit has been made.
- (10) Where the patentee has been notified in terms of subregulation (9) by a requesting party, the patentee shall, within two months of complying with subregulation (9)(i) to (iii), inform the requesting party of the accession number of the new deposit and, where applicable, the name of the international depositary authority with which the new deposit has been made.
- (11) On compliance with the provisions of subregulation (1) and (2) and, where applicable, subregulation (9), the complete specification shall be deemed fully to describe and ascertain the invention and the manner in which it is to be performed in so far as the relevant micro-organism is concerned.

(Regulation 28A inserted by regulation 1 of Government Notice R963 in Government Gazette 18143 dated 11 July 1997)

29. Title

The title of an invention shall be as short and specific as possible and shall be descriptive of the nature of the invention claimed. Words such as “improved”, “relating to” and the like shall not appear in the title.

30. Claims

Each category of claims (product, process, apparatus, use and the like) shall as far as practicable, be arranged in order of decreasing scope.

31. Abstract

The abstract on form P 8 shall be that of the technical disclosure contained in the complete specification, but shall not be used to interpret the scope of the claims. It shall be in narrative form and generally limited to a single paragraph of not more than 150 words. The form and phraseology of patent claims shall be avoided. Features mentioned in the abstract and illustrated in the drawing chosen therefor may be followed by the reference sign used in that drawing.

32. Drawings in a provisional specification

Drawings accompanying a provisional specification shall be capable of reproduction by photocopy or reprography.

33. Declaration

Form P 3 shall be lodged within six months of the lodging of any application or within such further time as the registrar may on request allow.

33A.

- (1) Form P 26 shall be lodged within six months of the lodging of an application accompanied by a complete specification, or within such further time as the registrar may on request allow.
- (2) Where the Form P 26 contains a statement that the invention for which protection is claimed is based on or derived from an indigenous biological resource, a genetic resource, or traditional knowledge or use, the applicant shall, before acceptance of the application furnish the registrar with proof of his or her title or authority to make use of the indigenous biological resource, the genetic resource, or the traditional knowledge or use, by lodging with the registrar one or more of the following:
 - (a) a copy of the permit issued in terms of Chapter 7 of the National Environmental Management: Biodiversity Act, 2004;
 - (b) if applicable, proof that prior consent had been obtained as contemplated in section 82(2)(a) or 82(3)(a) of the National Environmental Management: Biodiversity Act. 2004;

- (c) if applicable, proof of a material transfer agreement as contemplated in section 82(2)(b)(i) of the National Environmental Management: Biodiversity Act, 2004;
 - (d) if applicable, proof of a benefit-sharing agreement as contemplated in section 82(2)(b)(ii) or 82(3)(b) of the National Environmental Management: Biodiversity Act, 2004;
 - (e) if applicable, proof of co-ownership of the invention for which protection is claimed;
 - (f) any other proof to the satisfaction of the registrar.
- (3) Any delay which occurs in the lodgment of a document as contemplated in subregulation (2) and which is not due to any act or omission on the part of the applicant shall be deemed to be a delay as contemplated in section 40(c).

*(Regulation 33A inserted by regulation 2 of Government Notice R205 in Government Gazette 28579 dated 28 February 2006 – **withdrawn** by Government Notice R1125 in Government Gazette 30593 with effect from 28 February 2006)*

(Regulation 33A reinserted by regulation 2 of Government Notice R1226 in Government Gazette 30593 dated 14 December 2007)

34. Application for a patent of addition

An application in terms of section 39 (1) for a patent of addition shall be made on form P 1 and shall be accompanied by a complete specification.

- 35.** A request for the revocation of an independent patent and the grant of a patent of addition in terms of section 39(3) shall be made on form P 4 and shall be accompanied by form P 1 and the letters patent of the independent patent.
- 36.** The complete specification of an application for a patent of addition shall set out the relationship between the invention described or claimed in it and that described or claimed in the complete specification of the main invention.

37. Application to amend, or to lodge a fresh application

- (1) A fresh application under section 37 shall be made on form P 1 accompanied by a complete specification and a request for ante-dating on form P 4.
- (2) An application under section 38(1) to change a complete specification to a provisional specification shall be made on form P 4.

- (3) An application for the post-dating of an application referred to in section 38(2) shall be made on form P 4.

38. Late lodging of documents

A document which did not accompany an application in terms of regulation 22(1) shall be lodged on form P 5.

39. Requests and applications to the registrar

Unless otherwise provided, any request or application to the registrar shall be made on form P 4 in duplicate quoting the section of the Act or the regulation or both under which relief is sought and shall set out the relief, claimed. The duplicate of the form shall be returned to the applicant or his agent.

40. Examination

Any application accompanied by a provisional specification shall be examined to ensure that the documents lodged are legible and capable of reproduction.

41. The registrar shall examine the application accompanied by a complete specification in order to ensure that it complies with the prescribed formalities.
42. The applicant shall remedy any defect or comply with any direction under regulation 18, 22(2), 40 or 41 within a period of three months or, subject to the provisions of section 40 of the Act, within such further period as the registrar may on request allow.
43. If an applicant fails to comply with a direction under regulation 42 within the prescribed time or any extension thereof, the application may be treated as being abandoned and the applicant may request the return of the documents on form P 4, provided that such documents do not relate to documents which are open to public inspection in terms of section 43(3) of the Act.

44. Acceptance

As soon as the registrar is satisfied that an application accompanied by a complete specification complies with the requirements of the Act, and unless there has been a request to delay acceptance, he may accept the application and give written notice thereof which shall be accompanied by form P 8.

45. Subject to the provisions of section 40 of the Act, an applicant may request the registrar to delay acceptance of the application to a date not later than 18 months from the date of application. If he desires that the acceptance be withdrawn he shall apply on form P 4.

46. Publication of acceptance

Prepared by:

When notice of acceptance of an application has been given by the registrar, the applicant shall advertise the acceptance in the journal within three months of such acceptance or within such further time as the registrar may allow on request on form P 4.

46A. Particulars of Search Reports

- (1) An application in terms of section 43(4)(a) for the patentee to supply the applicant with the prescribed particulars of any search report issued in another country shall be made on form P4 in triplicate.
- (2) The Registrar shall forward one copy of form P4 to the patentee at the patentee's address for service and shall return a further copy to the applicant as receipt of the application.
- (3) The prescribed particulars referred to in section 43(4)(a) shall be the full details required to identify all documents cited in a search report in respect of a patent application relating to the same subject matter lodged in another country.
- (4) An application in terms of section 43(4)(c) shall be initiated by way of a notice of motion.

(Regulation 46A inserted by regulation 5 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

47. Sealing of a patent

A patent shall be sealed on the date of publication in the journal, in the form set out in Schedule 5 to these regulations or in such modified form as, the registrar may direct.

48. Renewals

- (1) If it is desired, at the date of sealing or at the expiration of the third year from the date referred to in section 46(1) of the Act, whichever is the latter, or at the expiration of any succeeding year during the term of the patent, to keep the patent in force, the renewal fees set out in item 8 of Schedule 1 shall be paid by lodging form P10 before the expiration of that year.

(Regulation 48(1) substituted by regulation 3 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

- (2) All or any of the renewal fees may be paid in advance.
- (3) A request for an extension of time to pay a renewal fee shall be made on form P 10, which should indicate the reason for the late payment of such fee.

49. Restoration

Prepared by:

An application under section 47 of the Act for the restoration of a patent which has lapsed through non-payment of renewal fees shall be made by way of an *ex parte* application to the registrar in a form as near as possible to the form used for notice of motion proceedings.

50. If the registrar is satisfied that a *prima facie* case has been made out, he shall advertise the application once in the journal.

51. At any time within two months of date of the advertisement of the application any person may oppose the restoration of the patent in terms of Chapter III of these regulations.

52. Amendment of specifications

(1) An application to amend a provisional specification shall be made on form P 11.

(2) An application to amend a complete specification shall be made on form P 12 or P 13, as the case may be, and a supplementary disclosure, if any, shall be made on form P 14.

53. If the registrar is satisfied that an application on form P 13 is in compliance with the Act, he may direct the patentee to advertise the amendment once in the journal. An application so advertised may be opposed within two months of the date of such advertisement in terms of Chapter III of these regulations.

54. Opposition proceedings before the registrar

Any person who has been notified of a proposed action by the registrar and who opposes such action or who opposes any such action advertised in the journal in regard to a matter to be determined by the registrar shall do so within two months of dispatch of such notification to him or within two months from the date of the relevant advertisement in the journal.

55. Such opposition shall be lodged on form P 15, which shall, if necessary, be accompanied by any documents to be relied upon and, if any other party is involved in the matter, copies of form P 15 and the documents shall be served upon him and proof of service furnished to the satisfaction of the registrar.

56. Any person who may wish to become a party to the proceedings may, within two months of the date of the notification or date of advertisement in the journal or within any such extended period as may be allowed by the registrar, file a reply on form P 15, accompanied by the relevant documents. Form P 15 and the relevant documents shall be served on the other party in the matter and proof of service furnished to the satisfaction of the registrar.

57. When a reply has been filed or the period for filing thereof has expired and a reply has not been filed, the registrar may appoint a time and date for himself to determine the matter and notify the parties of the time and date thus appointed.

58. Title to and interest in inventions, patent applications and patents

An application for the recording of an assignment, shall be made in duplicate on form P 16 accompanied by proof of title of such assignment.

59. Any such application shall be made within six months of the event entitling the applicant to request a recording: Provided that the registrar may extend this time limit if so requested on form P 4, and on payment of the fee prescribed in item 4(r) of Schedule 1.

60. A warrant or writ of execution or an attachment order in respect of a patent application or a patent shall be served at the address for service of the applicant or the patentee and a copy shall be lodged with the registrar on form P 16 for recording in the register.

61. An entry of any attachment may be removed from the register on a request made to the registrar on form P 4.

62. An application to record a licence against a patent shall be made on form P 16 within six months of the event entitling the recording of such licence, or within six months of the grant of the patent, if the licence agreement was before such grant: Provided that the registrar may extend this time limit on application on form P 4 and on payment of the fee prescribed in item 4(r) of Schedule 1.

63. The recording of a licence may be cancelled on request to the registrar on form P 4 accompanied by proof, to the satisfaction of the registrar, that the licence has been cancelled or otherwise terminated.

64.

(1) The hypothecation of a patent application shall be recorded in the register on application on form P 16 accompanied by the deed of hypothecation.

(2) The application shall also be served on the applicant or the patentee, as the case may be, and any other person recorded in the register as having an interest in the patent, and proof of service shall be furnished to the satisfaction of the registrar.

65. The recording of the hypothecation may be removed from the register on application to the registrar on form P 4, accompanied by such proof of the termination of the hypothecation as the registrar, may require.

66. Endorsement or cancellation of endorsement on patent

An application for the endorsement or the cancellation of an endorsement of the words “licences of right”, in terms of section 53 and 54 of the Act, shall be made on form P 4 within two months after the date giving rise to such endorsement or cancellation thereof.

67. Voluntary surrender of patent

An application for the surrender of a patent shall be made on form P 21.

CHAPTER 1A PROCEDURE IN THE PATENT OFFICE IN RELATION TO INTERNATIONAL APPLICATIONS

67A. International application lodged with the patent office as receiving office

For the purposes of section 43C(a), and subject to the provisions of rule 16bis of the regulations under the Patent Cooperation Treaty, the applicant shall pay to the patent office-

- (a) the transmittal fee specified in Schedule 1 to these regulations within one month of the date on which the international application was lodged; and
- (b) the international fee and the search fee specified in rules 15 and 16, respectively, of the regulations under the Patent Cooperation Treaty within the time limits specified therein.

(Regulation 67A inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

67B. National phase entry form

- (1) The national fee prescribed in section 43E(1)(a) shall be paid by the applicant on form P25, in duplicate, one copy of which shall be returned by the Registrar to the applicant as proof of payment.
- (2) The translation referred to in section 43E(1)(b) shall be lodged within six months of the date of lodgement of form P25.

(Regulation 67B(2) inserted by regulation 1(a) of Government Notice 567 in Government Gazette 24800 dated 23 April 2003)

(Regulation 67B(2) again inserted by regulation 1(a) of General Notice 1358 in Government Gazette 24845 dated 16 May 2003)

- (3) Within one month of complying with section 43E(1)(a), the applicant shall lodge a form P2.

(Regulation 67B(2) renumbered to (3) and substituted by regulation 1(b) of Government Notice 567 in Government Gazette 24800 dated 23 April 2003)

(Regulation 67B(2) again renumbered to (3) and substituted by regulation 1(b) of General Notice 1358 in Government Gazette 24845 dated 16 May 2003)

- (4) Within six months of complying with section 43E(1)(a), or within such further time as the Registrar may on request allow, the applicant shall lodge a form P3.

(Regulation 67B(3) renumbered to (4) and substituted by regulation 1(b) of Government Notice 567 in Government Gazette 24800 dated 23 April 2003)

(Regulation 67B(3) again renumbered to (4) and substituted by regulation 1(b) of General Notice 1358 in Government Gazette 24845 dated 16 May 2003)

- (5) Within six months of complying with section 43E(1)(a), or within such further time as the registrar may on request allow, an applicant shall lodge a statement in terms of section 30(3A) on Form P 26.

*(Regulation 67B(5) inserted by regulation 3 of Government Notice R205 in Government Gazette 28579 dated 28 February 2006 – **withdrawn** by Government Notice R1125 in Government Gazette 30593 with effect from 28 February 2006)*

(Regulation 67B(5) reinserted by regulation 3 of Government Notice R1226 in Government Gazette 30593 dated 14 December 2007)

(Regulation 67B inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

67C. Entering national phase under chapter I of the Patent Cooperation Treaty

Where the Republic has not, before the expiration of 19 months from the priority date referred to in article 2(xi) of the Patent Cooperation Treaty, been elected for the purposes of international preliminary examination -

- (a) the time limit applicable under article 22 of the Patent Cooperation Treaty, as referred to in section 43E(1), shall be 31 months from the priority date;

(Regulation 67C(a) amended by regulation 2 of Government Notice 567 in Government Gazette 24800 dated 23 April 2003)

(Regulation 67C(a) again amended by regulation 2 of General Notice 1358 in Government Gazette 24845 dated 16 May 2003)

- (b) the contents of the translation referred to in section 43E(1)(b) shall include -

(i) the description;

(ii) the claims (if amended under article 19 of the Patent Cooperation Treaty, as so amended);
and

(iii) any textual matter on the drawings, if any.

(Regulation 67C inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

67D. Entering national phase under chapter II of the Patent Cooperation Treaty

Where the Republic has, before the expiration of 19 months from the priority date referred to in article 2(xi) of the Patent Cooperation Treaty, been elected for the purposes of international preliminary examination -

- (a) the time limit applicable under article 39 of the Patent Cooperation Treaty, as referred to in section 43E(1), shall be 31 months from the priority date;
- (b) the contents of the translation referred to in section 43E(1)(a) shall include -
 - (i) the description (if amended by any amendments annexed to the international preliminary examination report, as so amended);
 - (ii) the claims (if amended by any amendments annexed to that report, as so amended);
 - (iii) any textual matter on the drawings (if any and if amended by any amendments annexed to that report, as so amended).

(Regulation 67D inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

67E. Missing translation of an amendment

- (1) Where the applicant fails to file a translation of an amendment referred to in regulation 67C or 67D, the registrar shall request the applicant to furnish the missing translation within a time limit which shall be reasonable in the circumstances and which shall be fixed in the request.

- (2) ...

(Regulation 67E(2) deleted by regulation 3 of Government Notice 567 in Government Gazette 24800 dated 23 April 2003)

(Regulation 67E(2) again deleted by regulation 3 of General Notice 1358 in Government Gazette 24845 dated 16 May 2003)

(Regulation 67E inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

67F. Appointment of agent

Regulations 9 and 10 shall apply to section 43F(3)(a)(ii) and the prescribed time referred to in section 43F(3)(a)(ii) shall be six months calculated from the date on which the applicant complies with the requirements of section 43E(1), or such further period as the registrar may on request allow.

(Regulation 67F inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Regulation 67F substituted by regulation 4 of Government Notice 567 in Government Gazette 24800 dated 23 April 2003)

(Regulation 67F again substituted by regulation 4 of General Notice 1358 in Government Gazette 24845 dated 16 May 2003)

67G. Convention application

- (1) Where the applicant has failed to comply with rule 17.1 of the regulations under the Patent Cooperation Treaty, the applicant shall lodge with the patent office a copy, certified to the satisfaction of the registrar, of the priority document within six months of the applicant complying with section 43E(1) or within such further period as the registrar may on request allow.
- (2) If the priority document is in a language other than English, a translation thereof into one of the official languages, verified to the satisfaction of the registrar, shall be lodged with the patent office within six months of the applicant complying with section 43E(1) or within such further period as the registrar may on request allow.

(Regulation 67G inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

67H. Acceptance, publication and sealing

Subject to the provisions of section 40, when read with section 43F(h), sections 42 and 44 and regulations 44 and 47 shall apply *mutatis mutandis* to the national phase of an international application.

(Regulation 67H inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Regulation 67H substituted by regulation 5 of Government Notice 567 in Government Gazette 24800 dated 23 April 2003)

(Regulation 67H again substituted by regulation 5 of General Notice 1358 in Government Gazette 24845 dated 16 May 2003)

67I. Renewals

- (1) If a patent issues on an application filed in terms of section 43 three months or more before the expiration of 36 months from the international filing date, regulation 48 shall apply.

- (2) If a patent issues on an application after the expiration of 36 months from the international filing date or less than three months prior to such expiration date, the patentee shall pay any renewal fees payable in terms of regulation 48(1) within six months of the date of publication in terms of section 42 or such further period as the registrar may, in terms of the proviso to section 43(2) and on compliance with regulation 48(3), allow. Thereafter regulation 48 shall apply.

(Regulation 67I inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Regulation 67I substituted by regulation 1 of Government Notice R327 in Government Gazette 19845 dated 12 March 1999)

(Chapter IA inserted by regulation 6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

CHAPTER II

PATENT AGENTS AND PATENT ATTORNEYS

- 68.** There shall be kept at the office a register wherein shall be entered the full names, business addresses and dates of registration of all patent agents and patent attorneys.
- 69.** The register kept in terms of regulation 63 of the Patent Regulations, 1962, shall be deemed to form part of the register kept in terms of regulation 68.
- 70.** An application to be registered as a patent agent or a patent attorney shall be made on form P 17 and shall be accompanied by evidence, to the satisfaction of the registrar, that the applicant is entitled to be so registered.
- 71.** If the registrar is satisfied that the applicant is entitled to be registered, he shall enter his name on the register of patent agents and patent attorneys and issue a certificate to this effect.
- 72.**
- (1) A request for the removal from the register of the name of a patent agent or a patent attorney in terms of section 23(1)(a) of the Act shall be made on form P 18 and the applicant for removal shall provide proof to the satisfaction of the registrar that a copy of that form has been served on the South African Institute of Intellectual Property Law and on the law society concerned. If no objection is received from the Institute or the law society concerned within two weeks of the date of service of the copies on them, the registrar shall remove the name of the applicant from the register.
- (2) If the South African Institute of Intellectual Property Law or the law society concerned, as the case may be, gives notice of its intention to be heard, it shall serve notice, together with any documents on which it intends to rely at the hearing, on the person concerned and on the registrar.

- (3) The registrar shall appoint a time and date for the hearing and advise all parties concerned accordingly.

(Regulation 72 amended by regulation 7 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

73.

- (1) An application by the registrar for the suspension from practice or the removal of the name of a person from the register of patent agents and patent attorneys in terms of sections 23(1)(b)(i) and 23(4)(a) of the Act shall be commenced by way of motion proceedings and copies of all relevant documents shall be served on the person concerned, the South African Institute of Intellectual Property Law and the law society concerned.
- (2) An application by the South African Institute of Intellectual Property Law for the suspension from practice or the removal of the name of a person from the register of patent agents and patent attorneys in terms of sections 23(1)(b)(ii) and 23(4)(b) of the Act shall be made by way of motion proceedings and copies of all relevant documents shall be served on the registrar and the law society concerned.
- (3) Thereafter, the procedure applicable shall be governed by the Uniform Rules of Court of the Supreme Court of South Africa, 1965.

(Regulation 73 amended by regulation 7 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

74.

- (1) A patent agent or patent attorney whose name has been removed from the register or suspended from practice in terms of section 23 of the Act and who wishes to be employed, in terms of section 24(4) of the Act, in any capacity connected with the profession of a patent agent or patent attorney shall lodge an application on form P 4, which application shall be accompanied by the prescribed fee and by evidence on affidavit of the circumstances of the case and of the present character and behaviour of the person seeking to be employed. Such application shall be served on the South African Institute of Intellectual Property Law, and the proof of such service shall be lodged with the registrar. If no objection is received from the Institute within one month of the service upon it of the application, the registrar may decide the matter in the absence of the Institute.
- (2) An agent who wishes to employ, in terms of section 24(5) of the Act, a patent agent or patent attorney whose name has been removed from the register or suspended from practice in terms of section 23 of the Act shall lodge an application on form P 4, which application shall be accompanied by the prescribed fee and by evidence on affidavit of the circumstances of the case and of the present character and behaviour of the person he wishes to employ. Such application shall be served on the South African

Institute of Intellectual Property Law and the proof of such service shall be lodged with the registrar. If no objection is received from the Institute within one month of the service upon it of the application, the registrar may decide the matter in the absence of the Institute.

(Regulation 74 amended by regulation 7 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

75. Attorneys entitled to practice as patent agents

An attorney who wishes to continue, after 1 January 1984, to have rights of representation, in terms of section 22(1) of the Act, without having been registered as a patent attorney may apply to the registrar for an extension of such rights on form P 4. The application shall be accompanied by evidence on affidavit of his activities in the past five years in representing parties in matters or proceedings under the Act, and of his activities and preparation to become registered as a patent attorney, together with any other reasons for the extension of such rights. Proof of service of his application on the South African Institute of Intellectual Property Law and on the law society concerned shall be furnished to the satisfaction of the registrar.

(Regulation 75 amended by regulation 7 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

CHAPTER III
THE COURT OF THE COMMISSIONER OF PATENTS

76. Proceedings before the commissioner of patents may be initiated by way of -

- (a) a notice of appeal;
- (b) a notice of opposition;
- (c) an application for revocation;
- (d) an application for extension of term;
- (e) a notice of motion;
- (f) summons.

77. When any proceeding referred to in regulation 76 is initiated the registrar shall act as the registrar of the court of the commissioner of patents and shall open a separate file for that proceeding.

(Regulation 77 substituted by regulation 8 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

78. Reasons of registrar

When any person objects to any order or decision of the registrar he may, within one month of the date of the registrar's order or decision or such further time as the registrar may allow, on form P 4 request the registrar to state in writing the grounds for his decision and the data used by him in arriving thereat. The date of such statement shall be deemed to be the date of the registrar's order or decision for the purpose of appeal.

79. Appeals to the commissioner

A notice of appeal shall be lodged with the registrar of the Court of the Commissioner of Patents and shall be served on the registrar and on any other party to the proceedings before the registrar, within two months of the statement referred to in regulation 78.

80. Any notice of appeal shall be accompanied by a copy of the reasons of the registrar under regulation 78 and shall be in accordance with Rule 49(4) of the Uniform Rules of Court of the Supreme Court of South Africa, 1965.

81. The procedure on appeal shall, as far as practicable, be in accordance with the provisions governing appeals to the full Court of a Provincial Division of the Supreme Court from a single judge thereof: Provided that the record on appeal shall include the registrar's statement, documents (if any) containing data used by him and any other document which the appellant considers to be relevant. If the respondent considers any further document to be relevant, he may request the appellant to include such document in the record, and the appellant shall comply with such request.

82. Procedure on opposition

A notice of opposition in any matter in which opposition is allowed under the Act shall be made on form P 19 and shall be accompanied by a statement of particulars of the grounds on which the opposition is based and shall be duly filed and served.

83. Within two months of the filing and service of the notice of opposition the applicant shall file and serve a counterstatement in the form of a plea. If such counterstatement is not lodged within the said period or within such further period as the registrar may allow the application shall be deemed to be abandoned and the opponent may apply to the commissioner for an order as to costs.

84. Within two months of the lodging and service of the counterstatement the opponent shall file and serve his evidence in the form of an affidavit.

85. Within two months of the filing and service of the opponent's evidence the applicant may file and serve answering evidence in the form of an affidavit.

86. Within two months of the filing and service of the applicant's answering evidence the opponent may file and serve replying evidence, in the form of an affidavit, confined to matters strictly in reply.

87.

(a) No further evidence shall be filed by either party except by leave or direction of the commissioner.

(b) All evidence shall be by affidavit unless otherwise directed by the commissioner.

88. Upon completion of the evidence the opponent or if he fails to do so within six weeks of such completion, the applicant may request a date for the hearing.

89. Application for revocation

An application for revocation shall be made on form P 20 and shall be accompanied by a statement of particulars of the grounds on which the application is based and shall be duly lodged and served.

90.

(1) Within two months of the lodging and service of the application for revocation the patentee shall lodge and serve a counterstatement in the form of a plea. If a plea is not lodged and served within two months of the application for revocation or within any extension of that period in terms of regulation 99, the patent shall be deemed to be revoked.

(Regulation 90(1) substituted by regulation 4 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

(2) Within two months of the lodging and service of the counterstatement the applicant shall file and serve his evidence in the form of an affidavit.

(3) Within two months of the filing and service of the applicant's evidence, the patentee may file and serve his answering evidence in the form of an affidavit.

91. Within two months of the filing and service of the patentee's answering evidence the applicant may file and serve replying evidence, in the form of an affidavit, confined to matters strictly in reply.

92. No further evidence shall be filed by either party except by leave or direction of the commissioner.

93. All evidence shall be by affidavit unless otherwise directed by the commissioner.

94. Upon completion of the evidence the applicant, or if he fails to do so within six weeks of such completion, the opponent may request a date for the hearing.

94(A). If, by consent of the parties to an application for revocation, the patentee offers to surrender his patent or if the patent is deemed to have been revoked in terms of regulation 90(1), the registrar, in deciding whether costs should be awarded to the applicant for revocation, shall consider whether the proceedings might have been avoided if the applicant had given reasonable notice to the patentee before the application was filed.

(Regulation 94(A) inserted by regulation 5 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

95. Notice of future proceedings

Any person may apply by lodging form P 22 in duplicate with the registrar for notice to be given to him of the taking of any action or proceedings in connection with a patent or patent application. As soon as possible, after such action or proceeding is taken and, in the case of an application to make an entry, before such entry is made, the registrar shall give notice of such action or proceeding or entry to such person.

96. Application for compulsory licence

An application for a compulsory licence under section 55 or 56(1) of the Act shall be brought by way of notice of motion and shall be served on the patentee and any other person who appears from the register to have an interest in the patent.

97. Notice of motion

In the case of proceedings initiated by way of notice of motion a party resident or incorporated outside the Republic shall have one month from the date of service of such notice on him within which to lodge and serve his notice of intention to oppose.

98. Proceedings for infringement

- (1) In any proceedings for infringement in which the plaintiff claims relief by way of damages or payment of an amount in lieu of damages, it shall be permissible for him to claim an enquiry as to the damages suffered by him as a result of the infringement and/or as to what is a reasonable royalty and payment of the amount found to be due to him.

(Regulation 98(1) substituted by regulation 9 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

- (2) A plaintiff claiming an enquiry in terms of subregulation (1) hereof need not when so claiming specify in his pleadings the amount of the damages allegedly suffered by him or the manner in which such damages are computed.
- (3) In the event of an enquiry in terms of subregulation (1) being ordered and the parties being unable to reach agreement as to the further pleadings to be filed, discovery, inspection or other matters of procedure relating to the enquiry either or any party may make application to the Commissioner for directions in regard thereto.

99. Time limits

Time limits specified may be extended by consent of the parties or, failing such consent, by the registrar on a request made to him.

100. Tariff of fees for proceedings before commissioner and registrar

The tariff of fees applicable to proceedings before the commissioner and the registrar shall be those applicable for the time being in a Provincial Division of the Supreme Court in terms of the Uniform Rules of Court of the Supreme Court of South Africa, 1965: Provided that -

- (a) fees allowed to a patent agent or patent attorney may be allowed on the same scale as that allowed to junior counsel for work connected with appearances without counsel;
- (b) in allowing a fee in respect of perusal and drafting of complex technical documents, the registrar shall be entitled to increase the fees, at his discretion, by a percentage related to the technical complexities of any matter.

BIBLIOGRAPHICAL DATA

- 101.** The numerical references used in patent documentation are set out in Schedule 3.
- 102.** The international abbreviation used to designate convention countries are set out in Schedule 4.
- 103.** On grant of a patent, a certificate will be issued in the form set out in Schedule 5.
(Regulation 103 amended by regulation 10 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)
- 104.** The regulations promulgated under Government Notices 2650 of 17 November 1952, R. 632 of 1963, R. 1594 of 1964, R. 849 of 1964, R. 2122 of 1967 and R. 1698 of 1977 are hereby repealed.
- 105.** These regulations shall be called the Patent Regulations, 1978, and shall come into operation on 1 January 1979.

SCHEDULE 1**FEES**

The following fees shall be paid in connection with applications, registrations and other matters under the Act. Such fees must in all cases be paid before or at the time of doing the matter in respect of which they are to be paid.

Item No.	Description	Corresponding forms	Fees R
1.	Application for a patent accompanied by a provisional specification in terms of section 30(1) [regulation 22(1) (a) and (e)]	1 and 6	60
2.	Application for a patent accompanied by a complete specification in terms section 30(1) [regulation 22(1) (a) and. (e)]	1, 7 and 8	590
3.	Late claiming of priority in terms of proviso (i) of section 31(1), per month or part thereof (regulations 23 to 25)	1	50
4.	Request to Registrar:		
	(a) To inspect the register anti documents in terms of section 12 Plus copies supplied of documents or particulars of register interms of section 13, per page	4 4	4 1
	(b) Application to extend privileges of attorney in terms of section 22 (regulation 75)	4	145
	(c) Application by a patent attorney who has been suspended or whose name has been removed from the register in terms of section 24 (4) and (5) (regulation 74)	4	145
	(d) Application to claim priority in terms of section 30(7) (regulation 39)	4	50
	(e) Application to amend or to lodge a fresh application in terms of section 37 (regulation 37)	4	50
	(f) Change of complete specification into a provisional specification in terms of section 38(1) [regulation 37(2)]	4	50
	(g) Post-dating of application in terms of section 38(2) [regulation 37(3)]	4	50
	(h) Application for revocation of independent patent and granting of patent of addition as independent patent in terms of section 39(3) (regulation 35)	4	90
	(i) Application for extension of time of acceptance of a complete specification in terms of proviso to section 40 (regulations 42 and 45):		
	(i) Up to end of 18 months	4	50
	(ii) Thereafter per month or part thereof (not exceeding three months	4	50

	(iii) After 21 months (per month or part thereof)	4	145
	(j) Application for the return of lapsed application in terms of section 41 (regulation 43)	4	50
	(k) Application to extend period for publication of acceptance in terms of section 42(3) (regulation 46).	4	90
	Thereafter, per month or part thereof (not exceeding 2 months)	4	50
	(l) Application for correction of clerical errors and amendment of documents in terms of section 50 (regulation 11)	4	90
	(m) Application to rectify register in terms of section 52 (regulation 39)	4	90
	(n) Endorsement or cancellation of endorsement in terms of section 53 and 54(1) and (3) (regulations 63 and 66)	4	90
	(o) Change of address for service in terms of section 87(2) (regulation 10)	4	20
	(p) Cancellation of notice of hypothecation in terms of section 60(3)	4	50
	(q) Reasons by Registrar (regulation 78)	4	245
	(r) Any other request not provided for	4	26
5.	Late lodgement of documents in terms of sections 30(6) and 32 (regulations 22, 31 and 38	5 and 8	50
6.		
7.	Application for the extension of the period for payment of renewal fees in terms of section 46(2) [regulation 48(3)]	10	90
	(a) Thereafter, for each month or part thereof (not exceeding five months)	10	50
	(b) On application to restore lapsed patent in terms of section 47(1) (regulation 49)	Notice of Motion	286
	(c) After restoration, payment of unpaid renewal fees in terms of section 47(5)	10	
8.	Renewal fees in terms of section 46(1) [regulation 48(1)]:		
	(a)		
	(i) Before expiration of the third year	10	130
	(ii) Before expiration of the fourth year	10	130
	(iii) Before expiration of the fifth year	10	130
	(iv) Before expiration of the sixth year.	10	85
	(v) Before expiration of the seventh year	10	85
	(vi) Before expiration of the eighth year	10	100
	(vii) Before expiration of the ninth year	10	100
	(viii) Before expiration of the tenth year	10	120
	(ix) Before expiration of the eleventh year	10	120
	(x) Before expiration of the twelfth year	10	145

	(xi) Before expiration of the thirteenth year	10	145
	(xii) Before expiration of the fourteenth year	10	164
	(xiii) Before expiration of the fifteenth year	10	164
	(xiv) Before expiration of the sixteenth year	10	181
	(xv) Before expiration of the seventeenth year	10	181
	(xvi) Before expiration of the eighteenth year	10	206
	(xvii) Before expiration of the nineteenth year	10	206
	(b) On patents endorsed "licences of right" in terms of section 53(2)(d) on the same basis as in (a) (per annum or part thereof)	10	50
9.	Application to amend a provisional specification in terms of section 5(1) [regulation 52(1)]	11	70
10.	Application to amend a complete specification before open to public inspection in terms of section 51(1) [regulation 52(2)]	12	70
11.	Application to amend a complete specification after open to public inspection in terms of section 51(1) [regulation 52(2) and (3)]	13	242
12.	Application to make a supplementary disclosure in a patent specification in terms of section 51(8) [regulation 52(2)]	14	50
13.	Opposition in proceedings before the Registrar [regulations 54, 55 and 56]	15	90
14.	Application to record a transaction affecting the rights in a patent application or patent: (Licenses, assignments, hypothecation) in terms of sections 55, 56 and 60 [regulations 58 to 60, 62 and 64(1)]	16	70
	(a) For first application	16	70
	(b) For second and subsequent applications	16	26
15.	Application to be registered as a patent agent or a patent attorney in terms of section 20	17	206
16.	Request for removal from the register of the name of a patent agent or patent attorney in terms of section 23 (regulation 72)	18	90
17.	(a) Notice of opposition in terms of regulation 82	19	206
	(b) Application for revocation in terms of section 61 (regulation 89)	20	206
18.	Application for the voluntary surrender of a patent in terms of section 64(1) (regulation 67)	21	50
19.	Notice of future proceedings (regulation 95)	22	120
20.	To inspect any file, document or register	-	4
21.	Reprographic copies of documents, per page	-	1
22.	Certification of reprographic extracts from register or documents in terms of section 13 (per document)	-	25

23.	Request for a certificate from the registrar authorising the release of a sample from a depository institution in terms of section 32(6) [regulation 28A(6)]	24	100
24.	Transmittal fee in terms of section 43C [regulation 67A(a)]		500
25.	International fees in terms of section 43D [regulation 67A(b)]		
26.	Search fee in terms of section 43D [regulation 67A(B)] (i) United States Patent and Trademark Office [GN 235 of GG 26026 of 2004]		USD 1 000 = R7 300
27.	Fee for priority document, if applicable		200
28.	National fee in terms of section 43E(1)(a) [regulation 67B]	P25	590

(Schedule 1 amended by regulation 2 of Government Notice R1110 in Government Gazette 9242 dated 30 May 1984)

(Schedule 1 substituted by Government Notice R1613 in Government Gazette 9346 dated 3 August 1984)

(Schedule 1 substituted by Government Notice R1364 in Government Gazette 10321 dated 4 July 1986)

(Schedule 1 substituted by Government Notice R1482 in Government Gazette 11436 dated 29 July 1988)

(Schedule 1 substituted by Government Notice R2703 in Government Gazette 12216 dated 15 December 1989)

(Schedule 1 substituted by Government Notice R3038 in Government Gazette 12919 dated 28 December 1990)

(Schedule 1 amended by regulation 6 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

(Schedule 1 amended by Government Notice R1566 in Government Gazette 13382 dated 5 July 1991)

(Schedule 1 substituted by Government Notice R3163 in Government Gazette 13695 dated 27 December 1991)

(Schedule 1 substituted by Government Notice R3433 in Government Gazette 14498 dated 31 December 1992)

(Schedule 1 substituted by Government Notice R2514 in Government Gazette 15389 dated 31 December 1993)

(Schedule 1 substituted by Government Notice R478 in Government Gazette 16332 dated 31 March 1995)

(Schedule 1 substituted by Government Notice R49 in Government Gazette 16930 dated 19 January 1996)

(Schedule 1 substituted by Government Notice R309 in Government Gazette 17812 dated 28 February 1997)

(Schedule 1 amended by regulation 2 of Government Notice R963 in Government Gazette 18143 dated 11 July 1997)

(Schedule 1 amended by regulation 11 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Schedule 1 amended by regulation 2 of Government Notice R327 in Government Gazette 19845 dated 12 March 1999)

- (Schedule 1 amended by regulation 1 of Government Notice R824 in Government Gazette 20248 dated 28 June 1999)*
- (Schedule 1 amended by regulation 1 of Government Notice R1270 in Government Gazette 20565 dated 21 October 1999)*
- (Schedule 1 amended by regulation 1 of Government Notice R1552 in Government Gazette 20790 dated 30 December 1999)*
- (Schedule 1 amended by regulation 1 of Government Notice 76 in Government Gazette 20837 dated 4 February 2000)*
- (Schedule 1 amended by regulation 1 of Government Notice 1432 in Government Gazette 21960 dated 29 December 2000)*
- (Schedule 1 amended by regulation 1 of Government Notice R309 in Government Gazette 22187 dated 30 March 2001)*
- (Schedule 1 amended by regulation 1 of Government Notice 746 in Government Gazette 22560 dated 17 August 2001)*
- (Schedule 1 amended by regulation 1 of Government Notice R1032 in Government Gazette 22750 dated 19 October 2001)*
- (Schedule 1 amended by regulation 1 of Government Notice R216 in Government Gazette 23156 dated 1 March 2002)*
- (Schedule 1 amended by regulation 1 of Government Notice 721 in Government Gazette 24934 dated 29 May 2003)*
- (Schedule 1 amended by regulation 1 of Government Notice 963 in Government Gazette 25161 dated 2 July 2003)*
- (Schedule 1 amended by regulation 1 of Government Notice R1343 in Government Gazette 25491 dated 23 September 2003)*
- (Schedule 1 amended by regulation 1 of General Notice 235 in Government Gazette 26026 dated 20 February 2004)*
- (Schedule 1 amended by regulation 2 of General Notice 1174 in Government Gazette 29154 dated 1 September 2006)*
- (Schedule 1 amended by regulation 2 of Government Notice R1181 in Government Gazette 29413 dated 1 December 2006)*
- (Schedule 1 amended by regulation 2 of Government Notice R449 in Government Gazette 29898 dated 25 May 2007)*

SCHEDULE 2**Form P 1**

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

APPLICATION FOR A PATENT AND ACKNOWLEDGEMENT OF RECEIPT**[Section 30(1) - Regulation 22]****(SEE NOTES OVERLEAF)**

Official date stamp

The granting of a patent is hereby requested by the undermentioned applicant on the basis of the present application filed in duplicate.

(i)

Official application No.		
21	01	

Applicant's or agent's reference

(ii)

71	Full name(s) of applicant(s)	
	(iii)	
	Address (es) of applicant(s)	

(iv)

54	Title of invention
----	--------------------

(v)

The applicant claims priority as set out on the accompanying form P 2. The earliest priority claimed is (Country), (Number), (Date).
--

(vi)

This application is a patent of addition to Patent Application No.	
21	01

(vii)

This application is a fresh application in terms of section 37 and is based on Application No.	
21	01

(viii)

This application is accompanied by:	
1.	A single copy of a provisional or two copies of a complete specification of..... pages.
2.	Drawings of..... sheets.
3.	Publication particulars and abstract (form P 8 in duplicate).
4.	A copy of Figure of the drawings (if any) for the abstract.
5.	An assignment of the invention.
6.	Certified priority documents (state number).
7.	Translation of the priority documents.

Prepared by:

	8.	An assignment of the priority rights.			
	9.	A copy of Form P 2 and the specification of S.A. Patent application No.	21	01	
	10.	A declaration and power of attorney on Form P 3.			
	11.	Request for ante-dating on Form P 4.			
	12.				

(ix)

74.	Address for service:
-----	----------------------

Dated this date of.. 19.....

.....

Signature of applicant(s) or agent

The duplicate will be returned to the applicant's address for service as proof of lodging but is not valid unless endorsed with official stamp.

Received
Official date stamp
..... Registrar of Patents

NOTES

- (i) The reference should be given, if available.
- (ii) Furnish the applicant's name in full and, if the applicant is a body corporate other than a South African company, the nature and country of incorporation.
- (iii) Where possible the street address of a natural person and the street address of the principal place of business of a corporation should be given.
- (iv) The attention of applicants is drawn to regulation 29.
- (v) Delete if not applicable.
- (vi) to (viii) Mark the relevant document with a cross in the appropriate block. The attention of applicants is drawn to regulations 34, 35, 36 and 37.
- (ix) Applicants are reminded that they must have an address for service in the Republic. If the address for service is that of a registered agent, the name of his firm and that of the city or town are all that are required.

General - Fees are payable in terms of Schedule 1 to the regulations.

(Form P 1 substituted by regulation 7 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

(Form P 1 amended by regulation 12.1 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Form P 1 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

Prepared by:

Form P 2

(To be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA				PATENTS ACT, 1978			
REGISTER OF PATENTS							
Official Application No.			Lodging date: Provisional			Acceptance date	
21	01		22		47		
International classification			Lodging date: Complete			Granted date	
51			23				
Full name(s) of applicant(s)/Patentee(s)							
71							
Applicants substituted:						Date registered	
71							
Assignee(s):						Date registered	
71							
Full name(s) of inventor(s):							
72							
Priority claimed		Country		Number		Date	
		33		31		32	
		33		31		32	
		33		31		32	
Title of invention:							
54							
Address of applicant(s)/patentee(s)							
Address for service							
74							
Patent of addition No.			Date of any change				
61							

Prepared by:

Fresh application based on.	Date of any change				
Amendments and rectifications, etc.					
Document	Date of application	Advertisement date	Opposition date	Allowance or refusal	Date of latter

Proceedings before the commissioner of patents					Appeals to supreme court TPD / AD	Date withdrawn
Nature	Taken by	Against	Date commenced	Date of order		

Licences, attachments and hypothecations			
Nature	In favour of	Date registered	Date cancelled

Renewals				Restorations				
Year	Date paid	Receipt	Penalty	Date applied for	Advertised	Opposed	Restored by	Date of restoration
				Remarks: (for office use only)				

Prepared by:

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1918

DECLARATION AND POWER OF ATTORNEY

[Section 30 - Regulation; 8, 22 (1) (c) and 33]

Patent/Application No.			Lodging date	
21	01		22	

Full name(s) of applicant(s).	
71	

Full name(s) of inventor(s).	
72	

Priority claimed	Country	Number	Date
	33	31	32

Title of invention	
54	

I/We,

hereby declare that-

1. I/We am/are the applicant(s) mentioned above;
2. I/We have been authorised by the applicant(s) to make this declaration and have knowledge of the facts herein stated in the capacity of of the applicant(s);
3. the inventor(s) of the above-mentioned invention is/are the person(s) named above and the applicant(s) has/have acquired the right to apply by virtue of
.....
4. to the best of my/our knowledge and belief, if a patent is granted on the application, there will be no lawful ground for the revocation of the patent;
5. this is a convention application and the earliest application from which priority is claimed as set out above is the first application in a convention country in respect of the invention claimed in any, of the claims; and

6. the partners and qualified staff of the firm of , patent attorneys/patent agents, have been authorised, jointly and severally, with powers of substitution and revocation, to represent the applicant(s) in this application and to be the address for service of the applicant(s) while the application is pending and after a patent has been granted on the application.

Signed at.. this day of19.....

.....

Signature

(To be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

APPLICATION OR REQUEST TO THE REGISTRAR
(Regulation 39)

Fees payable in terms of Schedule 1 to the Regulations
Official date stamp

Patent/Application No.:	21	01	
-------------------------	----	----	--

In the name of:

In terms of section..... of the Act and/or regulation of the Patent Regulations, the applicant hereby requests the following:

.....

.....

.....

Documents, if any, lodged in support of the request:

.....

.....

.....

Signature of applicant or agent

FOR OFFICIAL USE ONLY

The above application or request is hereby allowed/refused. Reasons for refusal or conditions of allowance, if any:	Official date stamp
 Registrar of Patents

(Form P 4 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

Form P 5

(to be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

LATE LODGING OF DOCUMENTS
[Section 30(6) - Regulation 38]

Official date stamp

Official application No.			Lodging date		Applicant's or agent's reference
21	01		22		

Full name(s) of applicant(s)	
71	

Address for service	
74	

The following documents not accompanying the application as lodged or required by the Registrar are hereby submitted:

	1. A copy of the complete specification.
	2. Formal drawing.
	3. Publication particulars and abstract (form P 8 in duplicate).
	4. A copy of Figure of the drawings for the abstract.
	5. An assignment of invention.
	6. Certified priority documents.
	7. Translation of priority documents.
	8. An assignment of priority rights.
	9. A copy of form P 2 and the specification of S.A. Patent Application No.
	10. A declaration and power of attorney on form P 3.
	11. Request for ante-dating on form P 4.
	12.

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

.....
Signature of applicant(s) or Agent

Acknowledgement of late lodging of documents.

For official use only
Date stamp of patent office

.....

Registrar of Patents

(Form P 5 amended by regulation 12.2 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Form P 5 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

Prepared by:

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

PROVISIONAL SPECIFICATION
[Section 30(1) - Regulation 27]

Official application No.		
21	01	

Lodging date	
22	

Full name(s) of applicant(s)	
71	

Full name(s) of inventor(s)	
72	

Title of invention	
54	

(To be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

COMPLETE SPECIFICATION
[Section 30(1) - Regulation 28]

Official application No.		
21	01	

Lodging date	
22	

International classification	
51	

Full name(s) of applicant(s)	
71	

Full name(s) of inventor(s)	
72	

Title of invention	
54	

Form P 8

(to be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

PUBLICATION PARTICULARS AND ABSTRACT**[Section 32(3)(a) - Regulations 22(1)(g) and 31]**

Official Application No.			Lodging date		Acceptance date	
21	01		22		43	

International classification	
51	

Not for publication
Classified by:

Full name(s) of applicant(s)	
71	

Full name(s) of inventor(s)	
72	

Earliest priority claimed	Country		Number		Date	
	33		31		32	

Title of invention	
54	

57	Abstract (not more than 150 words)	Number of sheets	
----	------------------------------------	------------------	--

* The figure of the drawings to which the abstract refers is attached.

(Form P 8 amended by regulation 12.3 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Form P 9 deleted by regulation 12.4 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(To be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

PAYMENT AND CERTIFICATE OF RENEWAL
(including a request for extension)
Section 46 - Regulation 48

Official date stamp

Official Application No.			Renewal date	Applicant's or agent's reference
21	01			

Full name(s) of patentee(s).	
73	

Address for service	
74	

I forward herewith the undermentioned amounts marked X.

1.	The amount of R	in respect of a renewal fee is hereby paid to keep the above patent in force for another period of year(s) with effect from the above-mentioned renewal date.
2.	The amount of R	is hereby paid and you are requested to grant an extension of month/s for the payment of the renewal fee.
3.	The amount of R	in respect of outstanding annual fees after restoration of patent.

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

.....
Signature

FOR OFFICIAL USE ONLY

<input type="checkbox"/>	Receipt of the above amount/s is hereby acknowledged and by virtue of such payment the rights of the patentee/s remain in force.	Receipt No.				
<input type="checkbox"/>	The request for extension of time is hereby granted/refused.	<table border="1"><tr><td>Official date stamp</td></tr><tr><td> </td></tr><tr><td>.....</td></tr><tr><td>Registrar of Patents</td></tr></table>	Official date stamp		Registrar of Patents
Official date stamp						
.....						
Registrar of Patents						

Note. -

Fee payable in terms of Schedule I to the Regulations.

General. - The duplicate will be returned but is not valid unless endorsed with the official stamp.

(Form P 10 amended by regulation (b)(ii) of Correction Notice R697 in Government Gazette 6379 dated 30 March 1979)

(Form P 10 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

Prepared by:

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

APPLICATION TO AMEND A PROVISIONAL SPECIFICATION
[Section 51(1) - Regulation 52(1)]

Official date stamp

Official Application No.			Lodging date		Applicant's or agent's reference
21	01		22		

Full name(s) of applicant(s)	
71	

Address for service	
74	

Title of invention	
54	

The applicant hereby applies to amend the provisional specification contained in the above application as shown on the attached relevant pages of that specification.

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

.....
Signature

(Form P 11 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

APPLICATION TO AMEND A COMPLETE SPECIFICATION NOT OPEN TO PUBLIC INSPECTION
[Section 51(1) - Regulation 52(2)]

Official date stamp

Official Application No.			Lodging date		Agent's reference
21	01		22		

Full name(s) of applicant(s)	
71	

Address for service	
74	

Title of invention	
54	

The applicant hereby applies to amend the complete specification contained in the above application as shown on the attached relevant pages of that specification.

The full reasons for making the amendment are as follows: .

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

.....
Signature of agent

(Form P 12 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENT ACT, 1978

APPLICATION TO AMEND A COMPLETE SPECIFICATION OPEN TO PUBLIC INSPECTION
[Section 51(1) - Regulation 52(2)]

Official date stamp

Patent No.			Lodging date		Agent's reference
21	01		22		

Full name of patentee	
73	

Address for service	
74	

Title of invention	
51	

The patentee hereby applies to amend the complete specification of the above patent as shown on the attached relevant pages of the specification.

The full reasons for making the amendment are as follows:

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

.....
Signature of agent

(Form P 13 amended by regulation (b)(ii) of Correction Notice R697 in Government Gazette 6379 dated 30 March 1979)

(Form P 13 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

SUPPLEMENTARY DISCLOSURE
[Section 51(8) - Regulation 52(2)]

Official date stamp

Official Application No.			Lodging date		Applicant's or agent's reference
21	01		22		

Full name(s) of applicant(s)	
71	

Address for service	
74	

Title of invention	
54	

Attached are new pages to the above specification. The attached pages describe matter which may fairly be associated with the matter described in the specification as previously framed.

Dated at this day of 19.....

.....
Signature of applicant(s) or Agent

(Form P 14 substituted by regulation 8 of Government Notice R687 in Government Gazette 13096 dated 28 March 1991)

(Form P 14 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

OPPOSITION IN PROCEEDINGS BEFORE THE REGISTRAR
[Section 50(3), and 52 - Regulations 55 and 56]

Patent/Application No.		Reference No.
21	01	

Full name(s) of applicant(s)

Full name of objector

Nature of proceedings

Grounds for opposition

Documents lodged in support

74	Address for service
----	---------------------

Dated at this day of 19.....

* Any documents in support should be annexed hereto.

Prepared by:

(Form P 15 amended by regulation 3(a) of Government Notice R1110 in Government Gazette 9242 dated 30 May 1984. Commencement date: 30 May 1984)

(To be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

Official date stamp

APPLICATION TO RECORD A TRANSACTION AFFECTING THE RIGHTS IN A PATENT APPLICATION
OR A PATENT

[Sections 10(2) and 60 - Regulations 58-60, 62, and 64(1)]

Patent/Application No.	Reference No.			
<table border="1" style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;">21</td> <td style="width: 10%; text-align: center;">01</td> <td style="width: 80%;"></td> </tr> </table>	21	01		
21	01			

Full name(s) of applicant(s)			
<table border="1" style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;">71</td> <td style="width: 90%;"></td> </tr> </table>	71		
71			

Title of invention			
<table border="1" style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;">54</td> <td style="width: 90%;"></td> </tr> </table>	54		
54			

Section of act under which recording is required	
--	--

Nature of transaction	

Documents lodged in support of this application	

Dated at _____ this day of....., 19.....

.....
Signature

(Form P 16 amended by regulation 3(b) of Government Notice R1110 in Government Gazette 9242 dated 30 May 1984. Commencement date: 30 May 1984)
(Form P 16 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

APPLICATION TO BE REGISTERED AS A PATENT AGENT OR A PATENT ATTORNEY
(Section 20 – Regulation 70)

Official date stamp

Full name of applicant:
Full business address of applicant:
Full residential address of applicant:
Date of birth of applicant:
Nationality of applicant:
Date of admission as an attorney:
Date of certificate by the board for the recognition of examinations in law:
Date of registration as a patent agent:
Date of certificate by the Patent Examination Board:
Registration sought as: Patent Agent, Patent Attorney:

I, the above applicant, hereby solemnly and sincerely declare that -

- (a) the information given herein is to the best of my knowledge and belief correct;
- (b) I know of no reason or impediment why I should not be registered for the office set out above and there are no disciplinary proceedings or enquiries pending against me by the South African Institute of Intellectual Property Law or by any law society;
- (c) I undertake to uphold the dignity and reputation of the profession for which I seek to be registered and to discharge faithfully, diligently, honestly and with courtesy any duties which I may undertake on behalf of a client, without favour, fear or prejudice; and

Prepared by:

- (d) I undertake that in my dealings as an officer of the Court of the Commissioner of Patents and with the Patent Office and adversaries I shall be faithful, diligent and honest and that I shall not countenance any attempts to mislead and bring into disrepute my profession, the Court or the Patent Office.

Declared atthis day of..... , 19.....

.....

(Form P 17 amended by regulation 12.5 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Form P 17 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

REQUEST FOR REMOVAL FROM THE REGISTER OF PATENT AGENTS AND PATENTS ATTORNEYS
(Section 23 - Regulation 72)

Official date stamp

Full name of applicant:

Full address of applicant:

Date of registration:

Registered as:

I, the above applicant, hereby request in terms of section 23(1)(a) that my name be removed from the above register; and

I hereby declare that no disciplinary enquiry or proceedings are pending against me by the South African Institute of Intellectual Property Law or any law society and that the reasons why I seek to have my name removed from the register are

Declared atthis day of....., 19.....

Received copy hereof this.....this day of....., 19.....

South African Institute of Intellectual Property Law

Received copy hereof this.....this day of....., 19.....

Law Society

(Form P 18 amended by regulation 12.6 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

Prepared by:

(Form P 18 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978
IN THE COURT OF THE COMMISSIONER OF PATENTS

NOTICE OF OPPOSITION
(Regulation 82)

Official date stamp

Full names of applicant:

Full names of opposer:

Relevant application or Patent No.:	21	01	
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Nature of proceedings:	Section:	Regulation:
------------------------	----------	-------------

Relief sought:

Grounds for opposition:

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

.....
 Opposer or his agent

(Form P 19 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978
IN THE COURT OF THE COMMISSIONER OF PATENTS

APPLICATION FOR REVOCATION
(Section 61 - Regulation 89)

Official date stamp

Full name of applicant:

Full name of patentee:

Patent No.	21	01	
------------	----	----	--

Grounds for revocation:

Dated atthis day of..... , 19.....

.....
Applicant or his agent

(Form P 20 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENT ACT, 1978

APPLICATION FOR THE VOLUNTARY SURRENDER OF A PATENT
[Section 64(1) - Regulation 67]

Official date stamp

Patent No.		
21	01	

Lodging date	
22	

Full name(s) of patentee(s)	
73	

Full address(es) of patentee(s)	

Title of invention	
54	

I/We,

hereby declare that -

1. I/We am/are the patentee(s) mentioned above;
2. I/We hereby offer to surrender the above-mentioned patent;
3. no action for infringement or proceedings for revocation of the patent are pending; and
4. my/our reasons for making this offer are as follows;

74	Address for service
----	---------------------

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

.....
 Signature

(Form P 21 amended by regulation (b)(ii) of Correction Notice R697 in Government Gazette 6379 dated 30 March 1979)

(Form P 21 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

Prepared by:

(To be lodged in duplicate)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

APPLICATION FOR NOTICE OF FUTURE PROCEEDINGS
(Regulation 95)

Official date stamp

Official Application No.			Lodging date		Applicant's or agent's reference
21	01		22		

Full name(s) of applicant(s)	
71	

You are hereby requested to give me/us notice of the action or proceedings indicated hereunder in respect of the above letters patents/patent application.

- ☐ 1. Acceptance of complete specification.
- ☐ 2. Advertisement of the acceptance of the complete specification.
- ☐ 3. Extension of time.
- ☐ 4. Amendment of specification.
- ☐ 5 *
- ☐ 6 *
- ☐ 7 *
- ☐ 8 *

* State matter(s) in respect of which notice is desired.

74	Address for service
----	---------------------

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

.....
 Signature of applicant(s) or Agent

.....
 (To be completed by applicant)

Prepared by:

Patent/Application No.

Applicant's or agent's reference

Acknowledgement of receipt of application for notice of future proceedings.

Dated

Name and address for service

Official date stamp
..... Registrar of Patents

(Form P 22 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

(To be completed in duplicate)

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION
OF THE DEPOSIT OF MICROORGANISMS FOR THE
PURPOSES OF PATENT PROCEDURE**

**REQUEST¹
FOR THE FURNISHING OF SAMPLES
OF DEPOSITED MICROORGANISMS
[pursuant to Rule 11.3(a)]**

To:

NAME AND ADDRESS OF
INTERNATIONAL DEPOSITARY AUTHORITY

THE UNDERSIGNED HEREBY REQUESTS THE FURNISHING OF A SAMPLE OF THE MICROORGANISM IDENTIFIED HEREUNDER, IN ACCORDANCE WITH THE RULE 11.3(a) OF THE REGULATIONS UNDER THE BUDAPEST TREATY

I. IDENTIFICATION OF THE MICROORGANISM		
Accession number of the deposit:		
II. PATENT APPLICATION OR PATENT REFERRING TO THE MICROORGANISM		
<input type="checkbox"/> ²	Patent application No. Filed by (name, address):	filed on
<input type="checkbox"/> ²	International Application (PCT) No. Filed by (name, address):	filed on
<input type="checkbox"/> ²	Patent ³ No. Granted to (name, address):	granted on
III: REQUEST FOR INFORMATION		

¹ The request must be sent to the competent industrial property office which, in conformity with its own applicable procedure, will either transmit it directly to the international depositary authority or send it back to the certified party for transmission to the international depositary authority.

² Mark with a cross the applicable box.

³ Reference to a "patent" shall be construed as reference to patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition.

Prepared by:

The undersigned:	
<div style="margin-bottom: 20px;"> <input type="checkbox"/>² requests </div> <div style="margin-bottom: 20px;"> <input type="checkbox"/>² does not request </div> <p>an indication of the conditions which the international depositary authority employs for the cultivation and storage of the microorganism.</p>	
IV. CERTIFIED PARTY	
Name:	Signature ⁴ :
Address:	Date:
CERTIFICATION	
<p>It is hereby certified that:</p> <div style="margin-top: 20px;"> <p>(1) <input type="checkbox"/>² the patent application specified under II above, referring to the deposit of the microorganism identified under I above, has been filed with this Office for the grant of a patent and its subject matter involves the said microorganism or the use thereof</p> <p style="margin-top: 20px;"><input type="checkbox"/>² the international application specified under II above, referring to the deposit of the microorganism identified under I above, designates for the grant of a patent the State party to the Patent Cooperation Treaty (PCT) for which this office is the "designated Office" within the meaning of the said Treaty, and the subject of that international application involves the said microorganism or the use thereof</p> <p style="margin-top: 20px;"><input type="checkbox"/>² the patent specified under II above, referring to the deposit of the microorganism identified under I above, has been granted by this Office and its subject matter involves the said microorganism or its use thereof</p> </div> <div style="margin-top: 20px;"> <p>(2) <input type="checkbox"/>² publication for the purpose of patent procedure has been effected</p> <p style="margin-top: 20px;"><input type="checkbox"/>⁵ by this office</p> </div>	

⁴ Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural person(s) signing on behalf of the legal entity should accompany the signature(s).

⁵ If only one box applies, mark with a cross that box; if both boxes apply, mark with a cross one of the two boxes (choose one).

Prepared by:

☐⁵

by the International Bureau of the World Intellectual Property Organization as an international publication under the Patent Cooperation Treaty (PCT)

or

☐²

the certified party has a right to a sample before publication in accordance with⁶:

(3)

☐²

the certified party has a right to a sample of the microorganism identified under I above under the law governing patent procedure before this Office and this Office is satisfied that the conditions, if any, prescribed by the said law have actually been fulfilled

or

☐²

the certified party has affixed his signature on a form before this Office and, as a consequence of the signature of the said form, the conditions for furnishing a sample of the microorganism identified under I above to the certified party are deemed to be fulfilled in accordance with the law governing patent procedure before this Office

The Registrar of Patents South African Patent Office Zanza Building 116 Proes Street Pretoria South Africa	Signature: Date:
---	-------------------------------------

(Form P 23 inserted by regulation 3 of Government Notice R963 in Government Gazette 18143 dated 11 July 1997)

⁶ Cite the applicable provisions of the law, including any court decision.

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978

**REQUEST FOR A CERTIFICATE FROM THE REGISTRAR AUTHORISING
THE RELEASE OF A SAMPLE FROM A DEPOSITARY INSTITUTION**

[Section 32(6) – Regulation 28A]

Official Patent/Application No.	Lodging Date	Reference

Full name(s) of patentee(s)/applicant(s)	

Full name of requesting party(ies)	

Address for service of requesting party(ies)	

Title of invention	

I/We,
.....

(a) hereby declare that-

1. I/We am/are the requesting party(ies) mentioned above or

I/We have been authorised by the requesting party(ies) to make this declaration in the capacity of of the requesting party(ies);

2. The micro-organism deposited at under Accession No. is referred to on page of the complete specification of Patent/Application No.; and

(b) hereby undertake vis-a-vis the patentee(s)/applicant(s), that if a sample of the said micro-organism is furnished to me/us, not to make the deposited culture or any culture derived therefrom available to any third party until the patent application has been abandoned or has lapsed or until the patent ceases to have effect by way of expiration, revocation, voluntary surrender, or lapsing without the possibility of

Prepared by:

renewal in accordance with Section 46 of the Act; provided that this undertaking shall not prevent me/us from depositing with an international depositary authority a derived culture or the culture itself necessary for the purpose of complying with Section 32(6) of the Act; and

- (c) accordingly request that the attached Form P23 be certified by the Registrar and forwarded to me/us.

Signed at, this day of 19

Received
Official date stamp
Registrar of Patents

.....

Signature of requesting party(ies)

(Form P 24 inserted by regulation 3 of Government Notice R963 in Government Gazette 18143 dated 11 July 1997)

REPUBLIC OF SOUTH AFRICA

PATENTS ACT, 1978

**ENTRY OF INTERNATIONAL APPLICATION UNDER THE PATENT
CORPORATION TREATY INTO SOUTH AFRICAN NATIONAL PHASE
AND ACKNOWLEDGEMENT OF RECEIPT**

(Section 42E(1) – Regulation 67B)

(See notes overleaf)

Official Date Stamps

The processing under the Patents Act, 1978 of the undermentioned international application designating South Africa is hereby requested on the basis of this form filed in duplicate

(ii)

Official Application No.		
21	01	

(iii)

Applicant's or Agent's Reference

International Application No.	International Filing Date	Priority Date
PCT/ /		

(iv)

71	Full Names(s) of Applicant(s)	
(v)		
	Address(es) of Applicant(s)	

54	Title of invention
----	--------------------

The applicant has claimed priority (if any) as set out in the abovementioned international application
--

(vi)

This application is for a patent of addition to patent application No.		
21	01	

(vii)

The abovementioned international application was filed in English or has been published under the Patent Cooperation Treaty in English
--

(viii)

This application is accompanied by:		
	1.	Translation of the international application
	2.	Certified priority document(s) (state number) (ix)

Prepared by:

	3.	Translation(s) of the priority document(s)
	4.	A copy of the Form P 2 (particulars for the register)
	5.	A declaration and power of attorney on Form P 3
	6.	

21	01	
----	----	--

74	Address of Service
----	--------------------

Dated this Day of Signature of Applicant(s) or Agent The duplicate will be returned to the applicant's address for service as proof of lodging but is not valid unless endorsed with official stamp.	RECEIVED
	Official Date Stamp
	 Registrar of Patents

NOTES: (refer to Form P 25)

- (i) Use of this form is recommended but is not mandatory for an international application to enter the national phase in South Africa. For the mandatory steps to be taken, see section 43E(1) of the Patents Act.
- (ii) For official use only.
- (iii) The reference should be given, if available.
- (iv) Furnish the applicant's name in full.
- (v) Where possible, the street address of a natural person and the street address of the principal place of business of a corporation should be given.
- (vi) Delete if not applicable.
- (vii) Delete if not applicable. If the international application was not filed in English or published under the Patent Cooperation Treaty in English, a translation must be filed.
- (viii) Mark with a cross in the appropriate check-box(es). If a specified document is required but does not accompany this form, the applicant will be requested to furnish it.
- (ix) A copy of the priority document need not be furnished if the applicant has complied with the requirements of Rule 17.1 of the Regulations under the Patent Cooperation Treaty.

(Form P 25 added by regulation 12.7 of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

Prepared by:

(Form P 25 amended by regulation 9 of Government Notice R604 in Government Gazette 27713 dated 1 July 2005)

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978
STATEMENT ON THE USE OF
INDIGENOUS BIOLOGICAL RESOURCE, GENETIC RESOURCE
TRADITIONAL KNOWLEDGE OR USE
 (Section 30(3A) – Regulations 22(1), 67B(4))

Patent application No.			Lodging date		Applicant's or agent's reference
21	01		22		

Full names(s) of applicant(s)			
71			

Earliest priority claimed	Country		Number		Date	
	33		31		32	

NOTE: The country must be indicated by its International Abbreviation – see schedule 4 of the Regulations

Title of invention			
54			

* I/We

hereby declare that:-

1. I/we am/are the applicant(s) mentioned above;
- ** 2. I/we have been authorised by the applicant(s) to make this declaration and have knowledge of the facts herein stated in the capacity of _____ of the applicant(s).
- *** 3. the invention for which protection is claimed
 - (a) is based on or is derived from an indigenous biological resource or a genetic resource; OR
 - (b) is not based on or is not derived from an indigenous biological resource or a genetic resource;
- *** 4. the invention for which protection is claimed
 - (a) is based on or derived from traditional knowledge or use; OR
 - (b) is not based on or is not derived from traditional knowledge or use.

- *** 5. where the invention for which protection is claimed is based on or derived from traditional knowledge or use, such invention
- (a) is co-owned by the owners of the traditional knowledge or use, OR
 - (b) is not co-owned by the owners of the traditional knowledge or use

SIGNED THIS _____ DAY OF _____ 20_____

Company Name:

Full Names of Signatory:

Capacity:

(no legalisation necessary)

- * In the case of application in the name of a company, partnership or firm, give full names of signatory/signatories, delete paragraph 1, and enter capacity of each signatory in paragraph 2.
- ** If the applicant is a natural person, delete paragraph 2
- *** Delete (a) or (b), whichever is not applicable

*(Form P 26 inserted by regulation 4 of Government Notice R205 in Government Gazette 28579 dated 28 February 2006 – **withdrawn** by Government Notice R1125 in Government Gazette 30593 with effect from 28 February 2006)*

(Form P 26 reinserted by regulation 4 of Government Notice R1226 in Government Gazette 30593 dated 14 December 2007)

Prepared by:

SCHEDULE 3

NUMERICAL REFERENCES USED ON PATENT DOCUMENTATION

(10) *Document identification*

(11) Number of the document.

*(19) **ICIREPAT** country code, or other identification, of the country publishing the document.

* Minimum data element for documents only.

(20) *Domestic filing data*

(21) Number(s) assigned to the application(s).

(22) Date(s) of lodging application(s).

(23) Other date(s) of lodging including exhibition lodging date and date of lodging complete specification following provisional specification.

(30) *Convention priority data*

(31) Number(s) assigned to priority application(s).

(32) Date(s) of lodging of priority application(s).

(33) Country (countries) in which priority application(s) was (were) lodged.

(40) *Date(s) of making available to the public*

*(41) Date of making available to the public for inspection, or copying on request, an unexamined document on which no grant of patent has taken place on or before the said date.

*(42) Date of making available to the public for inspection, or copying on request, an examined document on which no granted of patent has taken place on or before the said date.

*(43) Date of publication by printing or similar process of an unexamined document on which no grant of patent has taken place on or before the said date.

*(44) Date of publication by printing or similar process of an examined document on which no grant of patent has taken place on or before the said date.

*(45) Date of publication by printing or similar process of a document on which grant of patent has taken place on or before the said date.

(46) Date of publication by printing or similar process of the claim(s) only of a document.

*(47) Date of making available to the public by viewing or copying on request, a document on which grant of patent has taken place on or before the said date.

* Minimum data element for documents only, the minimum date requirement being met by indicating the date of making available to the public the document concerned.

(50) *Technical information*

(51) International patent classification.

(52) Domestic or national classification.

(53) Universal decimal classification.

(54) Title of the invention.

(55) Keywords.

(56) List of prior art documents, if separate from descriptive text.

(57) Abstract or claim.

(58) Field of search.

(60) *Reference(s) to other legally related domestic document(s)*

(61) Related by addition(s).

(62) Related by division(s).

(63) Related by continuation(s).

(64) Related by reissue(s).

(70) *Identification of parties concerned with the document*

*(71) Name(s) of applicant(s).

(72) Name(s) of inventor(s) if known to be such.

*(73) Name(s) of grantee(s).

(74) Name(s) of attorney(s) or agent(s).

*(75) Name(s) of inventor(s) who is/are also applicant(s).

*(76) Name(s) of inventor(s) who is/are also applicant(s) and grantee(s).

* For documents on which grant has taken place on or before the date of making available to the public, and journal entries relating thereto, the minimum data requirement is met by indicating the grantee, and for other documents by indicating the applicant(s).

SCHEDULE 4

PART I

INTERNATIONAL ABBREVIATIONS OF CONVENTION COUNTRIES

Albania	AL
Algeria	DZ
Argentina	AR
Armenia	AM
Australia	AU
Austria	AT
Azerbaijan	AZ
Bahamas	BS
Bahrain	BH
Bangladesh	BD
Barbados	BB
Belarus	BY
Belgium	BE
Benin	BJ
Bolivia	BO
Bosnia and Herzegovina	BA
Botswana	BW
Brazil	BR
Bulgaria	BG
Burkina Faso	BF
Burundi	BI
Cambodia	KH

Estonia	EE
Finland	FI
France	FR
Gabon	GA
Gambia	GM
Georgia	GE
Germany	DE
Ghana	GH
Greece	GR
Grenada	GD
Guatemala	GT
Guinea	GN
Guinea - Bissau	GW
Guyana	GY
Haiti	HT
Holy See	VA
Honduras	HN
Hungary	HU
Iceland	IS
India	IN
Indonesia	ID
Iran (Islamic Republic of)	IR

Cameroon	CM	Iraq	IQ
Canada	CA	Ireland	IE
Central African Republic	CF	Israel	IL
Chad	TD	Italy	IT
Chile	CL	Japan	JP
China	CN	Jordan	JO
Colombia	CO	Kazakhstan	KZ
Congo	CG	Kenya	KE
Congo (Democratic Republic of)	CD	Korea (Democractic [sic] People's Republic of)	KP
Costa Rica	CR	Korea (Republic of)	KR
Côte d'Ivoire	CI	Kyrgyzstan	KG
Croatia	HR	Laos	LA
Cuba	CU	Latvia	LV
Cyprus	CY	Lebanon	LB
Czech Republic	CZ	Lesotho	LS
Denmark	DK	Liberia	LR
Dominican Republic	DO	Libya	LY
Egypt	EG	Liechtenstein	LI
El Salvador	SV	Lithuania	LT
Equatorial Guinea	GQ	Luxembourg	LU

Macedonia (former Yugoslav Republic of)	MK	Sao Tome and Principe	ST
Madagascar	MG	Senegal	SN
Malawi	MW	Sierra Leone	SL
Malaysia	MY	Singapore	SG
Mali	ML	Slovakia	SK
Malta	MT	Slovenia	SI
Mauritania	MR	South Africa	ZA
Mauritius	MU	Spain	ES
Mexico	MX	Sri Lanka	LK
Moldova (Republic of)	MD	Sudan	SD
Monaco	MC	Suriname	SR
Mongolia	MN	Swaziland	SZ
Morocco	MA	Sweden	SE
Mozambique	MZ	Switzerland	CH
Netherlands	NL	Syria	SY
New Zealand	NZ	Tajikistan	TJ
Nicaragua	NI	Tanzania (United Republic of)	TZ
Niger	NE	Togo	TG
Nigeria	NG	Trinidad and Tobago	TT
		Tunisia	TN

Norway	NO	Turkey	TR
Panama	PA	Turkmenistan	TM
Paraguay	PY	Uganda	UG
Peru	PE	Ukraine	UA
Philippines	PH	United Arab Emirates	AE
Poland	PL	United Kingdom	GB
Portugal	PT	United States of America	US
Romania	RO	Uruguay	UY
Russian Federation	RU	Uzbekistan	UZ
Rwanda	RW	Venezuela	VE
Saint Kitts and Nevis	KN	Vietnam	VN
Saint Lucia	LC	Yugoslavia	YU
Saint Vincent & the Grenadines	VC	Zambia	ZM
San Marino	SM	Zimbabwe	ZW

(Part I of Schedule 4 substituted by regulation 13.1 (Annexure 2) of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Part I of Schedule 4 amended by regulation 3(a) of Government Notice R327 in Government Gazette 19845 dated 12 March 1999)

SCHEDULE 4

PART II

INTERNATIONAL ABBREVIATIONS OF CONVENTION COUNTRIES

AL Albania	EE Estonia
DZ Algeria	FI Finland
AR Argentina	FR France
AM Armenia	GA Gabon
AU Australia	GM Gambia
AT Austria	GE Georgia
AZ Azerbaijan	DE Germany
BS Bahamas	GH Ghana
BH Bahrain	GR Greece
BD Bangladesh	GD Grenada
BB Barbados	GT Guatemala
BY Belarus	GN Guinea
BE Belgium	GW Guinea-Bissau
BJ Benin	GY Guyana
BO Bolivia	HT Haiti
BA Bosnia and Herzegovina	VA Holy See
BW Botswana	HN Honduras

Prepared by:

BRBrazil
BGBulgaria
BFBurkina Faso
BIBurundi
KHCambodia
CMCameroon
CACanada
CFCentral African Republic
TDChad
CLChile
CNChina
COColombia
CGCongo
CDCongo (Democratic Republic of)
CRCosta Rica
CICote d'Ivoire
HRCroatia
CUCuba
CYCyprus
CZCzech Republic
DKDenmark
DODominican Republic
EGEgypt
SYEl Salvador
GQEquatorial Guinea
MKMacedonia (former Yugoslav Republic of)
MGMadagascar
MWMalawi
MYMalaysia
MLMali
MTMalta
MRMauritania
MUMauritius
MXMexico
MDMoldova (Republic of)
MCMonaco
MNMongolia
MAMorocco
MZMozambique
NLNetherlands
NZNew Zealand

HUHungary
ISIceland
INIndia
IDIndonesia
IRIran (Islamic Republic of)
IQIraq
IEIreland
ILIsrael
ITItaly
JPJapan
JOJordan
KZKazakhstan
KEKenya
KP	Korea (Democratic People's Republic of)
KRKorea (Republic of)
KGKyrgyzstan
LALaos
LVLatvia
LBLebanon
LSLesotho
LRLiberia
LYLibya
LILiechtenstein
LTLithuania
LULuxembourg
STSao Tome and Principe
SNSenegal
SLSierra Leone
SGSingapore
SKSlovakia
SISlovenia
ZASouth Africa
ESSpain
LKSri Lanka
SDSudan
SRSuriname
SZSwaziland
SESweden
CHSwitzerland
SYSyria
TJTajikistan
TZTanzania

NINicaragua	TGTogo
NENiger	TTTrinidad and Tobago
NGNigeria	TNTunisia
NONorway	TRTurkey
PAPanama	TMTurkmenistan
PYParaguay	UGUganda
PEPeru	UAUkraine
PHPhilippines	AEUnited Arab Emirates
PLPoland	GBUnited Kingdom
PTPortugal	USUnited States of America
RORomania	UYUruguay
RURussian Federation	UZUzbekistan
RWRwanda	VEVenezuela
KNSaint Kitts and Nevis	VNVietnam
LCSaint Lucia	YUYugoslavia
VC Saint Vincent & the Grenadines	ZMZambia
SMSan Marino	ZWZimbabwe

(Part II of Schedule 4 substituted by regulation 13.1 (Annexure 3) of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

(Part II of Schedule 4 amended by regulation 3(b) of Government Notice R327 in Government Gazette 19845 dated 12 March 1999)

SCHEDULE 4

PART III

INTERNATIONAL ABBREVIATIONS OF REGIONAL RECEIVING OFFICES

AP	ARIPO Patent	(African Regional Industrial Property Organisation)
EA	Eurasian Patent	(Eurasian Patent Convention)
EP	European Patent	(European Patent Organisation)
OA	OAPI Patent	(African Intellectual Property Organisation)

(Part III of Schedule 4 added by regulation 13.2 (Annexure 4) of Government Notice R250 in Government Gazette 19775 dated 26 February 1999)

SCHEDULE 5

REPUBLIC COAT OF ARMS

REPUBLIC OF SOUTH AFRICA PATENTS ACT, 1978

CERTIFICATE

In accordance with section 44(1) of the Patents Act 57 of 1978, it is hereby certified that
has been granted a patent in respect of an invention described and claimed in the complete specification
deposited at the Patent Office under the number A copy of the complete
specification is annexed, together with the relevant Form P2.

In testimony thereof, the seal of the Patent Office has been affixed at Pretoria with effect from the
day of 19.....

.....
REGISTRAR OF PATENTS

*(Schedule 5 substituted by regulation 14 (Annexure 5) of Government Notice R250 in Government Gazette
19775 dated 26 February 1999)*