

THE PATENTS LAW.

(CAP. 200.)

PATENTS RULES.

24 *Gaz.* 415

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

Interpretation.

2. In these rules—

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

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

“Court” means the Supreme Court;

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

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

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

First
Appendix.

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

Forms.

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

Second
Appendix.

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

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

Documents.

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

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

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

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

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

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

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

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

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

Agents.

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

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

Application for a Certificate and proceedings thereon.

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

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

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

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

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

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

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

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

Assignment.

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

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

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

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

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

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

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

Alteration of Address.

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

Clerical Errors.

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

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

Discretionary Power.

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

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

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

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

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

Search.

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

Hours of Inspection.

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

Power to dispense with Evidence.

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