



REPUBLIC OF NAURU

PATENTS REGISTRATION (FORMS AND FEES) REGULATIONS 2020

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The Minister makes the following Regulations under *Section 29* of the *Patents Registration Act 1973*:

1 Citation

These Regulations may be cited as the *Patents Registration (Forms and Fees) Regulations 2020*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Definitions

‘Act’ means the *Patents Registration Act 1973*;

‘Registrar’ means the Registrar of Patents;

‘country code’ means the code of a country contained in Schedule 4.

4 Objectives

The objectives of these Regulations are to:

- (a) provide the procedure and process for lodgement for registration of invention, examination of invention and registration of patent;
- (b) provide the forms required for the necessary applications under the Act;
- (c) provide the fees required for the necessary applications under the Act; and
- (d) provide for the details for the process of and maintaining of records in the Register of Patents.

5 Register of Patents

For the purposes of *Section 4* of the Act, the Register of Patents established and maintained by the Registrar may be kept as set out in Schedule 1:

- (a) in writing; and
- (b) in digital or electronic form.

6 Process required for registration of patent

The registration of a grant of patent requires the following steps:

- (a) an application for registration of an invention as a patent;
- (b) an application for examination of patent; and
- (c) an application for grant of patent.

7 Application for invention to be registered as grant of patent

- (1) An application of an invention to be registered as a grant of patent shall contain or be accompanied by the following:
 - (a) claims of what is considered new and inventive and characterizes the invention;
 - (b) a detailed description of the object of the invention;
 - (c) summary of the invention;
 - (d) title for the invention;
 - (e) full name of the inventor including nationality, country code, residential address, postal address, telephone and email; and
 - (f) full name of the applicant including nationality, country code, residential address, postal address, telephone and email.
- (2) For the purpose of subregulation (1), an application shall be in Form 1 of Schedule 2.

8 Request for examination of application for invention to be registered

- (1) An applicant who has lodged an application for an invention to be registered as a grant of patent or a notice of opposition may request the Registrar for an examination of an application after the lapse of the period for notification of opposition.
- (2) The request for examination shall be in Form 2 of Schedule 2.

9 Application for grant of patent following examination

- (1) An applicant under Regulation 7 may apply for a grant of patent after a lapse of 3 months.
- (2) For the purpose of subregulation (1), an application shall be in Form 3 of Schedule 2.

10 Notice of Receipt of application for invention to be registered as grant of patent

- (1) The Registrar shall forthwith notify the applicant of the receipt of the application in Regulation 7 in Form 4 of Schedule 2 which shall contain the following:
 - (a) the name of applicant;

- (b) foreign grant of patent or new registration of patent;
 - (c) the date;
 - (d) time; and
 - (e) reference number for the application.
- (2) Where an application is received by the Registrar by:
- (a) electronic means, it is deemed to have been received on the date and time shown in the electronic mail or any other form of electronic or digital communication; or
 - (b) post, on the date on which the application is delivered by the postal services to the Registrar.
- (3) Subject to subregulation (4), the priority for the registration of a grant of patent shall commence from the time specified in the Notice of Receipt.
- (4) If the applicant does not object to the time noted in the Notice of Receipt within 14 days of receipt of such Notice, the time and date of the receipt of the application by the Registrar is deemed to be established.
- (5) The applicant shall pay the prescribed fee for the application of an invention to be registered as a grant of patent upon receiving the Notice of Receipt under this regulation.

11 Written undertaking for invention to be registered

- (1) On the payment of the prescribed fee under Regulation 10(5), the applicant shall provide a written undertaking of an invention which is proposed to be registered as a patent.
- (2) An undertaking under subregulation (1) shall be as set out in Form 5 of Schedule 2.

12 Written undertaking for grant of patent

- (1) Where a person intends to apply for grant of patent under Regulation 9, he or she shall provide a written undertaking of his or her lawful rights to seek a grant of patent.
- (2) An undertaking under subregulation (1) shall be accompanied by:
 - (a) an examination report and authorisation by the Registrar of the registration of the patent as being an invention; or