

CHAPTER 29

INDUSTRIAL PROPERTY (PROTECTION) ORDINANCE

To amend and consolidate the laws relating to patents and to make provision relating to designs and models of manufacture, trade marks and manufacture and trade descriptions.

1st January, 1900

ORDINANCE XI of 1899, as amended by Ordinances: XVI of 1903, VII of 1907; Act II of 1928; Ordinances: III of 1934, XXXI of 1937, VIII of 1939, XL of 1940; Acts: XX of 1948, IX of 1952; Ordinances: XVI and XIX of 1960; Legal Notices: 2 of 1963, 46 of 1965; Acts: IV and XXXI of 1966, VI of 1967, VII of 1970, LVIII of 1974; Legal Notice 148 of 1975; Acts: XXII of 1976, XI of 1977, IX of 1982, XIII of 1983, XI of 1986; Legal Notices: 29 of 1986, 34 of 1988; Acts: VIII of 1990, XXIV of 1995 and XIX of 1997; Legal Notices 108 of 1997 and 140 of 1998; and Acts VIII, XIII, XVI and XVII of 2000.

ARRANGEMENT OF ORDINANCE

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FORMS

SCHEDULES OF FEES

Title. **1.** The title of this Ordinance is the Industrial Property (Protection) Ordinance.

PART I

PATENTS

Part I - articles 2 to 64, except article 17 - has been repealed by article 62 of Act XVII of 2000.

Appeal from order of Comptroller. **17.*** (1) An appeal to the Court of Appeal may be entered by the applicant against any order of the Comptroller under the last three preceding articles.

Amended by: IV.1966.3; L.N. 148 of 1975; XI.1977.2. (2) Such appeal shall be by application to be filed within two months from the receipt by the applicant of the order of the Comptroller.

Cap. 12. (3) The Court of Appeal may, in regard to costs, make an order in accordance with the provisions of article 223 of the Code of Organization and Civil Procedure.

PART II

DESIGNS AND MODELS OF MANUFACTURE

Author of new design or model of manufacture. **65.** The author of a new design or model of manufacture shall be considered the proprietor thereof, unless he executed the work on behalf of another person for good consideration, in which case such person shall be considered the proprietor of the new design or model of manufacture.

Right to demand registration of design or model of manufacture. **66.** The proprietor of a new design or model of manufacture may demand and obtain the registration of his design or model of manufacture to the extent and on the conditions hereunder stated.

Effect of registration. Copyright. **67.** Such registration gives to the proprietor copyright in the design or model, that is, the exclusive right to reproduce the design or model and to apply such design or model to any of the articles or substances mentioned in the next following article.

Definition of design or model of manufacture. **68.** In this Ordinance, design or model of manufacture means any design or model which, by whatever means or process, is applicable to any article of manufacture or to any other substance, natural or artificial, or partly natural and partly artificial, whether the design or model is applicable for the pattern, or for the shape or configuration, or for the ornament thereof.

*kept in force until the provisions of Part II and Part III are repealed.

69. (1) When a design is registered, the registered proprietor of the design shall have copyright in the design during five years from the date of registration.

Copyright on registration - duration - extension.
Amended by:
XXXI.1934.2;
VI.1967.20;
XIII. 2000.61.

(2) If before the expiration of the said five years or within such time (not exceeding three months) as the Comptroller may allow, application for the extension of the period of copyright is made to the Comptroller, the Comptroller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If before the expiration of such second period of five years or within such further time (not exceeding three months) as the Comptroller may allow, application for the extension of the period of copyright is made to the Comptroller, the Comptroller may, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

70. (1) A person who has duly filed an application for protection of a design or model of manufacture in a country which is a member of the World Trade Organisation or a party to the Paris Convention, has a right to priority for the purposes of registering the same design or model of manufacture under this Ordinance for a period of six months from the date of filing of the first such application:

Claim to priority.
Amended by:
VII.1907.4;
XI.1977.2;
XVI. 2000.104.

Provided that nothing contained in this article shall entitle the proprietor of the design or model of manufacture to recover damages for infringement happening prior to the date of the actual registration of his design or model in Malta.

(2) The exhibition or use in Malta during the period aforesaid, of the design or model of manufacture, or the publication therein during such period of a description or representation of the design or model shall not invalidate the registration of such design or model of manufacture.

(3) The application for the registration of a design or model of manufacture under this article, must be made in the same manner as an ordinary application under this Ordinance.

(4) The provision of article 6 shall apply, *mutatis mutandis*, to any country with which an arrangement as is referred to in sub-article (1) has been made.

71. An application for the registration of a new design or model of manufacture shall be made to the Comptroller. It shall be signed by the inventor or by his special attorney, and shall contain -

Application for registration.

- (a) the name, surname, place of birth and residence of the applicant or of his attorney, if any;
- (b) a description of the design or model, showing shortly, but with precision, its main characteristics;
- (c) an indication of the class of articles or substances to which the applicant intends to apply the new design or

model.

To be accompanied by certain documents.
Amended by: XX.1948.7.

- 72.** Every application shall be accompanied by -
- (a) the drawings, besides the models which the applicant considers useful for the proper comprehension of his invention;
 - (b) the fee due according to the Schedule annexed hereto on the registration of a new design or model;
 - (c) if there be an attorney, the power of attorney in any of the forms as provided in paragraph (d) of article 10;
 - (d) a list of the papers and documents produced.

Tracings and drawings to be furnished on application.

73. The applicant shall furnish to the Comptroller a number of tracings and drawings sufficient, in the opinion of the Comptroller, for enabling him to identify the new design.

Drawings to be in ink or water-colours.

74. (1) The drawings shall be traced by outlines in ink or water-colours, and according to a scale.

(2) The Comptroller may refuse any drawing produced by lithography or photography.

Registration of design or model.
Substituted by: IV.1966.10.

75. If the application is allowed by the Comptroller, the new design or model of manufacture shall be registered in the Register of Designs and Models of Manufacture and such registration shall be advertised in the Government Gazette by means of a notice signed by the Comptroller.

Inspection of registered designs or models.
Amended by: IV.1966.11.

76. During the existence of copyright in a design or model of manufacture, the design or model shall not be open to inspection except by the proprietor, or his lawful representative, or by a person authorised on good grounds by the Comptroller or by the court, and except in the presence of the Comptroller and on payment of the prescribed fee for inspection:

Provided that where registration of a design or model of manufacture is refused on the ground of identity with a design or model of manufacture already registered, the applicant for registration shall be entitled to inspect the design or model so registered.

Appeal in case of disallowance of application.

77. If the Comptroller does not allow the application, notice of the disallowance shall be given to the applicant who shall be entitled to enter an appeal from the decision of the Comptroller in terms of article 17.

Articles to which design or model is to be applied shall be marked.

78. Before the delivery or sale of any article to which a registered design or model of manufacture is to be applied, the proprietor of the design or model shall cause such article to be marked with that design or model, or with words or figures denoting that the design or model is registered; and if he fails to do so, the copyright shall cease, unless he shows that he took all proper steps to ensure the marking of the article.

79. Nothing in this Part contained shall affect any rights subsisting in a design registered in Malta before the ninth day of November, one thousand nine hundred and thirty-seven.

Designs registered before 9th November, 1937.
Added by:
XXXI.1937.3.
Amended by:
VIII.1939.3.

PART III

TRADE MARKS

Repealed by article 104 of Act XVI of 2000.

PART IV*

INFRINGEMENT OF PATENTS, OF COPYRIGHT IN DESIGNS AND MODELS OF MANUFACTURE, AND ACTIONS RELATING THERETO

Title I

CIVIL ACTIONS

104. Whoever in fraud and contravention of a patent, manufactures any goods, or uses any machine or other industrial means or contrivances, or sells, exposes for sale or has in his possession for sale, infringing articles, shall be liable, at the suit of the holder of the patent, to be condemned by the Civil Court, First Hall, either to the payment of damages and interest, or to the payment of a fine of not less than ten, nor exceeding five hundred liri, or to the restitution of all the profit derived from the infringement of the patent.

Infringement of patent.
Amended by:
II.1928.2;
L.N. 148 of 1975;
XXII.1976.4.;
XIII.1983.5;
XXIV.1995.362;
VIII. 2000.12.

105. Whosoever shall, during the existence of copyright in a design or model of manufacture -

- (a) for the purposes of sale apply, without the written consent of the proprietor, the registered design or model of manufacture, or any fraudulent or obvious imitation thereof, to any class of articles or substances of those referred to in article 68;
- (b) publish or expose for sale any article of manufacture or substances to which such design or model of manufacture or any fraudulent or obvious imitation thereof shall have been applied, knowing that the same has been so applied without the consent of the proprietor;

Infringement of copyright in design or model of manufacture.
Amended by:
XI.1977.2;
XIII.1983.5.

shall be liable, at the instance of the proprietor of the design or model, to be condemned, by the court referred to in the last

*Any reference to trade marks and to patents in this Part is to be deemed as if it were not made - *vide* XVI. 2000.104 and XVII.2000.62.

	preceding article, to pay to the proprietor of the design or model of manufacture, a fine not exceeding fifty liri, or to the payment of damages and interest.
Infringement of registered trade mark. <i>Amended by:</i> <i>II.1928.2;</i> <i>L.N. 148 of 1975;</i> <i>XXIV.1995.362.</i>	106. Whosoever shall commit any act in violation of the rights of any person in whose favour a trade mark has been registered, for which, under the provisions of Title II of this Part, he is liable to criminal proceedings, may, at the instance of the proprietor of the trade mark, be condemned by the Civil Court, First Hall, as provided in article 104.
Delivery up of infringing articles, etc.	107. The court may, moreover, in each of the cases referred to in the last three preceding articles, on the application of the plaintiff, order that the machinery or other industrial means or contrivances used in contravention of the patent or in contravention of the rights of the proprietor of the design or model of manufacture, or of the trade mark, the infringing articles, and the apparatus destined for their production, be forfeited, wholly or partially, and delivered up to the holder of the patent, copyright or trade mark, without prejudice to the relief mentioned in those articles.
Where infringer acts without malice or fraud.	108. Where the holder of the articles mentioned in the last preceding article has acted without malice or fraud, he shall only be liable to the said forfeiture in favour of the party injured.
How civil action is instituted.	109. The civil action is brought by writ of summons.
Security.	110. If, for the purpose of securing the claim for the forfeiture referred to in article 107, application is made for the issue of a warrant of description or of a garnishee order, or of a warrant of seizure, or for the grant of a prohibitory injunction, the court may, before issuing the said warrant, order or injunction, require the applicant to give security.
Limitation of civil action.	111. Civil actions under this Ordinance shall be barred by the lapse of five years in all cases in which no other period within which such actions may be brought is fixed in this Ordinance.

Title II

CRIMINAL ACTIONS

Offences.	<p>112. (1) Whoever puts into circulation, or sells any article, falsely representing that it is a patented article, or that the design or model of manufacture, or the trade mark, applied to it, has been registered with reference thereto, shall, on conviction, be liable to a fine (<i>ammenda</i>).</p> <p>(2) If any person puts into circulation or sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent", "patented", "registered", or any other word expressing or implying that a patent has been obtained for the article, or that the design or model of manufacture, or trade mark is registered, he shall be deemed for the purposes of this article to represent that the article is a patented article or that the design,</p>
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model or mark applied thereto is a registered design, model or mark.

113. Pending any proceedings, commenced by summons or by the arrest of the accused, for any one of the offences referred to in this Part, any magistrate, if he is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of, or in relation to which the offence has been committed, are in any house or premises of the accused, or are in his possession or under his control in any other place, may, by a warrant under his hand, direct any officer of the Executive Police to be named in the warrant, to enter any house, premises or place, also to be named therein, and there to search for, seize, and remove such goods or things.

Powers of magistrates.

114. If the owner of any goods or things, which, if he were convicted of any of the offences referred to in this Part, would be liable to forfeiture, is unknown or cannot be found, any magistrate may in the like manner and in the circumstances required in the last preceding article, issue the said warrant.

Where owner of goods is unknown.

115. The goods and things so seized shall be produced before the Court of Magistrates sitting as a court of criminal judicature, and such court shall determine whether they are liable to forfeiture under this Ordinance.

Forfeiture of things seized.
Amended by:
VIII.1990.3.

116. (1) In the case referred to in article 114, the court shall order the issue of banns which shall be published twice, with an interval of at least eight days, in the Government Gazette, and posted up at the entrance of the building wherein the court sits, and in any other place which the court may deem fit, stating that the goods or things seized shall be forfeited, unless at the time and place named in the banns the owner of such goods or things or other person interested in such goods or things attends before the court and shows cause to the contrary.

Procedure where owner is unknown.

(2) If the owner or any person on his behalf, or other person interested in the said goods or things, fails to attend at the time and place named in the banns to show cause to the contrary, it shall be lawful for the court to direct that such goods or things or any of them be forfeited.

117. The court may direct that the goods or things so forfeited be destroyed or disposed of, after the trade marks or other trade descriptions have been obliterated from them, and may also direct that, out of the net proceeds which may be realized by the disposal of such goods or things and up to the amount thereof, any persons who, being in good faith, were injured by the forfeiture, be awarded compensation for any loss caused to them.

Award of compensation to parties in good faith.

118. Criminal actions under this Ordinance shall be barred by the lapse of three years from the day on which the act constituting the offence was committed, if the person to whose prejudice the act was committed, had no previous knowledge thereof; in all other cases the period of limitation shall be one year from the day on which such person became aware of that act.

Limitation of criminal actions.

Imported goods.
Amended by:
XI.1977.2;
IX.1982.2.

119. *Repealed by VIII.2000.12.*

Forfeiture takes
place *ipso jure*.
Amended by:
XVI.1960.3.

120. *Repealed by VIII.2000.12.*

Application of
Attorney General
for order for
forfeiture.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68;
L.N. 148 of 1975;
XXIV.1995.362.

121. *Repealed by VIII.2000.12.*

Powers of
Comptroller of
Customs and
Attorney
General.
Amended by:
XVI.1960.3;
L.N. 46 of 1965;
LVIII. 1974.68.

122. *Repealed by VIII.2000.12.*

Power of
Minister
responsible for
trade to make
regulations.
Amended by:
L.N. 2 of 1963;
XI. 1977.2.

123. *Repealed by VIII.2000.12.*

Implied warranty
on sale of marked
goods.

124. For the purposes of this Ordinance, on the sale of any goods to which a trade mark, or other mark, or trade description has been applied, the vendor shall be deemed to warrant that the trade mark, other mark, or description is genuine and not forged or falsely applied, unless the contrary is proved by some writing signed by the vendor and delivered, at the time of the sale, to and accepted by the buyer.

Use of forged
marks.

125. The provisions of this Title relating to the use of forged marks shall not apply to the use of any mark of manufacture or description used in trade to indicate goods of a particular class, or the manufacture thereof by any particular method, where, at the time of the promulgation of this Ordinance, such mark of manufacture or description was lawfully and generally applied for the above-mentioned purpose:

Provided that where such mark of manufacture or description includes the name of a place or country where the goods to which the genuine commercial designation thereof refers were produced, and such name is calculated to mislead as to the place or country where the goods were actually produced, and the goods are not produced in the place or country indicated in the mark of manufacture or description in use, the provisions of this article shall not apply, unless there is added to the mark of manufacture or description, immediately before or after the name of the said place or country, in an equally conspicuous manner, with that name, the name of the place or country in which the goods were actually made

or produced, and unless there is also stated that the goods were made or produced in that place or country.

126. The provisions of this Title shall apply without prejudice to the payment of damages to persons entitled thereto.

Right to damages not affected.

127. No person shall be excused from making a complete statement of every fact within his knowledge, nor shall any witness be excused from giving testimony in any proceeding, on the ground that he might become liable to prosecution for any one of the offences mentioned in this Title; but any statement or testimony so made or given, shall not be admissible in evidence against such person in any prosecution for any such offence.

Privilege may not be claimed by witness.

128. No proceedings shall be instituted against any person in the service of another person residing in Malta, if, in good faith, he has acted in obedience to the instructions of his employer, and, on being questioned by the Police, gives full information as to his employer.

Master and servant.

PART V*

REGISTER OF PATENTS, DESIGNS AND MODELS OF MANUFACTURE AND TRADE MARKS

129. There shall be kept at the office of the Comptroller of Industrial Property a register of industrial patents, a register of inventions of new designs and models of manufacture, and a register of trade marks.

Registers to be kept at office of Comptroller of Industrial Property.
Amended by:
IV.1966.15.

130. There shall be entered in the respective register the patents issued or the copyrights registered as well as all subsequent modifications, revocations, declarations of nullity, and forfeitures affecting such patents or copyrights, and all other matters the registration whereof is prescribed by the regulations made by the Minister responsible for trade.

Contents of registers.
Amended by:
L.N. 2 of 1963;
XI.1977.2.

131. There shall also be kept at the office of the Comptroller of Industrial Property a register of assignments of patents, copyrights in designs and models of manufacture and trade marks, and an annotation of any such assignment shall be made against the original entry of the patent or other right so assigned.

Register of assignments.
Amended by:
IV. 1966.16.

132. (1) There shall be entered in each of the registers mentioned in article 129 under a progressive number, all applications and documents filed therewith, the name, surname, country, father's name and place of domicile of the applicant and his attorney, if any, the subject-matter of the application and the date of presentation.

Applications to be entered in registers.
Substituted by:
IV. 1966.17.

(2) To the said entries there shall be added -

(a) in the register of industrial patents, the title of the

*Any reference to trade marks and to patents in this Part is to be deemed as if it were not made - *vide* XVI. 2000.104 and XVII.2000.62.

invention for which a patent is claimed;

- (b) in the register of inventions of new designs and models of manufacture, an indication of the design or model of manufacture for which copyright is claimed;
- (c) in the register of trade marks, an indication of the object for which the marks are intended.

Other entries in register of industrial patents.
Substituted by:
IV.1966.18.

133. In the register of industrial patents, a reference to the specifications which may have been filed shall also be entered.

Column for annotations.

134. In each of the registers referred to in the foregoing articles, a column shall be reserved for any annotations which it may become necessary to enter.

Alphabetical index.
Amended by:
IV.1966.19.

135. (1) To each of the said registers there shall be an alphabetical index of the surnames and names of the persons whose right or application has been registered.

(2) In the index of the register for assignments, reference shall be made to the progressive number of the general register.

Inspection of and extracts from registers.
Amended by:
XIX.1960.2;
IV.1966.20.

136. Saving the provisions of article 76, the said registers shall be open to the inspection of any person at the office of the Comptroller, and copies of or extracts therefrom as well as copies of or extracts from the specifications kept at the office of the Comptroller, written or printed, signed by the Comptroller of Industrial Property, shall be given to any person requiring the same on payment of the fees prescribed in the annexed Schedules, to be made at the time of the request.

Registers and extracts to be evidence of their contents.
Amended by:
XIX.1960.3;
IV.1966.21.

137. (1) The registers as well as the copies of or extracts from the registers or the specifications kept at the office of the Comptroller, and certificates signed by the Comptroller of Industrial Property, shall, until the contrary is proved, be evidence of their contents.

(2) No proof of their authenticity is required other than that which they bear on the face of them.

Rectification or cancellation of registration.
Amended by:
II.1928.2;
IV.1966.22;
L.N. 148 of 1975;
XXIV.1995.362.

138. (1) Any person may bring an action for the rectification or cancellation of any entry made in the register, or for the registration of any act which the Comptroller may have refused to enter.

Proceedings.

(2) Any such action shall be brought before the Civil Court, First Hall, by a writ of summons in which the Comptroller and a curator to be appointed by the court to represent any person who may have an interest in the matter, shall be named as defendants.

Notice in Government Gazette.

139. (1) Fifteen days at least before the trial of the action referred to in the last preceding article, a notice shall, by order of the court, be published in the Government Gazette, calling upon any

interested party to declare, by a note, within fifteen days from the publication of the said notice, whether he intends to oppose the demand contained in the writ of summons.

(2) Notice of the day appointed for the trial of the action shall be given to any person who shall, within the said time, have filed any such note.

140. Nothing in the last two preceding articles contained shall be in derogation of the provisions contained in articles 960, 961 and 962 of the Code of Organization and Civil Procedure.

Applicability of ss.960-962 of Code of Organization and Civil Procedure. Cap. 12.

141. (1) Any rectification, cancellation, or registration ordered by the court shall be made by the Comptroller within the time of ten days from the day on which the judgment shall have become a *res judicata*.

Time within which rectification, etc., is to be made. Amended by: IV.1966.23.

(2) Reference to the judgment shall be made by a note in the margin of the respective register.

(3) A rectification, however, consisting in the correction of an error incurred in transcribing an act in the register may be made by the Comptroller on his own authority.

141A. (1) Notwithstanding the provisions of article 138, the proprietor of a patent, or the proprietor of a design or model of manufacture or the proprietor of a trade mark, may make an application in writing to the Comptroller requesting the cancellation of the respective entry in the relative register, of the patent, design or model of manufacture or trade mark of which he is the proprietor.

Procedure where cancellation is requested by proprietor. Added by: XI.1986.2.

(2) Upon receipt of an application as is referred to in sub-article (1) the Comptroller shall publish in the Gazette a notice calling upon any interested party to make a declaration to be filed with the Comptroller within fifteen days from the publication of the said notice, wherein he states his opposition to the cancellation.

(3) If on the lapse of the fifteen days referred to in sub-article (2) the Comptroller shall not have received a declaration objecting to the cancellation he shall make the cancellation in the appropriate register.

(4) If a declaration as is referred to in sub-article (2) shall have been received by the Comptroller within the fifteen days referred to in the said sub-article, the Comptroller shall refuse the application and the cancellation may only be made by an action brought against the Comptroller in accordance with articles 138 to 141. In any such action the person making the declaration shall also be a defendant.

142. (1) A copy of the description and drawings produced in connection with an application for a patent, or of the designs or models produced in connection with an application for copyright in a new design or model of manufacture, shall be deposited in the Comptroller's office, but such copy shall not be open to inspection except three months after the grant of the patent or copyright,

Copies to be deposited in the Comptroller's office. Amended by: XXII.1976.4.

saving the provisions of article 76.

(2) The models and another copy of the description of the drawings shall be kept in the National Library of Malta or in a place appointed for the purpose by the Government, wherein they shall be open to public inspection after the expiration of the said time.

Copy of marks to be sent to Chamber of Commerce.

143. (1) One of the two representations of the trade mark or other mark which are to be presented to the Comptroller under article 83 shall be kept by him and shall be open to public inspection and the other shall be sent by the Comptroller to the Chamber of Commerce.

(2) Such other representation shall be kept by the Chamber of Commerce and shall be available for public inspection.

Actions other than criminal actions to be tried by Civil Court, First Hall.
Added by:
II.1928.3.
Amended by:
L.N. 148 of 1975;
XXIV.1995.362.

144. The Civil Court, First Hall, shall be the only competent court to deal with proceedings other than proceedings of a criminal character arising under this Ordinance.

PART VI*

SPECIAL AND TRANSITORY PROVISIONS

Power of Minister responsible for trade to make regulations.
Amended by:
L.N. 2 of 1963;
XI. 1977.2.

145. The Minister responsible for trade may, from time to time, make regulations relating to such matters as may be necessary in order to carry out the provisions of this Ordinance. Such regulations shall be published by notice in the Government Gazette.

Fees.
Amended by:
XI. 1986.3.

146. (1) The fees payable to the Government under this Ordinance shall be taxed and levied in accordance with the Schedules annexed hereto.

(2) The Minister responsible for trade may by regulations amend, add to, revoke or substitute all or any of the Schedules annexed to this Ordinance.

Costs of proceedings.
Cap. 12.

147. In any proceedings under this Ordinance the costs shall be taxed and levied according to the tariffs in Schedule A annexed to the Code of Organization and Civil Procedure.

Provisions not applicable to patents granted before commencement of Ordinance.

148. The provisions of this Ordinance concerning the formalities relating to the grant of industrial patents shall not apply to patents (formerly called exclusive rights) granted before the commencement of this Ordinance.

Provisions applicable to former patents.

149. In all other matters (including the amount of fees payable and the time for payment), the provisions of this Ordinance shall apply to patents granted before the commencement of this Ordinance as if such provisions had been in force at the time of the

*Any reference to patents in this Part is to be deemed as if it were not made - *vide* XVII.2000.62.

grant.

FORM A

FORM OF PROVISIONAL SPECIFICATION

(a)
 I, (b), of _____, in the _____,
 do hereby declare the nature of my invention for
 " _____", to be as follows:- (c)

(d)
 Dated this _____ day of _____ 19____

 (a) Here insert title as in declaration.

(b) Here insert name, address, and calling of inventor, as in declaration.

(c) Here insert short description of invention.

(d) Signature of inventor.

FORM B

FORM OF COMPLETE SPECIFICATION

(a)
 I, (b) do hereby declare the nature of my
 invention for _____ and in what manner the same is to
 be performed, to be particularly described and ascertained in and by
 the following statement:- (c)

Having now particularly described and ascertained the nature of
 my said invention and in what manner the same is to be performed, I
 declare that what I claim is (d)

1.

2.

3. etc.

(e)
 Dated this _____ day of _____ 19____

 (a) Here insert title as in declaration.

(b) Here insert name, address, and calling of inventor, as in declaration.

(c) Here insert full description of invention.

(d) Here state distinctly the features of novelty claimed.

(e) Signature of inventor.

FORM C

FORM OF APPLICATION FOR REGISTRATION OF DESIGN

day of 19

You are hereby requested to register the accompanying Design,
in Class in the name of (a) of
who claims to be the proprietor thereof, and to return the same
to

Statement of nature of Design

Registration Fees enclosed Lm c m

To the Comptroller of Industrial Property.

(Signed)

(a) Here insert legibly the name and address of the individual or firm.

FORM DFORM OF APPLICATION FOR REGISTRATION OF TRADE
MARK

(One representation to be fixed within this square, and two
others on separate sheets of foolscap of same size).

(Representations of a larger size may be folded, but must be
mounted upon linen and affixed hereto).

You are hereby requested to register the accompanying trade
mark, [], in the name of (a) , who claims to
be the proprietor thereof.

Registration Fees enclosed Lm c m

To the Comptroller of Industrial Property.

(Signed)

(a) Here insert legibly the name, address, and business of the individual or firm.

*Amended by:
XL.1940.3 (3);
L.N. 2 of 1963.*

FORM E**BY THE MINISTER RESPONSIBLE FOR TRADE****WHEREAS**

has by his solemn declaration expressed to me that he is in possession of an invention for _____ and that the same is not in use by any other person to the best of _____ knowledge and belief:

WHEREAS the said inventor has applied to me for the grant to of a patent for the sole use and advantage of his said invention:

AND WHEREAS the said inventor has by and in his complete specification particularly described the nature of his invention:

I, NOW, by virtue of the power vested in me by the Industrial Property (Protection) Ordinance, and on the conditions therein set forth, do by these presents give and grant unto the said patentee the exclusive right to use the said invention and derive all profits therefrom, in Malta, up to and until the lapse of fourteen years from

*

PROVIDED THAT this Warrant is held on the condition, that if, any time during the said term, it will be made to appear to me that this our grant is contrary to law, or if the said patent be annulled by a competent court, or if the patentee shall forfeit his right to his patent, this Warrant shall forthwith be determined and be void to all intents and purposes.

Given at the Ministry

this _____ day of

_____ in the Year of OUR
LORD One Thousand Nine Hundred
and _____

Minister responsible for trade.

*Here insert date of filing of application for grant of patent.

FORM F

Added by:
III.1934.4.
Amended by:
XL. 1940.3(3);
L.N. 2 of 1963.

IN THE MATTER OF AN APPLICATION BY
FOR THE RESTORATION OF WARRANT NO.

WHEREAS a Warrant bearing date the _____ day
of _____, 19____ and numbered _____
was granted to _____ (hereinafter referred to as "the
patentee") for an invention entitled _____

AND WHEREAS the said Warrant became void on the
_____ day of _____, 19____, owing to the
omission of the payment of the prescribed renewal fee in respect of
the _____ year:

AND WHEREAS the said _____ on the
_____ day of _____, 19____, made
application for the restoration of the said Warrant:

AND WHEREAS it appears from the said application that the
omission to pay the prescribed renewal fee was unintentional, and
that no undue delay has occurred in making the said application:

AND WHEREAS the prescribed renewal fee _____ in
respect of the _____ now been paid:

I hereby restore the said Warrant and order that it shall be
considered, deemed and taken to be, and to have been as good,
valid, and effectual to all intents and purposes as if no omission had
been made in the payment of the said renewal fee in respect of the
_____ year:

PROVIDED THAT no action or other proceeding shall be com-
menced or prosecuted nor any damage recovered:

(i) in respect of any infringement of the said Warrant which shall
have taken place after the _____ day of _____
_____, 19____ (being the day on which
the Warrant was announced as void in the Government Gazette)
and before the date of this Order;

(ii) in respect of the use or employment at any time hereafter of
any mechanism, machine, machinery, process, or operation actually
made or carried on within Malta or of the use, purchase or sale of
any article manufactured or made in infringement of the said
Warrant after the said _____ day
of _____

_____, 19____ and before
the date of this Order. Provided that such use, purchase, sale or
employment is by the person or corporation by or for whom such
machine or machinery or article was *bona fide* manufactured or
made, or such mechanism, machine, machinery, process or
operation was *bona fide* made or carried on, his or their executors,
administrators, successors, or vendees, or his or their assigns
respectively;

(iii) in respect of the use, employment or sale at any time hereafter
by any person or corporation entitled for the time being under the

preceding paragraph to use or employ any machine, machinery, mechanism, process or operation of any improved or additional machine, machinery, mechanism, process, or operation or of the use or sale of any article manufactured or made by any of the means aforesaid in infringement of the said Warrant; provided that the use or employment of any such improved or additional machine, machinery, mechanism, process or operation shall be limited to the buildings, works or premises now existing or hereafter erected of the person or corporation by or for whom such machine, machinery, mechanism, process or operation was made or carried on within the meaning of the preceding paragraph, his or their executors, administrators, successors or assigns.

PROVIDED ALSO that if any person shall within one year after the date of this Order make an application to the court for compensation in respect of money, time or labour expended by the applicant upon the subject-matter of the said Warrant in the *bona fide* belief that such Warrant had become and continued to be void, it shall be lawful for the court after hearing the parties concerned or their agents to assess the amount of such compensation, if in the opinion of the court the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid, and if default shall be made in payment of the sum awarded then the Warrant shall become void, but the sum awarded shall not in such case be recoverable as a debt or damages.

Given at the Ministry,
this day of
 in the Year of OUR
LORD One Thousand
Nine Hundred and

Minister responsible for trade.

SCHEDULES OF FEES

[ARTICLES 12, 57, 72, 83, 101, 136, 146]

SCHEDULE A**Fees on Instruments for Obtaining Patents and Renewals**

	Lm c m	Lm c m
1. On application for provisional protection ...	25.00,0	
2. On filing complete specification	25.00,0	
or		50.00,0
3. On filing specification with first application		50.00,0
4. On notice of opposition to grant of patent - by opponent		10.00,0
5. On application to amend specification		10.00,0
6. On notice of opposition to amendment - by opponent		5.00,0
7. On application to amend specification during action or proceeding - by patentee		10.00,0
8. On opposition to grant of compulsory licence - by patentee		6.00,0
9. On application by proprietor requesting the cancellation of the entry of registration of a patent of which he is the proprietor		6.00,0
10. For cancellation from register of a patent after request by its proprietor		26.00,0
11. For opposition to application by proprietor to cancel registration of a patent		26.00,0

Amended by:
III.1934.3.
Substituted by:
XX.1948.9;
VII.1970.2.
Amended by:
XIII.1983.4.
Substituted by:
L.N. 29 of 1986;
L.N. 34 of 1988.
Amended by:
L.N. 108 of 1997.

Annual Fees

	Lm c m
12. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year	25.00,0
13. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	30.00,0

	Lm c m
14. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	35.00,0
15. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	40.00,0
16. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	45.00,0
17. Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	50.00,0
18. Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	55.00,0
19. Before the expiration of the 11th year from the date of the patent and in respect of the 12th year	60.00,0
20. Before the expiration of the 12th year from the date of the patent and in respect of the 13th year	65.00,0
21. Before the expiration of the 13th year from the date of the patent and in respect of the 14th year	70.00,0

On Enlargement of Time for Payment of Annual Fees

	Lm c m
22. Not exceeding one month	5.00,0
23. Not exceeding two months	7.00,0
24. Not exceeding three months.....	10.00,0
25. For every assignment, agreement, licence, or extension of patent	4.00,0
26. For duplicate certificate of Warrant (each) ..	6.00,0
27. On notice to Comptroller of intended exhibition of a patent under article 47.....	4.00,0
28. Search or inspection fee (each)	4.00,0

	Lm c m
29. For any certificate issued by Comptroller.....	3.00,0
30. For altering address in register.....	3.00,0
31. For enlargement of time for filing complete specification, not exceeding one month.....	3.00,0
32. On application for restoration of a patent	50.00,0
33. Change of name	3.00,0
34. For copies of specifications including drawings - per page	0.30,0
35. On request to Comptroller to correct clerical error on application (before registration)	3.00,0

SCHEDULE B

Fees on Instruments for the Registration of Trade Marks

	Lm c m	
1. On application to register a trade mark, for one or more articles included in one class, on account of which the registration of the mark is sought	50.00,0	Amended by: XXXI. 1937.4. Substituted by: XX. 1948.9; VII. 1970.2. Amended by: XIII. 1983.4. Substituted by: L.N. 29 of 1986; L.N. 34 of 1988. Amended by: L.N. 108 of 1997; L.N. 140 of 1998.
2. Deleted by: L.N. 108 of 1997.		
3. For registering a series of trade marks, for every additional representation after the first, in each class	7.00,0	
4. On notice of opposition, for each application opposed, by opponent	15.00,0	
5. On application to register a subsequent proprietor in cases of assignment of the first mark	25.00,0	
6. For every additional mark assigned or transmitted at the same time	5.00,0	
7. For continuance of right to exclusive use of mark at expiration of 14 years	40.00,0	
8. Additional fee where fee is paid within three months after expiration of 14 years	15.00,0	

	Lm c m
9. Additional fee for restoration of trade mark where removed for non-payment of fee	30.00,0
10. For altering address on the register for every mark	5.00,0
11. For every entry in the register of a rectification of a trade mark or an alteration therein, not otherwise charged	5.00,0
12. On application by proprietor requesting the cancellation of the entry of registration of a trade mark of which he is the proprietor	10.00,0
13. For cancellation from register of a trade mark after request by its proprietor	30.00,0
14. For opposition to application by proprietor to cancel registration of a trade mark	30.00,0
15. On request to Comptroller to correct a clerical error, or permit amendment of application	5.00,0
16. For any certificate by Comptroller	5.00,0
17. For copy of notification of registration	2.00,0
18. For search or for inspecting register by interested person, for every quarter of an hour	3.00,0
19. For extract from the register (including copy of label, if any) or for certificate of non-registration	5.00,0

SCHEDULE C

Fees on Instruments for the Registration of Designs

	Lm c m
1. On application to register designs or models of manufacture, for every drawing	20.00,0
2. Deleted by: L.N. 108 of 1997.	
3. On application to register a subsequent proprietor	6.00,0
	Lm c m

Added by:
VII.1970.2.
Amended by:
XIII.1983.4.
Substituted by:
L.N. 29 of 1986;
L.N. 34 of 1988.
Amended by:
L.N. 108 of 1997.

4. For continuance of the right to exclusive use of a design or model of manufacture after the expiration of the first five years	15.00,0
5. For continuance of the right to exclusive use of a design or model of manufacture after the expiration of the second five years	15.00,0
6. For altering address on the register for every design or model	3.00,0
7. On request to Comptroller to correct a clerical error, or permit amendment of application	2.00,0
8. For any certificate by Comptroller	2.00,0
9. For copy of notification of registration	2.00,0
10. On application by proprietor requesting the cancellation of the entry of registration of a design of which he is the proprietor	5.00,0
11. For cancellation from register of a design after request by its proprietor	15.00,0
12. For opposition to application by proprietor to cancel registration of a design.....	12.00,0
