

The Patent Regulations of 1998

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THE PATENT LAW 1999, REGULATIONS UNDER SECTION 78

K. D. Æ. 46/99

(fees & forms are not included see the original text in Greek)

Nicosia, September 24, 1998

The Council of Ministers, exercising the powers vested in it under Section 78 of the Patent, Law issues the following Regulations.

The present Regulations shall be referred to as the Patent Regulations of 1998.

CHAPTER 1. GENERAL PROVISIONS ➔

Definitions

1. In these Regulations, unless the context otherwise requires:

(i) "certified translation" means the translation made by a lawyer or by an authority competent in certifying translations;

(ii) "EPO" means the European Patent Office as defined in the European Patent Convention;

(iii) "European application" means the application for the grant of a European patent;

(iv) "European Patent Convention" means the Convention for the grant of European patents ratified by Cyprus, by Law No. 26(III)/97.

- (v) "Gazette" means the Cyprus official Gazette;
- (vi) "international application" means an application filed under the Patent Cooperation Treaty;
- (vii) "Law" means the Paten Law 1998;
- (viii) "patent application" means the application for the grant of a patent;
- (ix) "Patent Cooperation Treaty" means the Patent Cooperation Treaty ratified by Cyprus by Law No. 27(III)/97.
- (x) "priority date" means the filing date of an earlier application that serves as a basis for the right of priority as provided for in Section 20;
- (xi) "Registrar" means the Registrar of Companies and Official Receiver and includes any other person appointed to exercise all or any of the powers and perform all or any of the duties of the Registrar;
- (xii) "representative lawyer" means a lawyer acting on behalf of an applicant for registration of a patent;
- (xiii) "Rule" refers to the specified rule of these Regulations;
- (xiv) "Section" refers to the specified section of the Law;
- (xv) Words and phrases defined in the Law shall have the same meaning wherever used in these Regulations.

Register

2. (1) The Registrar shall cause to be entered in the register in respect of every patent and, where applicable, of every application, upon publication, in addition to the information indicated in Rules 39(5) and (6) and 40(1):

- (a) the address for service;
- (b) the date on which the patent expired or was surrendered or invalidated;
- (c) any assignment of the patent or application therefor; and
- (e) the grant, cancellation and variation of the terms of any compulsory license granted with respect to the patent.

(2) The Registrar may at any time enter in the register such other particulars as he may think fit.

(3) Entries in the register shall be available for inspection by the public between the hours of 9 a.m. and 1 p.m. on week days and not on Saturdays and public holidays.

(4) Requests for certified copies of or extracts from the register or for copies of documents shall be made to the Registrar on Form P.1.

Alteration of name, etc.

3. (1) A request by the owner of a patent or by an applicant for a patent for the alteration of a name, nationality, address or address for service on record in respect of his patent or application shall be made on Form P.2.

(2) Before acting on a request to alter a name or nationality, the Registrar may require such justification of the alteration as he thinks fit.

(3) If the Registrar is satisfied that the request should be allowed, he shall cause the patent or the application therefor and, where the name, nationality or address has been recorded in the register, to be altered accordingly.

Change of ownership

4. (1) A request for recordal of the change of ownership of an application or a patent shall be made on Form P.3.

(2) In order to be accepted for recordal, an agreement assigning the ownership of the application or the patent must contain at least the serial number and date of the patent application or of the patent, the title of the invention and the names, addresses, nationalities, and signatures of the assignor and assignee.

(3) If the Registrar is satisfied that the request should be allowed, he shall cause the patent or application therefor and, where the ownership has been recorded in the register, the register to be altered accordingly.

Correction of errors.

5. (1) A request for correction of an error in the register or in any document filed with the Registrar in connection with registration shall be made on Form P.4.

(2) (a) A request for correction of an error or translation or transcription, a clerical error or mistake in the claims, description or drawings of a patent or application for a patent or any document filed in connection with a patent or such an application shall be made on Form. P.5.

(b) Where such a request relates to the claims, description or drawings, no correction shall be made therein unless the correction is obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

(c) Where the correction of a patent is requested, the Registrar may require notice of the proposed correction to be advertised. The advertisement shall be made by publication of the request and the nature of the requested correction.

(d) Any person may, at any time within three months after the date of the publication, give, to the Registrar, on Form. P.6, in duplicate, notice of opposition to the request. The notice of opposition shall be supported by a statement in duplicate setting out fully the facts on which the opponent relies and the relief which he seeks.

(e) The Registrar shall send a copy of the notice and the statement to the person making the request who, if he desires to proceed with his request, shall within three months of the receipt of the copies file a counter-statement in duplicate setting out fully the grounds on

which he contests the opposition and the Registrar shall send a copy of the counter-statement to the opposer.

(f) The Registrar may give such directions as he may think fit with regard to the subsequent proceedings.

Order or direction by court

6. Where any order or direction has been made or given by the court:

(a) transferring a patent or application or any right in or under it to any person;

(b) that an application should proceed in the name of any person;

(c) allowing the owner of a patent to amend the application or patent; or

(d) invalidating a patent;

the person in whose favor the order is made or the direction is given shall file Form P.7. accompanied by an office copy of such order or direction, and thereupon the application or the patent shall be amended and the register shall, where applicable, be rectified or altered accordingly.

Representation by an agent.

7. (1) The appointment of an agent shall be by a power of attorney which shall be signed by the applicant, or, if there is more than one applicant, by each applicant. The address of the agent shall, for all purposes be connected with the Law and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

(2) The power of attorney shall be made on Form P.8 and filed together with the application or within one month from its filing date. If the appointment is not thus made, and is not in accordance with Section 79(2) of the Law and paragraph (1) of this Rule, any procedural steps taken by the agent other than the filing of the application shall be deemed not to have been taken.

Indication of name, etc.

8. (1) Names of natural persons shall be indicated by the person's family name, the family name being indicated before the given name; the names of legal entities shall be indicated by their full, official designations.

(2) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any; addresses shall also indicate telegraphic and telex, fax, e-mail, addresses, if any, and telephone numbers.

(3) Nationality shall be indicated by the name of the State of which a person is a national; legal entities shall indicate the name of the State under whose laws they are constituted.

(4) Residence shall be indicated by the name of the State of which a person is a resident.

Signatures by partnerships, companies and associations

9. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any partner qualified to sign, stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a Director or by the Secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document, and shall bear the seal of the body corporate.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Registrar that he is duly authorized.

(4) The Registrar may, whenever he deems it necessary, request proof of authorization to sign.

Recordal of patent applications

10. Patent applications shall be recorded in the record book on "Pending National Applications".

Administrative instructions

11. Administrative Instructions on keeping the record books on other formal procedures for the processing of patent applications may be issued by the Registrar.

Fees and Forms

12. (1) The fees to be paid in respect of any of the matters arising under the Law and these Regulations shall be those specified in Schedule 1 to these Regulations, and, where a form specified in that Schedule as the corresponding form in relation to any matter is required to be used, that form shall be accompanied by the fee specified in respect of that matter.

(2) The forms mentioned in these Regulations are those set out in Schedule 2 to these Regulations. Copies of the forms shall be obtainable from the Registrar.

Time limits

13. (1) When the last day for doing any act or taking any proceeding falls on a day when the Office of the Registrar is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the Office of the Registrar is next open for business.

(2) The time or periods prescribed by (the Law or) these Regulations for doing any act or taking any proceeding thereunder may be extended by the Registrar if he thinks fit, upon such notice to the parties and upon such terms, as he may direct, and such extensions may be granted although the time or period for doing such act or taking such proceeding has already expired.

(3) Any notice, application or other document sent to the Registrar by posting it in Cyprus shall be deemed to have been given, made or filed at the time when the letter containing it

would be delivered in the ordinary course of post.

Duty or preserve secrecy

14. Employees of the Office of the Registrar shall have the obligation, even after the termination of their employment, neither to communicate confidential information obtained in their capacities as employees of the Office of the Registrar to persons not entitled to receive it, nor to disclose it to the public or make other use of it.

Directions as to furnishing of

15. At any stage of any proceedings before the Registrar, the Registrar may direct that any documents

documents, things, information or evidence he may require concerning matters arising under the Law or these Regulations be furnished within such period of time as he may fix.

Correction of irregularities

16. Any document filed in any proceedings before the Registrar may, if he thinks fit, be amended and any irregularity in procedure before the Registrar may be rectified, on such terms as he may direct.

Dispensation by the Registrar

17. Where, under these Regulations, any person is to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the Registrar that, for any reasonable cause, that person is unable to do that act or thing, or that that document or evidence cannot be produced or filed, the Registrar may upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

Hours of business

18. The Office of the Registrar shall be open to the public from Monday to Friday inclusive, each week, according to the working hours of the civil service.

Evidence

19. (1) Where under these Regulations evidence may be filed, it shall be by statutory declaration or affidavit.

(2) The Registrar may, if he thinks fit, in any particular case, take oral evidence in lieu of or in addition to such evidence and shall allow any witness to be cross-examined on his affidavit or declaration.

(3) A statutory declaration or affidavit filed under the Law or these Regulations shall be made before an officer authorized by law in any part of the Republic of Cyprus to administer an oath for the purpose of legal proceedings.

(4) Statutory declarations or affidavits made outside the Republic of Cyprus shall be made before a Consul or Notary Public.

Hearing

20. (1) (a) The Registrar shall, before exercising adversely to any person at a proceeding before him any discretionary power given to him by the Law or these Rules, notify such person, in writing, of the opportunity to be heard thereon, and indicating a time limit, which shall not be less than one month, for filing a request for a hearing.

(b) The request for a hearing shall be in writing and shall be subject to payment of the prescribed fee.

(c) Upon receiving such request, the Registrar shall give the person applying, and any other interested persons, at least two weeks notice, in writing of the date and time of the hearing.

(2) After hearing the party or parties, the Registrar shall decide upon the matter and, in writing, notify his decision to the parties, giving reasons for his decision.

Gazette

21. (1) The Registrar shall publish in the Official Gazette particulars of patents and other proceedings required to be published under the Law and these Regulations and any other information required to be published under the Law or these Regulations as he may deem to be generally useful or important.

(2) Unless the Registrar otherwise directs, the Gazette shall be published monthly

CHAPTER 2. FILING OF A PATENT APPLICATION →

Applications for the grant of patents

22. (1) The request shall be made, in duplicate, together with the payment of the prescribed fee, on Form. P.9 and shall meet the prerequisites of Section 13 of the Patent Law 1998.

(2) The data concerning the applicant, the inventor and any agent shall include their full names, addresses and nationalities.

(3) The title of the invention shall be short and precise and indicate the matter to which the invention relates.

(4) Where the applicant is the inventor, the request shall contain a statement to that effect and, where he is not, it shall indicate the inventor's name and address and be accompanied by a statement justifying the applicant's right to the patent.

(5) The patent application can be filed by registered mail. In this case, the date of receipt is the date on which the application is received by the Registrar; Rule 13(3) shall not apply.

International Patent Classification

23. The Registrar shall apply the International Patent Classification, as adopted under the Strasbourg Agreement of March 24, 1971, and updated in subsequent editions, for all purposes relating to the grant and publication of patents, as well as for the maintenance of classified search files.

Marking of application

24. (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application serial number consisting of the last two numbers of the year in which the initial papers were received, followed by a five-digit number allotted in the sequential order in which applications are received.

(2) Where any corrections or other later filed documents are received on different dates, the Registrar shall also mark thereon their actual date of receipt and the application serial number established in accordance with paragraph (1).

(3) The application serial number allotted under paragraph (1) shall be quoted by the Registrar and the applicant in all subsequent communications concerning the application.

Description of the Invention.

25. (1) The description of the invention shall first state the title of the invention mentioned in the patent application.

(2) The description shall:

(i) determine the technical field to which the invention relates;

(ii) indicate the state of the background art which, as far as known to the applicant, can be regarded as useful for understanding the invention, and, preferably, cite the documents reflecting such background art;

(iii) determine the invention, as defined in the claims by appropriate technical terms so that the problem and its solution can be understood;

(iv) present the advantage of the invention, if any, in relation to the background art;

(v) briefly describe the figures in the drawings, if any;

(vi) define in detail one way at least of carrying out the invention claimed using examples;

(vii) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is capable of exploitation in industry

Microorganisms

26. (1) To the extent that the contents of an application for a patent or of a patent disclose an invention which requires for its performance the use of a microorganism which is not available to the public at its date of filing, the application shall be treated as disclosing the invention in a manner which is clear and complete enough for the invention to be performed by a person skilled in the art if the following conditions are satisfied:

(i) a culture of the microorganism has been deposited in a culture collection not later than the date of filing the application;

(ii) the application as filed gives such relevant information as is available to the applicant on the characteristics of the microorganisms; and

(iii) the name of the culture collection the date when the culture was deposited, and the accession number of the deposit are given in the description portion of the application.

(2) The giving of the information specified in paragraph (1)(iii), above, shall be considered as constituting the unreserved and irrevocable consent of the applicant to the culture deposited being made available to any person who, on or after the date of publication of the application, makes a valid request therefor to the culture collection with which the microorganism is deposited. A request shall be valid if it is accompanied by the Registrar's certificate authorizing the release of the sample to that person. An application for such a certificate shall be submitted to the Registrar, accompanied by the prescribed fee, on Form P.10, together with:

(a) an undertaking not to make the culture available to any other person until the application for the patent is refused or withdrawn or deemed to be withdrawn or, if a patent is granted, until it ceases to have effect without the possibility of renewal or restoration; and

(b) an undertaking to use the culture for experimental purposes only until the application is refused or withdrawn or deemed to be withdrawn or until the date of publication in the Official Gazette that the patent has been granted.

(3) The Registrar shall send a copy of the prescribed form to the applicant for, or owner of, the patent.

Claims

27. (1) Where an application contains several claims, they shall be numbered consecutively in arabic numerals.

(2) The definition of the subject matter for which protection is sought shall be in terms of the technical features of the invention.

(3) Claims shall be written either:

(i) in two parts, the first part consisting of a statement indicating those technical features of the invention which are necessary in connection with the definition of the claimed subject matter and which, in combination, appear to be part of the prior art, the second part ("the characterizing portion"), introduced by the words "characterized in that," "characterized by", "wherein the improvement comprises", or other words to the same effect, consisting of a statement concisely indicating those technical features which, in combination with the features stated in the first part, define the subject matter for which protection is sought; or

(ii) in a single statement containing a recitation of a combination of several elements or steps, or a single element or step, which defines the matter for which protection is sought.

(4) (a) No claim shall contain, in respect of the technical features of the invention, references to the description or any drawings, for example, such references as: "as described in part...of the description", or "as illustrated in figure...of the drawings", unless such a reference is necessary for the understanding of the claim or enhances the clarity or the conciseness of the claim.

(b) No claim shall contain any drawing or graph. Any claim may contain tables and chemical or mathematical formulas.

(c) Where the application contains any drawing, any technical feature mentioned in any claim may, if the intelligibility of that claim can thereby be enhanced, include a reference sign to that drawing or to the applicable part of that drawing; such a reference sign shall be placed between square brackets or parentheses and shall not be construed as limiting the claim.

(5) (a) Any claim which includes all the features of one or more other claims of the same category (hereinafter referred to as "dependent claim" or "multiple dependent claim", respectively) shall preferably first refer to the other claim or claims by indicating the serial number of the other claim or the serial numbers of the other claims and then state those features claimed that are additional to the features claimed in the other claim or claims.

(b) Dependent claims or multiple dependent claims may depend on dependent claims or multiple dependent claims. Multiple dependent claims may refer in the alternative or in the cumulative to the claims on which they depend.

(c) All dependent claims referring to the same other claim, and all multiple dependent claims referring to the same other claims, shall be grouped together in the most practical way possible.

Drawings

28. (1) Drawings forming part of an application for a patent shall be on sheets the usable surface area of which shall not exceed 26.2 cm by 17 cm. The sheets shall not contain frames round the usable or used surface. The minimum margins shall be as follows:

top 2.5 cm

left side 2.5 cm

right side 1.5 cm

bottom 1.0 cm

(2) Drawings shall be executed as follows:

(a) Without coloring in durable, black sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;

(b) Cross-sections shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;

(c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing it shall be represented graphically;

(d) All numbers, letters and reference signs appearing in the drawing shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters;

(e) Elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;

(f) The height of the numbers and letters shall not be less than 0.32 cm and for the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;

(g) The same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged, without wasting space, clearly separated from one another. The different figures shall be numbered consecutively in arabic numerals, independently of the numbering of the sheets;

(h) Reference signs not mentioned in the description or claims shall not appear in the drawings, and vice versa. The same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;

(i) The drawings shall not contain textual matter, except, when required for the understanding of the drawings, a single word or words such as "water", "steam"; "open", "closed", "section on AA" and in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords;

(j) The sheets of the drawings shall be numbered in accordance with Rule 31(9) below.

(3) Flow sheets and diagrams shall be considered to be drawings for the purposes of these Regulations.

Abstract

29. (1) The abstract shall commence with the title of the invention.

(2) The abstract shall contain a concise summary of the matter contained in the description of the invention. The summary shall indicate the technical field to which the invention belongs and be drafted in a way which allows a clear understanding of the technical problem to which the invention relates, the gist of the solution to that problem through the invention and the principal use or uses of the invention. Where appropriate, the abstract shall also contain the chemical formula which, among those contained in the specification, best characterizes the invention. It shall not contain statements on the alleged merits or value of the invention or on its speculative application.

(3) The abstract shall normally not contain more than 150 words.

(4) If the description of the invention contains any drawings, the applicant shall indicate on Form P.9 the figure or, exceptionally, the figures of the drawings which he suggests should accompany the abstract when published. The Registrar may decide to publish one or more other figures if he considers that they best characterize the invention.

(5) The abstract shall be so drafted that it constitutes an efficient instrument for the purposes of searching in a particular technical field, in particular by making it possible to assess whether there is a need to consult the description of the invention itself.

Size and Presentation of Documents

30. (1) The description, claim(s), drawings(s), abstract and any replacement sheet thereof shall be filed in duplicate.

(2) All documents shall be so presented as to permit direct reproduction by photography, electrostatic processes, photo offset and microfilming, in the unlimited number of copies. All sheets shall be free from cracks, creases and folds. Only one side of the sheet shall be used, except in the case of the request for the grant of a patent.

(3) All such documents and drawings shall be on A4 paper (29.7 cm x 21 cm) which shall be pliable, strong, white, smooth, matt and durable. Each sheet (other than the drawing) shall be used with its short sides at the top and bottom (upright position).

(4) The request for the grant of a patent and the description, claims, drawings and abstract shall each commence on a new sheet. The sheets shall be connected in such a way that they can easily be turned over, separated and joined together again.

(5) Subject to Rule 28(1), the minimum margins shall be as follows:

top 2 cm

left side 2.5 cm

right side 2 cm

bottom 2 cm

(6) The margins of the documents making up the application and of any replacement documents must be completely blank.

(7) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order,

(i) the request;

(ii) the description;

(iii) the claims;

(iv) the abstract; and

(v) the drawings.

(8) In the application, every fifth line of each sheet of the description and the claims shall be numbered in arabic numerals placed to the left of the relevant lines but to the right of the margin.

(9) All sheets of drawings contained in the application shall be numbered consecutively as a separate series. Such numbering shall be in arabic numerals placed at the top of the sheet, in the middle, but not in the top margin.

(10) Every document (other than drawings) referred to in paragraph (1) above shall be typed or printed in a dark, indelible color, in at least 1 ½ line spacing and in characters of which the capital letters are not less than 0.21 cm high. Graphic symbols and characters and chemical and mathematical formulae may, when necessary, be written by hand or drawn, in a dark indelible color.

(11) The request for the grant of a patent, the description, the claims and the abstract shall not contain drawings. The description, the claims and the abstract may contain chemical or mathematical formulae. The description and the abstract may contain tables. The claims may contain tables only if their subject-matter makes the use of tables desirable.

(12) In all documents, including drawings, units of weight and measures shall be expressed in terms of the metric system. If a different system is used they shall also be expressed in terms of the metric system. Temperatures shall be expressed in degrees Celsius.

For the other physical values, the units recognized 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.

(13) If a formula or symbol is used in the specification a copy thereof, prepared in the same manner as drawings, shall be furnished if the Registrar so directs.

(14) The terminology and the signs shall be consistent throughout the application.

(15) The application shall not contain:

(i) expressions or drawings contrary to public order or morality;

(ii) statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person (mere comparisons with the prior art shall not be considered disparaging per se);

(iii) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

Accordal of filing date

31. (1) The Registrar shall examine whether the application fulfills the requirements of Section 14(1).

(2) The invitation to file any correction under Section 14(2) shall be in writing; it shall specify the correction required and request that it be filed within two months from the date of the invitation, together with the payment of the prescribed fee.

(3) Once the Registrar accords a filing date, he shall notify the applicant in writing; if the application is treated as if it had not been filed under Section 14(2), the Registrar shall notify the applicant in writing, specifying the reasons.

(4) If the description, the claims, the abstract, and any text matter in drawings is not filed in one of the official languages of the Republic of Cyprus, a translation thereof shall be filed within 4 months of the filing date. If such a translation is filed, the filing date of the application shall be the date of receipt by the Registrar of the elements referred to in Section 14(1).

CHAPTER 3. EXAMINATION, GRANT OR REFUSAL, PUBLICATION →

Unity of invention; claims in different categories

32. (1) Where a group of inventions is claimed, the requirement of unity of invention referred to in Section 18 shall be considered fulfilled only if there is a technical interrelationship between those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features which define the contribution which each of the inventions as claimed, considered as a whole, makes over the prior art.

(2) The determination of whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

(3) Section 18(1) shall be construed as permitting, in particular, one of the following three possibilities:

(a) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the said product and the inclusion in the same application of an independent claim for a use of the said product;

(b) in addition to an independent claim for a given process, the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the said process; or

(c) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the process.

(4) Subject to Section 19(1), it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.

(5) Subject to Section 18(1), it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

Amendments or corrections on applicant's initiative

33. (1) The right of the applicant to amend or correct, on his own initiative, the application or to comply with a requirement applicable to the application may be exercised up to the time when the application is in order for grant.

(2) Any claim submitted after the filing date of the application and which is not identical with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.

(3) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word "cancelled".

Division of application.

34. (1) Where the Registrar finds that the requirement of unity of invention is not complied with, the applicant shall have the right to file one or more divisional applications during a period of (two) months following the communication to him of that finding.

(2) The right of the applicant referred to in Section 19(2) to file, on his own initiative, one or more divisional applications may be exercised at any time up to the time when the applications from which a divisional application is derived is in order for grant.

(3) Priority documents and any required translations thereof that have been submitted to the Registrar in respect of the application from which one or more divisional applications are derived shall be considered as having been submitted also in respect of all the divisional applications.

(4) A divisional application shall contain a reference to the initial application.

(5) If the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application shall contain a request to that effect.

(6) Where the priorities of two or more earlier applications were claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.

35. (1) The declaration referred to in Section 20(1) shall indicate the following:

Declaration of priority; furnishing translation of earlier applications

(a) the date(s) of the earliest application(s);

(b) the number(s) of the earlier application(s) subject to paragraph (2);

(c) the symbol of the International Patent Classification which has been allocated to the earlier application(s), subject to paragraph (3);

(d) the State(s) in which the earlier application(s) was (were) filed or, where the earlier application(s) is (are) a regional or an international application, the State or States for which the application(s) was (were) filed.

(e) where the earlier application is a regional or an international application, the office with which it was filed.

(2) Where, at the time of filing the declaration referred to in paragraph (1), the number of the earlier application is not known, that number shall be furnished within 16 months from the earliest priority date claimed.

(3) Where the symbol of the International Patent Classification has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in paragraph (1), the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the declaration referred to in paragraph (1).

(5) The period for furnishing the certified copy of the earlier application, referred to in Section 20(2), shall be three months from the date of the request by the Registrar.

(6) Where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.

(7) Where the earlier application is in a language other than in one of the official languages of Cyprus, the applicant shall, within six months from the date of the request made under Section 20(2), furnish a translation of the earlier application into such an official language.

(8) Unless the Registrar requests otherwise, one copy of the earlier application and any translation thereof shall be filed.

(9) Where the application could have claimed the priority of an earlier application but, when filed, did not contain such priority claim, the applicant shall have the right to claim such priority in a separate declaration submitted to the Registrar within a period which begins on the filing date of the subsequent application and ends 16 months from the filing date of the earlier application, the priority of which is claimed.

Examination as to formalities

36. (1) For the purpose of Section 21(1), the following shall be considered formal requirements:

Section 13(1) and (2), and the rules pertaining thereto, and Rules 22 and 25 to 30, to the extent applicable.

(2) Where the Registrar finds that the conditions referred to in Section 21(1) are not fulfilled, he shall invite the applicant in writing to file the required correction within two months from the date of the invitation, together with the payment of the prescribed fee. Where no abstract is provided, the Registrar shall invite the applicant to correct the deficiency either by providing an abstract or by paying the prescribed fee for the preparation of the abstract by the Registrar himself.

(3) If the applicant does not comply with the invitation to correct a deficiency, or where, despite the corrections submitted by the applicant, the Registrar is of the opinion that the conditions referred to in Section 21(1) are not fulfilled, he shall reject the application and notify the applicant in writing, stating the reasons therefor.

Search Report

37. (1) (a) For the purposes of Section 22, the prescribed authority for drawing up a search report includes any of the International Searching Authorities appointed under Article 16(3) of the Patent Cooperation Treaty.

(b) In addition to the prescribed authorities specified in subparagraph (1), the Registrar may establish a list of authorities from which search reports may be accepted for the purposes of Section 22.

(2) The search report shall be submitted to the Office of the Registrar within sixteen months of the filing date or priority date of the application.

(3) If the applicant fails to provide the search report within the period prescribed in

paragraph (2), the application shall be rejected and the applicant shall be notified in writing, including the reasons therefor.

(4) If the applicant fails to provide the search report in response to the notification under paragraph (3) within a period established by the Registrar, the application shall be considered withdrawn.

Withdrawal of

38. (1) An application may be withdrawn by the applicant by a written declaration submitted to the Registrar and signed by the applicant.

application

(2) The application fee shall not be refunded if the application is withdrawn.

Grant of patent; Publication thereof; certificate

39. (1) Subject to the payment of the prescribed grant and publication fee within three months from the date of the notification of the decision to grant the patent, the Registrar shall grant the patent in accordance with Section 24(1) of the Law and this Rule.

(2) The Registrar shall allot to each patent a publication number of the patent, in the sequential order of grant.

(3) The patent shall be granted on Form P.11 and shall contain, in addition of the information indicated in paragraph (5), the date of publication of the patent, the cited documents or references of the prior art, the description, the claims and the drawings (if any).

(4) The patent shall be deemed to be granted on the date on which the Registrar publishes the notification of the fact that he has granted the patent in accordance with Section 24(2).

(5) The publication of a notification of the grant of the patent under Section 24(2) shall include the following:

(a) the number of the patent;

(b) the name and address of the owner of the patent,

(c) the name and address of the inventor, except where he has asked not to be named in the patent;

(d) the name and address of the agent, if any;

(e) the filing date and serial number of the application;

(f) if priority has been claimed and the claim has been accepted, a statement of the priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;

(g) the effective date of grant of the patent;

- (h) the title of the invention;
- (i) the abstract;
- (j) the most illustrative of the drawings, if any; and
- (k) the symbol of the international Patent Classification.

(6) The publication of a patent under Section 24(2) shall include, in addition to the information indicated in paragraph (5), the following:

- (a) the title of the invention;
- (b) the description;
- (c) the claims;
- (d) the drawings, if any -
- (e) the abstract, and
- (f) the search report submitted in accordance with Section 22.

(7) The certificate of grant shall be issued on Form P.12, shall be signed by the Registrar and shall contain the information indicated in Rule 39(5) and (6).

(8) (a) The publication of the notification of the grant of a patent required under paragraph (5) shall be accomplished by the inclusion of the required material in the Gazette.

(b) The publication of a patent required under paragraph (6) shall be accomplished by the laying open of the file of the granted patent to public inspection.

Publication of application

40. (1) The publication of an application under Section 25 shall include the following: the description, the claims and any drawings as filed and, as an annex to the publication, the search report submitted under Section 22 and the abstract, provided that the search report and abstract are available before the termination of the technical preparations for publication.

(2) The publication required under paragraph (1) shall be accomplished by a publication in the Gazette of references to the required material and the laying open of the file of the application to public inspection.

(3) The Registrar shall determine when the technical preparations for publication have been completed.

(4) If the search report and the abstract are not published at the same time as the application they shall be published as soon as possible thereafter.

(5) If a patent is granted before the time at which an application should be published under Section 25(2), the application need not be published provided the patent is published in

accordance with Rule 39.

(6) Any interested person shall be allowed to inspect an application at the Office of the Registrar following the publication of that application.

CHAPTER 4. MAINTENANCE OF APPLICATIONS AND PATENTS ➔

Maintenance fees

41. (1)(a) If it is desired to keep an application or a patent in force for a further year after the expiration of the first or any succeeding year from the filing date of the application, Form P.13, in respect of the next succeeding year, accompanied by the prescribed annual fee for that year, shall be filed within three months before the expiration of the first or succeeding year, as the case may be.

(b) A period of grace of six months shall be allowed for the late payment of the annual fee on payment of the prescribed surcharge.

(2) If an annual fee is not paid in accordance with the provisions of paragraph (1), the application shall be deemed to have been withdrawn.

(3) Upon payment of an annual fee in accordance with paragraph (1), the Registrar shall, within two weeks from the date the payment is received, furnish or send to the applicant or to the owner of the patent a receipt of payment.

(4) The Registrar shall record and publish a notification of the lapse of a patent.

(5) Annual fees shall not be refundable.

(6) Sections 62(5) and 71(2) shall not apply to the payment of annual fees.

Restoration of lapsed patents and applications which are deemed to have been withdrawn

42. (1)(a) Within twelve months from the expiration of the period of grace referred to in Rule 41(1)(b), any interested person may request the Registrar to restore an application that is deemed to have been withdrawn or a patent that has lapsed, by virtue of Rule 42(1)(c).

(b) If the Registrar is satisfied that the failure to pay the annual fee concerned was unintentional and all annual fees due have been paid, he shall make an order restoring the application or the patent, as the case may be.

(c) Any interested person may appeal to the court against the decision of the Registrar granting or refusing to grant a request for restoration.

(2) Where a patent is restored under paragraph (1), no proceedings may be brought by virtue of the said patent:

(i) with respect to any acts performed after the lapse of the patent and before the date of the order for restoration;

(ii) with respect to any acts performed after the date of the order for restoration in relation to

articles imported into the Republic of Cyprus, or manufactured therein, after the lapse of the patent and before the date of the order for restoration.

(3) An application under paragraph (1)(a) shall be made on Form P.14 and shall be supported by evidence in support of the statements made in that application.

(4) If, upon consideration of the evidence, the Registrar is not satisfied that a case for an order under paragraph (1)(b) has been made out, he shall notify the person requesting restoration accordingly and, unless within one month such person requests to be heard in the matter, the Registrar shall refuse the application.

(5) If the Registrar decides to allow the application, he shall notify the person requesting restoration accordingly and require him to file Form P.15, together with Form P.13. Upon payment of the unpaid annual fee and the restoration fee, the Registrar shall order the restoration of the patent and publish this fact in the Gazette.

CHAPTER 5. NON-VOLUNTARY LICENSES AND GOVERNMENT EXPLOITATION ➔

Non-voluntary licenses

43. (1) The request for the grant of a non-voluntary license under Section 49 shall be made to the Registrar on Form P.16, together with the payment of the prescribed fee, and shall be accompanied by the following:

(a) evidence that the owner of the patent has received a request, from the person requesting the non-voluntary license, for a license contract but that the latter has been unable to obtain such a license on reasonable terms and within a reasonable time; and

(b) an indication of the plan according to which the person requesting the non-voluntary license intends to work the patented invention, including evidence that he has the ability to do so in Cyprus.

(2) The Registrar shall, within three months from the date of the request for the grant of a non-voluntary license, examine whether the requirements of Section 49(1) and (2) and paragraph (1) are prima facie satisfied; if he finds that the requirements are not satisfied, the Registrar shall reject the request and notify, in writing, the person requesting the non-voluntary license, stating the grounds for the rejection; if he finds that the requirements are satisfied, the Registrar shall forthwith send a copy of the request to the patent owner, to beneficiaries of non-voluntary licenses and to persons exploiting the patented invention under Section 50, and invite them in writing to submit observations thereon to the Registrar, within three months of the date of the invitation.

(3) The patent owner shall forthwith notify, in writing, all licensees of the request and the licensees shall have the right to submit, in writing, observations thereon to the Registrar within three months of the date of the invitation issued under paragraph (2).

(4) The Registrar shall forthwith notify the person requesting the non-voluntary license of any observations submitted under paragraphs (2) and (3).

(5) The Registrar shall then convene a hearing to which he shall invite the person requesting the non-voluntary license, the patent owner and the persons who submitted

observations under paragraphs (2) and (3) giving them at least one month's written notice of the date of the hearing.

(6) After the hearing, if the Registrar finds that the conditions for the grant of a non-voluntary license are fulfilled, he shall grant the license, otherwise he shall refuse to grant it.

(7) The decision to grant or to refuse to grant a non-voluntary license shall be in writing, shall state the grounds upon which it is based and, in the case of a decision to grant the non-voluntary license, shall specify, in particular, the following:

(a) the period for which the license is granted;

(b) to which of the acts referred to in Section 27(1) and (2) the license extends (other than importation):

(c) the time limit within which the beneficiary of the non-voluntary license must commence working the patented invention;

(d) the terms regarding payment of remuneration.

(8) The Registrar shall record and publish the decision to grant or to refuse to grant the non-voluntary license and transmit a copy thereof to the person requesting the non-voluntary license, the owner of the patent and the persons who submitted observations under paragraphs (2) and (3).

Exploitation by Government or by third parties authorized by Government

44. (1) The Registrar shall, decide under Section 50, consult the Registrar and give the owner of the patent, beneficiaries of non-voluntary licenses, and any other persons whose participation he considers useful, at least 21 days' written notice of the date on which they may be heard. The owner of the patent shall give all licensees written notice of the hearing and they shall have the right to participate therein.

(2) The Registrar shall make his decision after the hearing, in writing, stating the grounds upon which it is based, and, if he has decided that the invention shall be exploited under Section 50, he shall state the terms of exploitation.

(3) The Registrar shall record in a special register and publish his decision and notify, in writing, the owner of the patent and the other participants in the hearing.

(4) If the decision of the Registrar with regard to remuneration is the subject of an appeal, the Court shall notify the Registrar of the Court's decision once it becomes final, and the Registrar shall record the decision in a special register and publish it.

CHAPTER 6. INVALIDATION ➔

Invalidation

45. (1) Where the provisions of Section 33(1) apply only to some of the claims of the patent or some parts of a claim, such claims or parts of a claim shall be invalidated.

(2) The patent owner shall notify any licensee, in writing, of any court proceedings instituted for the invalidation of the patent. The person requesting invalidation shall so notify any beneficiaries of non-voluntary licenses granted under section 49 and, where the ground of invalidity invoked is that the patent owner is not the inventor or his successor in title, he shall also notify the person alleged to have the right to the patent.

CHAPTER 7 "Implementing regulations of the Convention on the grant of European patents as ratified by Law No. 26(III)/97 " ➡

Filing of a European Patent application

46. (1) European patent applications may be filed with the Registrar's office; except for European divisional applications shall be filed directly with the European Patent Office.

(2) When the applicant is a Cypriot national a European application must be filed in Cyprus at the office of the Registrar if there are no priority claims of an earlier application in Cyprus.

Languages of the application

47. (1) A European application shall be drafted either in one of the official languages of the Republic of Cyprus or in one of the languages referred to in Article 14 (1) of the Convention that is German, English and French.

(2) Where the application is not in one of the official languages of the Republic of Cyprus, a translation must be filed within two months.

Documents of the applications

48. The European application shall include at least the documents referred to in Article 80 of the Convention that is:

a. A request for the grant of a European patent with the full name, family name, business name and address of the residence or place of business of the applicant.

b. The designation of at least one Contracting State

c. Description of the invention

d. One or more claims

Receipt of the application

49. (1) Upon receipt of the application the Registrar shall mark the European Patent application and each document making up the application with the date of their receipt, allots a serial number from the Record Book for European applications and issues immediately a receipt to the applicant.

(2) The receipt shall indicate the number assigned to the application and the nature and number of the accompanying documents and the date of their receipt.

Recordal of the application

50. (1) A European application should be recorded in the Record Book kept by the Registrar according to the national law and the rules of confidentiality for national patents.

(2) The Record Book shall be marked Record Book Volume B, "European applications" Volume A and is kept separately from the corresponding Book for national applications. The page numbering of the Book commences at the beginning of every calendar year and the numbering of applications received by the Registrar according to Rule 49 follows the practice of the EPO.

Forwarding of European patent applications to the EPO

51. Upon the expiration of the prescribed time limits the Registrar shall for forthwith forward the European applications to the EPO.

Filing of the translation

52. (1) The translation of the claims of the European application must be filed in two copies with the Registrar's office and shall be accompanied by the receipt of the relevant filing fee. Where no fee has been paid the Registrar shall not publish in the Official Gazette the notification for the filing of the translation of the claims.

(2) The filing number of the European application, the name and address of the applicant, the number of publication of the European application effected by the EPO and the translated in one of the official languages of the Republic of Cyprus title of the invention shall accompany the translation of the claims of the European application and must be filed, in two copies with the Registrar. In case were priority is claimed the relevant particulars shall be stated.

(3) The translation and the accompanying documents attached thereto are accepted by the Registrar provided the formal requirements of Rule 35 paragraphs 3 to 14 of the Implementing Regulations to the Convention are satisfied.

(4) The translation of the claims of the European application shall be recorded in the Record Book marked Volume B Part B "Translations of European applications". The page numbering of the Book commences at the beginning of each calendar year.

(5) As from the date of publication third parties may request and obtain from the Registrar information or copies of the translation and the documents attached thereto.

Filing of the translation of the European patent

53. (1) The translation of the text of the European patent must be filed with the Registrar's Office in two copies within three months after the date on which the mention of the grant, or the decision to maintain the patent as amended is published in the European Patent Bulletin and shall be accompanied by the receipt of the relevant filing fee. Where no fee has been paid the Registrar shall not publish the notification for the filing of the translation of the European patent.

(2) The translation and the documents attached thereto are accepted by the Registrar provided the formal requirements of Rules 32 and 35 paragraphs 3 to 14 of the Implementing Regulations to the Convention are satisfied.

(3) The translation is accompanied by the filing number of the European application, the

name and address of the applicant, the publication number of the notification for the grant of the European patent. Where the EPO maintains the European patent as amended after the decision on the relevant opposition the translated amended text shall be attached to the original translation.

(4) There must also be attached to the translation two copies of the drawings as they appear in the specification sheet of the European patent notwithstanding that no words are contained therein for translation as well as two copies of the abstract of the invention translated in one of the two official languages of the Republic of Cyprus.

Publication of the translation of the European Patent

54. (1) The Registrar publishes in the Official Gazette notification of the filing of the translation of the European patent.

(2) As from the date of the publication third parties may request and obtain from the Registrar information and copies of the translation and the documents attached thereto.

(3) The Registrar may proceed to a periodical or special publication of the Gazette to publish the translations of European patents and/or European applications.

(4) Clerical and linguistic errors in the translated texts may be corrected by the proprietor at any stage. The person applying for the correction shall specify the number and the date of the notification in the Official Gazette for the filing of the translation provided it has already been published.

Fees

55. (1) Annual fees shall be paid at the Registrar for the maintenance of a European Patent in Cyprus. Article 26(3) of the Law which refers to the annual fees for National Patents will have analogous application.

Setting of Fees

(2) The first instalment of the annual fees for the protection of a European Patent valid in Cyprus will be due to the Registrar for the year following the publication in the Bulletin of European Patents of the notice of grant of the European Patent. Calculation of the years will start from the date of filing of the European Application.

Representation

56. The fees to be paid for filing with the Registrar of the translation of the European Application or the European Patent are determined under Article 78 of the Law by the Cabinet of Ministers.

57. (1) Under to the present Regulations any person deriving rights from a European application or European Patent or his duly appointed advocate may appear before or file documents with the Registrar.

(2) The right to appear for the filing of an application for a European Patent before the Registrar is recognised to professional representatives under Art. 133 and 134 of the Convention.

Conversion Procedure

(3) Any person who derives any rights under a European application or European Patent has no residence or office in Cyprus must appoint an agent.

58. An application for conversion according to section 70 of the Law must be filed with the Registrar in two copies, withing a period of 3 months from the date of notification of the owner of the European application of the notice by the Registrar of withdrawal of his application Articles 135 and 136 of the Convention will be applied accordingly.

(2) The application for conversion will be deemed not to have been filed if within four months from the filing with the Registrar of the application for conversion the applicant has not filed, in two copies, translation in one of the official language of the Republic of Cyprus of the European application.

Registration

(3) The application for conversion is recorded in Record Book Volume "A" National Applications".

59. (1) The Registrar shall enter in the Register of Patents Volume "B" entitled "European" the details of the European Patents and refer to the European Registry of Patents according to Rule 93 of the Implementing Regulations to the Convention.

(2) There shall be entered in the Register only those of the European patents that have been published in the European Bulletin, are valid for Cyprus and for which the procedure under rule 54 and 55 was followed.

(3) All European Patents that have been entered in the Register will be published in the Official Gazette.

CHAPTER 8. Implementing Regulations of the Patent Cooperation Treaty as ratified by Law No. 27(III)/97 ➔

Filing of an international application

60. An international application may be filed with the Registrar's Office.

Manner of filing

61. (1) The filing of an international application may be effected by registered mail or by fax and the date of receipt is the date on which the application is received by the Registrar; Rule 13(3) shall not apply.

(2) The filing may be effected by the applicant in person or by representative lawyer.

Language translation

62. (1) The international application shall be drafted in German, English or French.

(2) In case the international application does not claim the priority of an earlier national

application, the international application shall be accompanied by a translation of the description and the claim into one of the official languages of the Republic of Cyprus. Where no such translation accompanies the international application at the time of filing, the Registrar shall invite the applicant to furnish a translation within one month from the date of the invitation.

(3) The international application shall be filed in three copies, as shall each of the documents mentioned on the check list referred to in Rule 3.3(a)(ii) of the Regulations under the Patent Cooperation Treaty, provided that the request referred to in Rule 3.1 and the documents proving payment of the prescribed fees shall be filed in one copy.

(4) If the provisions of the foregoing paragraph are not complied with, the missing copies shall be made ex officio by the Registrar.

Receipt

63. A receipt shall be issued to the applicant indicating at least the number assigned to the international application, the nature and number of the documents in the application file and the date of their receipt.

Transmittal fee

64. The filing of an international application shall give rise to payment of the transmittal fee provided for in Rule 14 of the Regulations under the Patent Cooperation Treaty. This fee shall be paid prior to the expiration of a period of one month from the date of receipt of the international application.

International and search fee

65. (1) The international fee and the search fee provided for in Rules 15 and 16 of the Regulations under the Patent Cooperation Treaty, shall be paid within the time limits provided for in those Rules.

Charge

66. Where the international application and the other documents referred to in Rule 62 are filed in a number of copies smaller than that specified in the said Rule, a charge shall be made for the making of the required number of copies. Payment of this charge must have been made by the expiration of a period of one month from the date of the notification given to this end.

Repayment of transmittal fee

67. The transmittal fee referred to in Rule 64 shall be repaid to the applicant where the international application is not transmitted to the International Bureau within the period specified by Rule 22.3 of the Regulations under the Patent Cooperation Treaty.

Collection of fees and charges

68. (1) The means of collection of the fees and charges provided for in these Regulations shall be fixed by the Registrar.

(2) Payment of the fees and charges referred to in the foregoing paragraph shall be

considered full payment if it is effected at the rate in force on the date of payment.