

LAWS OF GUYANA

PATENTS AND DESIGNS ACT

CHAPTER 90:03

Act

9 of 1937

Amended by

10 of 1938

30 of 1949

23 of 1956

29 of 1961

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CHAPTER 90:03

PATENTS AND DESIGNS ACT

1953 Ed.
c. 342

9 of 1937

An Act to amend and consolidate the law as to the registration of Patents and Designs.

[1ST JANUARY, 1938]

Short title.

1. This Act may be cited as the Patents and Designs Act.

Interpretation.
[10 of 1938
29 of 1961]

2. In this Act—

“Appeal Tribunal” means a tribunal constituted in accordance with section 108;

“article” means (as respects designs) any article of manufacture and any substance artificial or natural, or partly artificial and partly natural;

“copyright” means the exclusive right to apply a design to any article in any class in which the design is registered;

“Court” means the High Court;

“date of application” has the meaning assigned to it in section 6;

“design” means only the features of shape configuration, pattern, or ornament applied to any article by any industrial process or means, whether manual, mechanical, or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction, or anything which is in substance a mere mechanical device;

c. 6:01

“examiner” means any skilled person appointed by the Registrar for the purposes of this Act to whom the Registrar refers questions concerning patents;

“invention” means any manner of new manufacture the subject of letters patent and grant of privilege within paragraph 5 of the Schedule to the Civil Law of Guyana Act and includes an alleged invention;

“inventor” and “applicant” shall, subject to this Act, include the legal representative of a deceased inventor or applicant;

“patent” means letters patent for an invention;

“patentee” means the person for the time being entered on the register as the grantee or proprietor of the patent;

“patent of addition” means a patent granted under section 23;

“proprietor of a new or original design” –

- (a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and
- (b) where any person acquires the design, or the right to apply the design to any article either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and
- (c) in any other case, means the author of the design; and where the property in, or the right to apply, the design has devolved from the

original proprietor upon any other person, includes that other person;

“the Registrar” means the Registrar of Patents, Designs and Trade Marks;

c. 6:01

c. 2:02

“the Registrar of Patents, Designs and Trade Marks” means the Registrar of Deeds;

“the Statute of Monopolies” means the provisions of the applied Act so entitled, declared under the former section 23 of the Civil Law of Guyana Act to be part of the law of Guyana, and continued in force by section 16 (3) of the Law Revision Act;

“United Kingdom” means the United Kingdom of Great Britain and Northern Ireland;

“working on a commercial scale” means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent in or by means of a definite and substantial establishment or organisation, on a scale which is adequate and reasonable under all the circumstances.

PART I PATENTS

TITLE I

Application for and Grant of Patent

Application.

3. (1) An application for a patent may be made by any person who claims to be the true and first inventor of an invention; whether he is a Commonwealth citizen or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form, and must be left at, or sent by post to, the Registrar in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor, and for which he desires to obtain a patent, and must be accompanied by either a provisional or complete specification.

(4) The declaration required by this section may be either a statutory declaration or not, as may be prescribed.

Specifications.

4. (1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) In the case of any provisional or complete specification where the Registrar deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification.

(4) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement of the invention claimed.

(5) Where the invention in respect of which an application is made is a chemical invention, then, subject to the prescribed rules, typical samples and specimens shall, if in any particular case the Registrar considers it desirable so to require, be furnished before the acceptance of the complete specification, and the applicant shall be at liberty, where he so

desires, and subject to the prescribed rules so to furnish any typical samples and specimens, unless the Registrar in any particular case considers that it is undesirable that any should be received.

Proceedings
upon
application.
[30 of 1949]

5. (1) The Registrar shall refer, if he thinks fit, any application to an examiner.

(2) If the Registrar is of opinion, or if, after reference to an examiner, the examiner reports that the nature of the invention is not fairly described, or as respects a complete specification that the nature of the invention or the manner in which it is to be performed is not therein particularly described and ascertained, or that the application, specification, or drawings have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the Registrar may refuse to accept the specification or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the Registrar so directs, be deemed to have been made on the date on which the requirement is complied with.

(3) The Registrar may, where the application was accompanied by a specification purporting to be a complete specification, if the applicant so requests, treat the specification as a provisional specification and proceed with the application accordingly.

(4) The Registrar may, where the applicant before acceptance of the complete specification so requests and upon payment by the applicant of the prescribed fee, direct that the application shall be deemed to have been made on such date within a period of six months running from the date when the application was actually made, as the applicant may request.

(5) The applicant may appeal from any decision of the Registrar under this section to the Appeal Tribunal who shall, if required, hear the applicant and the Registrar, and may make an order determining whether and subject to what conditions (if any) the specification shall be accepted.

(6) The Registrar shall, when a specification has been accepted, give notice thereof to the applicant.

Provisional protection.

6. An invention may, during the period between the date of an application for a patent therefor and the date of sealing a patent on that application, be used and published without prejudice to that patent, and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

In this section the expression "date of an application for a patent" means, as respects an application which is post-dated or ante-dated under this Act, the date to which the application is so post-dated or ante-dated, and means, as respects any other application, the date on which it is actually made.

Time for leaving complete specification.
[30 of 1949]

7. (1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within the period allowable under subsection (2).

(2) The period allowable for leaving a complete specification shall be a period of twelve months from the date of the application:

Provided that the said twelve months shall be extended to such period, not exceeding thirteen months from the date of the application, as may be specified in a request made by the applicant to the Registrar if the request is made and the prescribed fee is paid within the period specified.

(3) If the complete specification is not left within the period allowable under subsection (2), the application shall be deemed to be abandoned at the expiration of thirteen months from the date thereof.

Comparison of provisional and complete specification.

8. (1) Where a complete specification is left after a provisional specification, the Registrar may, if he thinks fit, refer both specifications to an examiner.

(2) If the Registrar is of opinion, or if, after reference to an examiner, the examiner reports that the nature of the invention or the manner in which it is to be performed is not particularly described and ascertained in the complete specification or that the complete specification or drawings have not been prepared in the prescribed manner, the Registrar may refuse to accept the complete specification until it has been amended to his satisfaction.

(3) If the Registrar is of opinion, or if, after reference to an examiner, the examiner reports that the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification the Registrar may –

- (a) refuse to accept the complete specification until it has been amended to his satisfaction; or
- (b) (with the consent of the applicant) cancel the provisional specification and direct that the application shall be deemed to have been made on the date at which the complete specification was left, and proceed with the application accordingly:

Provided that where the complete specification includes an invention not included in the provisional specification the Registrar may allow the original application

to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and allow an application for the additional invention included in the complete specification to be made and direct that that application shall be deemed to have been made on the date at which the complete specification was left.

(4) An appeal shall lie from the decision of the Registrar under this section to the Appeal Tribunal, who shall, if required, hear the applicant and the Registrar and may make an order determining whether and subject to what conditions (if any) the complete specification shall be accepted.

Investigation of previous specifications in Guyana on applications for patents.

9. (1) Where an application for a patent has been made and a complete specification has been left, the Registrar, or if the application has been referred to an examiner, the examiner, shall, in addition to the other inquiries which he is directed to make by this Act, make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date which the patent applied for would bear if granted and left pursuant to any application for a patent made in Guyana and dated within fifty years next before such date.

(2) If on investigation it appears that the invention claimed has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) If the Registrar is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous specification as before mentioned, he

shall, in the absence of any other lawful ground of objection, accept the specification.

(4) If the Registrar is not so satisfied, he shall, unless the objection is removed by amending the specification to the satisfaction of the Registrar, determine whether a reference to any, and, if so, what prior specifications ought to be made in the specification by way of notice to the public:

Provided that the Registrar, if satisfied that the invention claimed has been wholly and specifically claimed or wholly and specifically described in any specification to which the investigation has extended, may in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant the application for a patent.

(5) If it is within the knowledge of the Registrar that the invention claimed has been made available to the public by publication in Guyana, before the date which the patent applied for would bear if granted, in any document (other than a Guyana specification or a specification describing the invention for the purposes of an application for protection made in any country outside Guyana more than fifty years next before that date, or any abridgment of, or extract from, any such specification published, under the authority of the Registrar or of the Government of any country outside Guyana), the provisions of subsections (2), (3) and (4) shall apply in relation to a claim or description of the invention in that document in like manner as those provisions apply in relation to a description thereof in a prior specification to which the investigation has extended.

(6) An appeal shall lie from the decision of the Registrar under this section to the Appeal Tribunal.

Investigation of
specifications
published

10. (1) In addition to the investigation under the last preceding section, the Registrar, or, if the application has been referred to an examiner, the examiner, shall make an

subsequently
to application.

investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed in any specification published on or after the date which the patent applied for would bear if granted and deposited pursuant to an application made in Guyana for a patent which if granted would bear prior date to the date which the patent applied for would bear if granted.

(2) Where on such further investigation it appears that the invention claimed has been wholly or in part claimed in any such specification, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the Registrar shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public.

(3) An appeal shall lie from the decision of the Registrar under this section to the Appeal Tribunal.

(4) The investigations and reports required by this and the last preceding section shall not be held in any way to guarantee the validity of any patent and no liability shall be incurred by the Government or any officer thereof by reason of or in connection with any such investigation or report or any proceedings consequent thereon.

11. (1) The application must be in order within the period allowable under subsection (5).

Time within
which
application
must be in
order and for
acceptance of
complete
specifications.
[30 of 1949]

An application shall be deemed to be in order when the complete specification has been left, or, where it has been returned to the applicant after it has been first left, has been finally left, and the applicant has satisfied all requirements to be satisfied by him by virtue of this Act, whether in connection with the complete specification or otherwise in relation to the application, and not before.

(2) If the application is not in order within that period, it shall become void at the expiration of twenty-one months from the date thereof or at the expiration of that period, whichever is the later.

(3) Subject to subsection (4), if the application is in order within that period, the complete specification may be accepted at any time after the application is in order, and, if not accepted before the expiration of that period, shall be accepted as soon as may be thereafter.

(4) If the application is in order before the expiration of twenty- one months from the date thereof and within the said period, upon a request for postponement being made by the applicant before the complete specification has been accepted, and, in the case of a request for postponement to a date later than eighteen months from the date of the application, upon payment of the prescribed fee, the Registrar may postpone acceptance of the specification to such date, not being later than the expiration of twenty-one months from the date of the application, as may be specified in the request, or, where more than one such request has been made, as may be specified in the last request.

(5) The period allowable for the purposes of this section shall be a period of eighteen months from the date of the application:

Provided that—

- (a) the applicant may give notice to the Registrar that he desires the said period to be extended to nineteen, to twenty or to twenty-one months from the date of the application, and if he gives such a notice and pays the prescribed fee within the period specified in the notice, that period (or

where more than one such notice has been given, the period specified in the last notice) shall be the period allowable;

- (b) if at the expiration of the period which would otherwise be the period allowable by virtue of the foregoing provisions of this subsection the last day has not passed on which an appeal under any of the provisions of this Act, either in respect of the application, or, in the case of an application for a patent of addition, in respect of the application for the original patent, could be made in accordance with the rules of the Appeal Tribunal apart from any future extension of time thereunder, or if such an appeal is then pending, then—
- (i) where no appeal is made before or on the said last day or before the expiration of any extension or extensions of time for appealing beyond that day granted in the case of a first extension on an application made before or on that day and in the case of a subsequent extension on an application made before the expiration of the last previous extension, the period allowable shall be the period beginning on the date of the application and ending on that day, or, where the time for appealing has been so

extended, on the expiration of the last extension so granted;

- (ii) in any other case, the period allowable shall be such period as the Tribunal may determine.

Advertisement on acceptance of complete specification.

12. On the acceptance of the complete specification the Registrar shall advertise the acceptance in the *Gazette* and the application and specifications, with the drawings, samples and specimens (if any), shall be open to public inspection.

Effect of acceptance of complete specification.

13. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification;

Provided that an applicant shall not be entitled to institute any proceeding for infringement until the patent has been sealed.

Opposition to grant of patent. [10 of 1938]

14. (1) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification or within such further period, not exceeding one month, as the Registrar may on an application made to him within the said period of two months and subject to the payment of the prescribed fee, allow, give notice to the Registrar of opposition to the grant of the patent on any of the following grounds:

- (a) that the applicant obtained the invention or any part thereof from him, or from a person of whom he is the legal representative; or
- (b) that the invention has prior to the date which the patent applied for

would bear if granted been published in any complete specification, or in any provisional specification followed by a complete specification, deposited pursuant to any application made in Guyana and dated within fifty years next before such date, or has been made available to the public by publication in any document (other than a Guyana specification or a specification describing the invention for the purpose of an application for protection made in any country outside Guyana more than fifty years next before such date, or any abridgment of, or extract from, any such specification published under the authority of the Registrar or of the Government of any country outside Guyana) published in Guyana before such date; or

- (c) that the invention has been claimed in any complete specification for a Guyana patent which though not published at the date which the patent applied for would bear if granted was deposited pursuant to an application for a patent which is or will be of prior date to such patent; or
- (d) that the nature of the invention or the manner in which it is to be performed is not sufficiently and fairly described and ascertained in the complete specification; or
- (e) that the complete specification describes or claims an invention other

than that described in the provisional specification, and that such other invention either forms the subject of an application made by the opponent for a patent which if granted would bear a date in the interval between the date of the application and the leaving of the complete specification or has been made available to the public by publication in any document published in Guyana in that interval;

but on no other ground.

(2) Where such notice is given the Registrar shall give notice of the opposition to the applicant, and shall, after hearing the applicant and the opponent, if desirous of being heard, decide the case.

(3) The decision of the Registrar shall be subject to appeal to the Appeal Tribunal, who shall, if required, hear the applicant and the opponent, if the opponent is, in the opinion of the Tribunal, a person entitled to be heard in opposition to the grant of the patent, and shall decide the case.

Mention of
inventor as
such in patent.
[30 of 1949]

15. (1) The inventor of the whole of an invention or of a substantial part thereof shall, in accordance with and subject to this section, be entitled to be mentioned as such inventor as provided by subsection (8), and for the purposes of this section—

- (a) the actual deviser of an invention or a part of an invention shall be deemed to be the inventor thereof, notwithstanding that any other person is for any of the other purposes of this Act treated as the true and first inventor thereof;

- (b) no person shall be deemed to be the inventor of an invention or a part of an invention by reason only of the importation thereof by him.

(2) If it is desired by the sole applicant for a patent, or by all the applicants, that any person shall be mentioned as aforesaid, a request in that behalf may be made in the prescribed manner by all the persons concerned (including the person alleged to be the inventor).

(3) If any person (other than a person in respect of whom a request in relation to the application in question has been made under subsection (2)) desires to be mentioned as aforesaid he may make a claim in the prescribed manner in that behalf.

(4) No request or claim under the foregoing provisions of this section shall be entertained if it appears to the Registrar that the request or claim is based upon facts which, if proved in the case of an opposition under section 14(1)(a) by the person in respect of or by whom the request or claim is made (in this section referred to as "the claimant"), would have entitled him to relief under that section.

(5) A request or claim under the foregoing provisions of this section must be made not later than two months after the date of the advertisement of the acceptance of the complete specification, or within such further period (not exceeding one month) as the Registrar may, on an application made to him in that behalf before the expiration of the said period of two months and subject to payment of the prescribed fee, allow.

(6) Where a claim is made under subsection (3), the Registrar shall give notice of the claim to every applicant for the patent (not being the claimant) and to any other person whom the Registrar may consider to be interested.

(7) The Registrar shall, if required, hear a claimant and any person to whom notice of the claim has been given as aforesaid.

(8) If the Registrar is satisfied that a claimant is the inventor of the whole invention or a substantial part thereof, and that the application for the patent is a direct consequence of his being such inventor, the Registrar shall cause the claimant to be mentioned as such inventor in any patent granted in pursuance of the application, on the complete specification and in the register of patents.

(9) Any person who alleges that a claimant, mentioned as aforesaid, ought not to have been so mentioned may at any time apply to the Registrar in the prescribed manner for a certificate that the claimant ought not to have been so mentioned and the Registrar may, after hearing, if required, any person whom he may consider to be interested, issue a certificate to that effect, and if he does so, he shall rectify the specification and the register accordingly.

(10) Any decision of the Registrar under this section shall be subject to appeal to the Appeal Tribunal who shall, if required, hear any person who was entitled to be heard before the Registrar.

(11) The mention of a claimant as aforesaid shall not confer, or derogate from, any rights under the patent.

(12) The provisions of this section shall apply to—

- (a) patents in force at, as well as to patents granted on or after, the 31st December, 1949;
- (b) applications for patents made before, as well as to applications made on or after, the 31st December, 1949.

Grant and
sealing of
patent.
[30 of 1949]

16. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted to the applicant, or in the case of a joint application to the applicants jointly, and the Registrar shall cause the patent to be sealed in duplicate with the seal of the Patent Office and one duplicate shall be retained and filed in the Patent Office:

Provided that—

- (a) where an applicant under a joint application has died, the patent may, with the consent of his personal representative, be granted to the survivors or survivor of the joint applicants;
- (b) where an applicant has agreed in writing to assign the patent when granted or, in the case of a joint application, his interest in the patent when granted, the patent may, upon proof of the agreement to the satisfaction of the Registrar, be granted to the assignee or, in the case of an assignment by a joint applicant of his interest to an assignee not being the other joint applicant, to the assignee jointly with the other applicant or his assignee.

(2) Where disputes arise between joint applicants or their assigns as to proceeding with an application, the Registrar, if satisfied that one or more of such persons ought to be allowed to proceed alone, may allow him or them to proceed with the application and may grant a patent to him or them, so, however, that all parties interested shall be entitled to be heard before the Registrar.

(3) An appeal shall lie from the decision of the Registrar under this section to the Appeal Tribunal.

(4) A patent shall be sealed not later than the expiration of twenty-one months from the date of application:

Provided that—

- (a) where the period for the leaving of the complete specification has been extended beyond twelve months from the date of the application, or the period within which the application must be in order is longer than eighteen months from that date, or the acceptance of the complete specification has been postponed under section 11(4) to a date later than the expiration of eighteen months from that date, the patent may be sealed within twenty-five months from that date;
- (b) where the sealing of a patent is delayed by an appeal to the Appeal Tribunal or by any proceedings taken for obtaining the decision of the Registrar under subsection (2), or by opposition to the grant of the patent, or by a request or claim under section 15, that patent and any patent of addition the sealing whereof is delayed in consequence of the delay in the sealing of that patent may be sealed at such time as in the first mentioned case the Tribunal, or in any other such case as aforesaid the Registrar, may direct;

- (c) where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death or at such later time as the Registrar may think fit.

(5) The period allowed by or under subsection (4) for the sealing of a patent may from time to time be extended by the Registrar to such longer period as may be specified in an application made to him in that behalf, if the application is made and the prescribed fee is paid within that longer period:

Provided that the period so allowed as aforesaid for the sealing of a patent shall not be extended under this subsection by more than such amount (not being more than six months) as may be prescribed.

(6) Where in any case the longest period for sealing the patent allowable in that case by or under subsections (4) and (5) has been allowed, and it is proved to the satisfaction of the Registrar that hardship would arise in connection with the prosecution by an applicant of an application for a patent in any country outside Guyana unless that period is extended, that period may be extended from time to time to such longer period as appears to the Registrar to be necessary in order to prevent that hardship arising if an application in that behalf is made to him, and the prescribed fee is paid, within the first mentioned period, or in the case of a second or subsequent application under this subsection within the period to which that period was extended on the last preceding application thereunder.

(7) Paragraph (b) of the proviso to subsection (4) shall apply to—

- (a) patents in force at, as well as to patents granted on or after, the 31st December, 1949;
- (b) applications for patents made before, as well as to applications made on or after, the 31st December, 1949.

Date of patent.

17. Except as otherwise expressly provided by this Act a patent shall be dated as of the date of the application:

Provided that no proceedings shall be taken in respect of an infringement committed before the acceptance of the complete specification.

Effect, extent and form of patent.

18. (1) A patent sealed with the seal of the Patent Office shall have the same effect as if it were sealed with the public seal of Guyana, and shall have effect throughout Guyana:

Provided that a patentee may assign his patent for any place in or part of Guyana, as effectually as if the patent were originally granted to extend to that place or part only.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim; and it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

Fraudulent applications for patents.

19. (1) A patent granted on the application of the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

(2) Where a patent has been revoked by the Court on the ground that it has been obtained in fraud of the true and first inventor, or where the grant has been refused by the Registrar under section 14(1) (a), or revoked on the same ground under section 30, the Registrar may, on the application of the true inventor made in accordance with this Act, grant to him a patent for the whole or any part of the invention in lieu of and bearing the same date as the patent so revoked, or as would have been borne by the patent if the grant thereof had not been refused.

(3) Where in proceedings before the Registrar under this Act for opposition to the grant of a patent or for revocation of a patent, the Registrar has found that an invention was in part obtained from the opponent or the applicant for revocation and has required that the specification be amended by exclusion of that part of the invention, he may, on the application of the true inventor made in accordance with this Act, grant to him a patent for that excluded part of the invention bearing the date of the opposed application or the date of the patent sought to be revoked as the case may be.

(4) No action shall be brought for any infringement of a patent granted under either of the last two foregoing subsections committed before the date of sealing the patent.

Single patent
for cognate
inventions.

20. (1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the Registrar is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but in considering the

validity of the same, and in determining other questions under this Act, the Court or the Registrar, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed in the complete specification.

TERM OF PATENT

Term of patent.
[30 of 1949
4 of 1972]

21. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Act, be a term beginning on the date of the patent and ending at the expiration of sixteen years from the date (to be entered in the register of patents) on which the specification accepted as a complete specification is treated by the Registrar as having been first left.

(2) Any patent the original term of which had not expired at the date of the commencement of this Act shall have effect as if the term mentioned therein was sixteen years instead of fourteen years, subject to the following conditions—

- (a) any licence existing at that date which has been granted for the term of the patent shall be treated as having been granted for the term as so extended if the licensee so desires;
- (b) if the patent would, apart from this section, have expired on or before the commencement of this Act, the patent shall, during the period of extension, be subject to all the provisions of section 28 (except subsection (5) thereof) as if the patent had been endorsed “licences of right”.

(3) Where any party to a contract with the patentee or any other person, entered into before the commencement

of this Act, is subjected to loss or liability by reason of the extension of the term of any patent under this section, the Court shall have power to determine in what manner and by which parties such loss or liability shall be borne.

(4) A patent shall, notwithstanding anything therein or in this Act, cease at the expiration of the period prescribed for the payment of any prescribed renewal fee, unless the patentee pays the fee within that period or within that period as extended under this subsection.

The period prescribed for the payment of any such fee shall from time to time be extended to such period (not exceeding a period three months longer than the prescribed period) as may be specified in a request in that behalf made by the patentee to the Registrar, if the request is made, and the fee and the prescribed additional fee (which shall not exceed one hundred dollars) are paid, within the period so specified.

(5) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any renewal fee within the prescribed period, and before any extension thereof, the Court before which the proceeding is proposed to be taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

Extension of
term of patent.
[30 of 1949
4 of 1972]

22. (1) A patentee may, after advertising in manner provided by rules of the High Court his intention to do so, present a petition to the Court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent:

Provided that the Court may allow such a petition to be presented at such time, not being later than the time limited for the expiration of the patent, as the Court may in its discretion think fit.

(2) Any person may give notice to the Court of objection to the extension.

(3) On the hearing of any petition under this section the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the Registrar shall be entitled to appear and be heard, and shall appear if so directed by the Court.

(4) The Court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5) If it appears to the Court that the patentee has been inadequately remunerated by his patent, the Court may by order extend the term of the patent for a further term not exceeding five years, or in exceptional cases, ten years, or may order the grant of a new patent for such term as may be specified in the order and containing any restrictions, conditions, and provisions the Court may think fit.

(6) Where, by reason of hostilities between Guyana and any foreign state, the patentee as such has suffered loss or damage (including loss of opportunity of dealing in or developing his invention owing to his having been engaged in work of national importance connected with such hostilities) an application under this section may be made by originating summons instead of by petition, and the Court in considering its decision may have regard solely to the loss or damage so suffered by the patentee:

Provided that this subsection shall not apply if the patentee is a subject of such foreign state as aforesaid, or is a company the business whereof is managed or controlled by such subjects or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within the Commonwealth.

- (7) Where an application is made under subsection (6)—
- (a) the power conferred on the Court by the proviso to subsection (1) to allow the application to be made at such time as the Court may in its discretion think fit shall be exercisable free from the restriction imposed by that proviso that the time allowed must be not later than the time limited for the expiration of the patent, if the Court is satisfied that the allowance of a time later than the expiration thereof is justified by the patentee's having been prevented from making the application by being on active service or by other circumstances arising by reason of hostilities between Guyana and any foreign state;
 - (b) an order may be made notwithstanding that the term of the patent may have been previously extended, or that a new patent for the invention may have been previously granted, by one or more orders made under this section, and notwithstanding that the previous order, or one of the previous orders, may have been made otherwise than pursuant to an application under subsection (6);
 - (c) the restriction imposed by subsection (5) of this section on the length of the further term for which a patent may be extended shall not have effect, but

the term granted by an order, whether by way of extension or grant of a new patent, shall not exceed ten years, and, where two or more orders are made pursuant to applications under subsection (6) in relation to the same invention, the aggregate of the terms thereby granted, whether by way of extension or grant of a new patent, shall not exceed ten years.

(8) In any case where an application could be made to the Court under subsection (6) —

- (a) the application may, at the option of the patentee, be made in the prescribed manner to the Registrar instead of to the Court, and the foregoing provisions of this section shall apply, so far as applicable and subject to the necessary modifications, to such an application in like manner as they apply to an application to the Court under the said subsection (6), except that the requirement imposed on an applicant by subsection (1) to advertise his intention to make the application shall be dispensed with;
- (b) if the Registrar considers that the application raises issues of a kind that would be more fittingly decided by the Court, he may, if he thinks fit, refer the application for decision by the Court;
- (c) an appeal shall lie to the Appeal Tribunal from any decision of the

Registrar on an application made under this subsection, and on such an appeal the applicant and any other parties to the proceedings shall be entitled to appear

and be heard, and the Registrar shall also be entitled to appear and be heard and shall appear if so directed by the Tribunal.

Patents of addition.

23. (1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) Where an application containing such a request is made, a patent of addition may be granted for such term as aforesaid.

(3) Where an invention, being an improvement in or modification of an original invention, is the subject of an independent patent and the patentee in respect of the independent patent, being also the patentee in respect of the patent for the original invention, so requests, the Registrar may make an order for the revocation of the independent patent and a patent of addition may be granted in respect of the improvement or modification bearing the same date as the date of the independent patent so revoked.

(4) A patent of addition shall remain in force during the term limited in the patent for the original invention or until the previous cesser thereof and no longer, but may be extended under the last foregoing section for any period for which the patent for the original invention is extended thereunder, and in respect of a patent of addition no

fees shall be payable for renewal:

Provided that, if the patent for the original invention is revoked, then the patent of addition shall, if the Court or Registrar so orders, become an independent patent, and the fees payable, and the dates when they become payable, shall be determined by its date, but its duration shall not exceed the unexpired term of the patent for the original invention.

(5) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

RESTORATION OF LAPSED PATENTS

Restoration of
lapsed patents.

24. (1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the Registrar in the prescribed manner for an order for the restoration of the patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional and that no undue delay has occurred in the making of the application, the Registrar shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given the Registrar shall notify the applicant thereof.

(5) After the expiration of the prescribed period the Registrar shall hear the case and issue an order either

restoring the patent or dismissing the application:

Provided that the Registrar may, if he thinks fit, as a condition of issuing an order under this section restoring a patent require that an entry shall be made in the register of patents in respect of any document or instrument in respect of which the provisions of this Act as to entries in the register have not been complied with.

(6) In every order under this section restoring a patent such provision as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject matter of the patent after the patent has been announced as void in the Gazette.

(7) An appeal shall lie from the decision of the Registrar under this section to the Court.

AMENDMENT OF SPECIFICATION

Amendment of
specification
by
Registration.

25. (1) An applicant at any time after acceptance of his complete specification or a patentee at any time may by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of, and the reasons for, the proposed amendment.

(2) The request and nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(3) Where such a notice is given the Registrar shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(4) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the Registrar shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5) The decision of the Registrar in either case shall be subject to an appeal, where the person making the request to amend is a patentee, to the Court, and, where the person making the request to amend is an applicant for a patent, to the Appeal Tribunal and the Court or the Tribunal, as the case may be, shall, if required, hear the person making the request to amend, and, where notice of opposition has been given the person giving that notice, if he is in the opinion of the Court or of the Tribunal, as the case may be, entitled to be heard in opposition to the request, and, where there is no opposition, the Registrar, and may make an order determining whether and subject to what conditions (if any) the amendment ought to be allowed.

(6) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(7) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all courts and for all purposes be deemed to form part of the specification:

Provided that the Court shall be entitled in construing a specification as amended to refer to the specification as accepted and published.

(8) This section shall not apply when and so long as any action for infringement of proceeding before the Court for the revocation of a patent is pending.

Amendment of specification by the Court.

26. In any action for infringement of a patent or proceedings before a court for the revocation of a patent the Court may by order allow the patentee to amend his specification by way of disclaimer, correction or explanation in such manner, and subject to such terms as to costs, advertisements or otherwise, as the Court may think fit:

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court notice of the application shall be given to the Registrar, and the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court.

Restrictions on recovery of damages.

27. Where an amendment of a specification by way of disclaimer, correction, or explanation, has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the date of the decision allowing the amendment, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

COMPULSORY LICENCES AND REVOCATION

Provision as to patents endorsed "licences of right".

28. (1) At any time after the sealing of a patent the Registrar shall, if the patentee so requests, cause the patent to be endorsed with the words "licences of right", and a corresponding entry to be made in the register, and thereupon—

- (a) any person shall at any time thereafter be entitled as of right to a licence under the patent upon such terms as, in default of agreement, may be settled by the Registrar on the

application of either the patentee or the applicant:

Provided that any licence the terms of which are settled by agreement shall be deemed, unless otherwise expressly provided, to include the terms and conditions specified in paragraphs (c) and (d) as if they had been imposed by the Registrar thereunder in like manner as if the terms had been settled by the Registrar;

- (b) in settling the terms of any such licence the Registrar shall be guided by the following considerations—
 - (i) he shall, on the one hand, endeavour to secure the widest possible user of the invention in Guyana consistent with the patentee deriving a reasonable advantage from his patent rights;
 - (ii) he shall, on the other hand, endeavour to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in Guyana;
 - (iii) he shall also endeavour to secure equality of advantage among the several licensees, and for this purpose may, on due cause being shown, reduce the royalties or other payments accruing to the patentee under any licence previously granted:

Provided that, in considering the question of equality of advantage, the Registrar shall take into account any work done or outlay incurred by any previous licensee with a view to testing the commercial value of the invention or to securing the working thereof on a commercial scale in Guyana;

- (c) any such licence the terms of which are settled by the Registrar may be so framed as to preclude the licensee from importing into Guyana any goods the importation of which, if made by persons other than the patentee or those claiming under him, would be an infringement of the patent, and in such a case the patentee and all licensees under the patent shall be deemed to have mutually covenanted against such importation;
- (d) every such licensee shall be entitled to call upon a patentee to take proceedings to prevent the infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for the infringement in his own name as though he were patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on him may be effected by leaving the writ at his address for service given on the register;

- (e) if in any action for infringement of a patent so endorsed the infringing defendant is ready and willing to take a licence upon terms to be settled by the Registrar, no injunction against him shall be awarded, and the amount recoverable against him by way of damages (if any) shall not exceed double the amount which would have been recoverable against him as licensee if the licence had been dated prior to the earliest infringement:

Provided that this paragraph shall not apply where the infringement consists of the importation of infringing goods;

- (f) the renewal fees payable by the patentee of a patent so endorsed shall, as from the date of the endorsement, be one moiety only of the fees which would otherwise have been payable.

(2) The Registrar shall, before acting on any request to endorse a patent made by the patentee under this section, advertise such request in the Gazette and shall satisfy himself that the patentee is not precluded by contract from making such request, and for that purpose shall require from the patentee such evidence, by statutory declaration or otherwise, as he may deem necessary:

Provided that a patentee shall not be deemed to be so precluded by reason only of his having granted a licence under the patent where the licence does not limit his right to grant other licences.

(3) Any person, alleging that a request under this section has been made contrary to some contract in which he is interested, may apply to the Registrar within the prescribed time and in the prescribed manner, and the Registrar, if satisfied of the truth of such allegation, shall refuse to endorse the patent pursuant to the request or shall cause the endorsement, if already made, to be cancelled.

(4) Where a patent of addition is in force any request made under this section for an endorsement either of the original patent or of the patent of addition shall be treated as a request for the endorsement of both patents, and if refused as respects the one shall be refused as respects the other also, and where a patent of addition is granted in respect of a patent which is endorsed under this section the patent of addition shall also be so endorsed.

(5) All endorsements of patents under this section shall be entered on the register of patents and shall be published in the Gazette, and in such other manner as to the Registrar may seem desirable for the purpose of bringing the invention to the notice of manufacturers.

(6) The Registrar may, if he thinks fit, on the application of the patentee and on payment by him of the unpaid moiety of all renewal fees which have become due since the endorsement, cancel the endorsement, and in that case the patentee's rights and liabilities shall be the same as if no such endorsement had been made:

Provided that before acting on any application for the cancellation of an endorsement, the Registrar shall advertise the application in the prescribed manner and shall satisfy himself that there is no existing licence or that all existing licensees consent to the application.

(7) Any person may within the prescribed time and in the prescribed manner, give notice at the Patent Office of opposition to an application for the cancellation of an

endorsement, and where any such notice is given the Registrar shall, after giving notice of the opposition to the applicant and after giving to the applicant and to the opponent an opportunity of being heard, decide the case.

(8) Any decision of the Registrar under this section shall be subject to an appeal to the Court.

Revocation of
patent.
[30 of 1949]

29. (1) Revocation of a patent may be obtained on petition to the Court.

Grounds for
revocation of
patent.

(2) A patent may be revoked upon any of the following grounds:

- (a) that the invention was the subject of a valid prior grant;
- (b) that the true and first inventor was not the applicant or one of the applicants for the patent;
- (c) that the patent was obtained in fraud of rights of the person applying for the order or of any person under or through whom he claims;
- (d) that the invention is not a manner of new manufacture the subject of letters patent and grant of privilege within paragraph 5 of the Schedule to the Civil Law of Guyana Act;
- (e) subject as in this subsection provided, that the invention is not new;
- (f) that the invention is obvious and does not involve any inventive step having regard to what was known or used

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- prior to the date of the patent;
- (g) that the invention is not useful;
 - (h) that the complete specification does not sufficiently and fairly describe and ascertain the nature of the invention and the manner in which the invention is to be performed;
 - (i) that the complete specification does not sufficiently and clearly ascertain the scope of the monopoly claimed;
 - (j) that the complete specification does not disclose the best method of performance of the invention known to the applicant for the patent at the time when the specification was left at the Patent Office;
 - (k) that the patent was obtained on a false suggestion or representation;
 - (l) that the invention claimed in the complete specification is not the same as that contained in the provisional specification, and that the invention claimed, so far as it is not contained in the provisional specification was not new at the date when the complete specification was filed, or the true and first inventor was not the applicant, or one of the applicants, for the patent;
 - (m) that the primary or intended use or exercise of the invention is contrary to law;

- (n) that the patentee has contravened or has not complied with the conditions contained in the patent;
- (o) that prior to the date of the patent the invention was secretly worked on a commercial scale and not merely by way of reasonable trial or experiment in Guyana by the patentee or others, not being a Government department or the agents or contractors of, or other person authorised in that behalf by, a Government department;
- (p) that, in the case of a patent bearing a date within any war period as defined by section 33 (3), the invention was secretly worked prior to that date by a Government department or the agents or contractors of, or other person authorised in that behalf by, a Government department, otherwise than in consequence of the communication or disclosure of the invention by the applicant for the patent directly or indirectly to a Government department;
- (q) that, in the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine, the specification includes claims which under section 44 cannot lawfully be made; or

upon any other ground upon which a patent might, immediately before the 6th December, 1902, have been

repealed by *scire facias*:

Provided that this subsection shall have effect, as respects the ground of revocation specified in paragraph (e) thereof, subject to section 19 (1), section 34 (12), section 45 and section 50.

(3) Every ground on which a patent may be revoked shall be available as a ground of defence in an action for infringement of a patent.

(4) A petition for revocation of a patent may be presented—

(a) by the Attorney-General or any person authorised by him; or

(b) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims; or

(ii) that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold, within Guyana, before the date of the patent, anything claimed by the patentee as his invention.

Power of Registrar to revoke patents.

30. (1) Any person who would have been entitled to oppose the grant of a patent or is the successor in interest of a person who was so entitled may within twelve months from the date of sealing the patent, apply to the Registrar for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed:

Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any court, an application under this section shall not be made except with the leave of the Court.

(2) The Registrar shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended by disclaimer, correction, or explanation, or dismissing the application; but the Registrar shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time by giving notice in the prescribed manner to the Registrar offer to surrender his patent, and the Registrar may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer and thereupon make an order for the revocation of the patent.

(4) Any decision of the Registrar under this section shall be subject to appeal to the Court.

Provisions for prevention of abuse of monopoly rights.
[30 of 1949]

31. (1) Any person interested may at any time after the expiration of three years from the date of sealing a patent apply to the Registrar alleging in the case of that patent that there has been an abuse of the monopoly rights thereunder and asking for relief under this section.

(2) The monopoly rights under a patent shall be deemed to have been abused in any of the following circumstances—

- (a) if the patented invention, being one capable of being worked in Guyana, is not being worked within Guyana on a commercial scale, and no satisfactory reason can be given for such non-working:

Provided that, if an application is presented to the Registrar on this ground, and the Registrar is of opinion that the time which has elapsed since the sealing of the patent has by reason of the nature of the invention or for any other cause been insufficient to enable the invention to be worked within Guyana on a commercial scale, the Registrar may make an order adjourning the application for such period as will in his opinion be sufficient for that purpose;

- (b) if the working of the invention within Guyana on a commercial scale is being prevented or hindered by the importation from abroad of the patented article by the patentee or persons claiming under him, or by persons directly or indirectly purchasing from him, or by other persons against whom the patentee is not taking or has not taken any proceedings for infringement;

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- (c) if the demand for the patented article in Guyana is not being met to an adequate extent and on reasonable terms;
- (d) if, by reason of the refusal of the patentee to grant a licence or licences upon reasonable terms, the trade or industry of Guyana or the trade of any person or class of persons trading in Guyana, or the establishment of any new trade or industry in Guyana, is prejudiced, and it is in the public interest that a licence or licences should be granted;
- (e) if any trade or industry in Guyana, or any person or class of persons engaged therein, is unfairly prejudiced by the conditions attached by the patentee, whether before or after the passing of this Act, to the purchase, hire, licence, or use of the patented article, or to the using or working of the patented process;
- (f) if it is shown that the existence of the patent, being a patent for an invention relating to a process involving the use of materials not protected by the patent or for an invention relating to a substance produced by such a process, has been utilised by the patentee so as unfairly to prejudice in Guyana the manufacture, use or sale of any such materials:
- Provisions as to unfair exercise of process patent.

Provided that, for the purpose of determining whether there has been any abuse of the monopoly rights under a

patent, it shall be taken that patents for new inventions are granted not only to encourage invention but to secure that new inventions shall so far as possible be worked on a commercial scale in Guyana without undue delay.

(3) On being satisfied that a case of abuse of the monopoly rights under a patent has been established, the Registrar may exercise any of the following powers as he may deem expedient in the circumstances:

- (a) he may order the patent to be endorsed with the words "licences of right" and thereupon the same rules shall apply as are provided in this Act in respect of patents so endorsed, and an exercise by the Registrar of this power shall entitle every existing licensee to apply to the Registrar for an order entitling him to surrender his licence in exchange for a licence to be settled by the Registrar in like manner as if the patent had been so endorsed at the request of the patentee, and the Registrar may make such order; and an order that a patent be so endorsed may be made notwithstanding that there may be an agreement subsisting which would have precluded the endorsement of the patent at the request of the patentee;
- (b) he may order the grant to the applicant of a licence on such terms as the Registrar may think expedient, including a term precluding the licensee from importing into Guyana any goods the importation of which, if made by persons other than the

patentee or persons claiming under him, would be an infringement of the patent, and in such case the patentee and all licensees for the time being shall be deemed to have mutually covenanted against such importation. A licensee under this paragraph shall be entitled to call upon the patentee to take proceedings to prevent infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for infringement in his own name as though he were the patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on him may be effected by leaving the writ at his address for service given on the register.

In settling the terms of a licence under this paragraph the Registrar shall be guided as far as may be by the same considerations as are specified in section 28 for his guidance in settling licences under that section;

- (c) if the Registrar is satisfied that the invention is not being worked on a commercial scale in Guyana, and is such that it cannot be so worked without the expenditure of capital for the raising of which it will be necessary to rely on the patent monopoly, he may, unless the patentee or those claiming under him will undertake to find such capital,

order the grant to the applicant, or any other person, or to the applicant and any other person or persons jointly, if able and willing to provide such capital, of an exclusive licence on such terms as the Registrar may think just, but subject as hereinafter provided;

- (d) if the Registrar is satisfied that the monopoly rights have been abused in the circumstances specified in paragraph (f) of the last preceding subsection, he may order the grant of licences to the applicant and to such of his customers and containing such terms as the Registrar may think expedient;
- (e) if the Registrar is of opinion that objects of this section will be best attained by making no order under the above provisions of this section, he may make an order refusing the application and dispose of any question as to costs thereon as he thinks just.

(4) In settling the terms of any such exclusive licence as is provided in paragraph (c) of the last preceding subsection, due regard shall be had to the risks undertaken by the licensee in providing the capital and working the invention, but, subject thereto, the licence shall be so framed as—

- (a) to secure to the patentee the maximum royalty compatible with the licensee working the invention in Guyana on a commercial scale and

at a reasonable profit;

- (b) to guarantee to the patentee a minimum yearly sum by way of royalty, if and so far as it is reasonable so to do, having regard to the capital requisite for the proper working of the invention and all the circumstances of the case;

and, in addition to any other powers expressed in the licence or order, the licence and the order granting the licence shall be made revocable at the discretion of the Registrar if the licensee fails to expend the amount specified in the licence as being the amount which he is able and willing to provide for the purpose of working the invention on a commercial scale within Guyana, or if he fails so to work the invention within the time specified in the order.

(5) In deciding to whom such an exclusive licence is to be granted the Registrar shall, unless good reason is shown to the contrary, prefer an existing licensee to a person having no registered interest in the patent.

(6) The order granting an exclusive licence under this section shall operate to take away from the patentee any right which he may have as patentee to work or use the invention and to revoke all existing licences, unless otherwise provided in the order, but on granting an exclusive licence the Registrar may, if he thinks it fair and equitable, make it a condition that the licensee shall give proper compensation to be fixed by the Registrar for any money or labour expended by the patentee or any existing licensee in developing or exploiting the invention.

(7) If an application is made under subsection (1) in relation to a patent, and —

- (a) an order has already been made in relation to that patent under subsection (3) (b), (c) or (d);
- (b) a period of not less than two years has elapsed between the date of that order and the date of the application; and
- (c) the Registrar is satisfied that the objects of this section cannot be attained by the exercise of any of the powers conferred by the said subsection (3),

the Registrar may order the patent to be revoked, either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime such conditions as may be prescribed in the order with a view to attaining the objects of this section are fulfilled and the Registrar may, on reasonable cause shown in any case, by subsequent order extend the interval so specified:

Provided that the Registrar shall make no order for revocation which is at variance with any treaty, convention, arrangement or engagement subsisting between Guyana and any Commonwealth territory or any foreign country.

(8) Every application presented to the Registrar under this section must set out fully the nature of the applicant's interest and the facts upon which the applicant bases his case and the relief which he seeks. The application must be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

(9) The Registrar shall consider the matters alleged in the application and declarations, and, if satisfied that the applicant has a bona fide interest and that a prima facie case for relief has been made out, he shall direct the applicant to serve copies of the application and declarations

upon the patentee and upon any other persons appearing from the register to be interested in the patent and shall advertise the application in the Gazette.

(10) If the patentee or any person is desirous of opposing the granting of any relief under this section, he shall, within such time as may be prescribed or within such extended time as the Registrar may on application (made either before or after the expiration of the prescribed time) further allow, deliver to the Registrar a counter statement verified by a statutory declaration fully setting out the grounds on which the application is to be opposed.

(11) The Registrar shall consider the counter statement and declarations in support thereof and may thereupon dismiss the application if satisfied that the allegations in the application have been adequately answered, unless any of the parties demands a hearing or unless the Registrar himself appoints a hearing. In any case the Registrar may require the attendance before him of any of the declarants to be cross-examined or further examined upon matters relevant to the issues raised in the application and counter statement, and he may, subject to due precautions against disclosure of information to rivals in trade, require the production before him of books and documents relating to the matter in issue.

(12) All orders of the Registrar under this section shall be subject to appeal to the Court, and on any such appeal the Attorney- General or such other counsel as he may appoint shall be entitled to appear and be heard.

(13) In any case where the Registrar does not dismiss an application as hereinbefore provided, and

- (a) if the parties interested consent, or
- (b) if the proceedings require any prolonged examination of documents

or any scientific or local investigation which cannot in the opinion of the Registrar conveniently be made before him,

the Registrar may at any time order the whole proceedings or any question or issue of fact arising thereunder to be referred to an arbitrator agreed on by the parties, or in default of agreement appointed by the Registrar, and, where the whole proceedings are so referred, the award of such arbitrator shall, if all the parties consent, be final, but otherwise shall be subject to the same appeal as the decision of the Registrar under this section, and, where a question or issue of fact is so referred, the arbitrator shall report his findings to the Registrar.

(14) Subsection (7) shall apply to—

- (a) patents in force at, as well as to patents granted on or after, the 31st December, 1949;
- (b) applications for patents made before, as well as to applications made on or after, the 31st December, 1949.

(15) For the purposes of this section, the expression “patented article” includes articles made by a patented process.

REGISTER OF PATENTS

Register of patents.

32. (1) There shall be kept at the Patent Office a book called the register of patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licences under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of patents existing at the commencement of this Act shall be incorporated with and form part of the register of patents under this Act.

(3) The register of patents shall be prima facie evidence of any matters by this Act directed or authorised to be inserted therein.

(4) Copies of deeds, licences, and any other documents affecting the proprietorship in any letters patent or in any licence thereunder, must be supplied to the Registrar in the prescribed manner for filing in the Patent Office.

STATE

Right of State
to use patented
inventions.
[30 of 1949]

33. (1) A patent shall have to all intents the like effect as against the state as it has against a citizen:

Provided that any Government department may, by themselves or by such of their agents, contractors, or others as may be authorised in writing by them at any time after the application, make, use or exercise the invention for the services of the State on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Minister responsible for such department, between the department and the patentee, or, in default of agreement, as may be settled in the manner hereinafter provided. And the terms of any agreement or licence concluded between the inventor or patentee and any person other than a Government department, shall be inoperative so far as concerns the making, use or exercise of the invention for the service of the State:

Provided further that, where an invention which is the subject of any patent has, before the date of the patent, been duly recorded in a document by, or tried by or on behalf of, any Government department (such invention not having been communicated directly or indirectly by the applicant for the

patent or the patentee), any Government department, or such of their agents, contractors, or others as may be authorised in writing by them, may make, use and exercise the invention so recorded or tried for the service of the State free of any royalty or other payment to the patentee, notwithstanding the existence of the patent. If in the opinion of the department the disclosure to the applicant or the patentee, as the case may be, of the document recording the invention, or the evidence of the trial thereof, if required, would be detrimental to the public interest, it may be made confidentially to counsel on behalf of the applicant or patentee, or to any independent expert mutually agreed upon.

(2) The power of a Government department under subsection (1) to make, use or exercise an invention for the services of the State shall include power during any war period to make, use, exercise or vend an invention, upon such terms as are mentioned in the said subsection (1), for any purpose which appears to the department necessary or expedient for the efficient prosecution of any war in which the Government may be engaged or for the maintenance of supplies and services essential to the life of the community; and the terms of any such agreement or licence as is mentioned in the said subsection (1) shall be inoperative so far as concerns the making, use, exercise or vending of an invention under this subsection as they are inoperative so far as concerns the making, use or exercise of an invention under that subsection.

(3) For the purposes of subsection (2) the expression "war period" means any period beginning with such date as may be declared by order of the Minister responsible for defence to be the commencement, and ending with such date as may be so declared to be the termination, of a war period for the purpose of this section; and nothing in subsection (5) of this section shall affect the right to vend an invention conferred by subsection (2).

(4) In case of any dispute as to the making use, exercise or vending of an invention under this section, or the terms therefor, or as to the existence or scope of any record or trial as aforesaid, the matter shall be referred to the Court for decision, which shall have power to refer the whole matter or any question or issue of fact arising thereon to be tried before an arbitrator upon such terms as it may direct. The Court or arbitrator, as the case may be, may, with the consent of the parties, take into consideration the validity of the patent for the purposes only of the reference and for the determination of the issues between the applicant and such Government department. The Court or arbitrator further in settling the terms as aforesaid, shall be entitled to take into consideration any benefit or compensation which the patentee, or any other person interested in the patent, may have received directly or indirectly from the State or from any Government department in respect of such patent.

(5) The right to use an invention for the services of the State under this section or any provisions for which this section is substituted shall include, and shall be deemed always to have included, the power to sell any articles made in pursuance of such right which are no longer required for the services of the State.

(6) A purchaser of any article sold in pursuance of subsection (2) or subsection (5), and any person claiming through him, shall have, and be deemed always to have had, power to deal with the articles in like manner as if the patent for the invention were held on behalf of the State.

(7) Nothing in this section shall affect the right of the State or of any person deriving title directly or indirectly from the State to sell or use any articles forfeited under the laws relating to the customs or excise.

Assignment to
Minister of
certain

34. (1) The inventor of any improvement in instruments or munitions of war may (either for or without valuable consideration) assign to the Minister on behalf of

inventions. the State all the benefit of the invention and of any patent obtained or to be obtained for the invention; and the Minister may be a party to the assignment.

(2) The assignment shall effectually vest the benefit of the invention and patent in the Minister on behalf of the State and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced accordingly by the Minister.

(3) Where any such assignment has been made, the Minister may at any time before the publication of the complete specification certify to the Registrar that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

(4) If the Minister so certify the application and specifications, with the drawings (if any), and any amendment of the complete specification, and any copies of such documents and drawings shall, instead of being left in the ordinary manner at the Patent Office, be delivered to the Registrar in a packet sealed by authority of the Minister.

(5) The packet shall, until the expiration of the term during which a patent for the invention may be in force, be kept sealed by the Registrar, and shall not be opened save under the authority of an order of the Minister.

(6) The sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by the Minister to receive it, and shall if returned to the Registrar be again kept sealed by him.

(7) On the expiration of the term of the patent, the sealed packet shall be delivered to the Minister.

(8) Where the Minister certifies as aforesaid, after an application for a patent has been left at the Patent Office, but before the publication of the complete specification, the application and specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the Registrar, and the packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Minister.

(9) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which a certificate has been given by the Minister as aforesaid.

(10) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but, save as in this section otherwise directed, this Act shall apply in respect of any such invention and patent as aforesaid.

(11) The Minister may at any time waive the benefit of this section with respect to any particular invention, and the specifications, documents, and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12) The communication of any invention for any improvement in instruments or munitions of war to the Minister or to any person or persons authorised by the Minister to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.

(13) Regulations may be made under this Act for the purpose of ensuring secrecy with respect to patents to which this section applies, and those regulations may modify any of the provisions of this Act in their application to such

patents as aforesaid so far as may appear necessary for the purpose aforesaid.

(14) In this section “Minister” means the Minister responsible for defence.

LEGAL PROCEEDINGS

Hearing with assessor.

35. (1) In an action or proceeding for infringement or revocation of a patent, the Court may, if it think fit, and shall on the request of all of the parties to the proceeding, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance; the action shall be tried without a jury unless the Court otherwise directs.

Court of Appeal.

(2) The Court of Appeal may, if they think fit, in any proceeding before them call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court or the Court of Appeal, as the case may be, and be paid as part of the expenses of the execution of this Act.

Power to counter-claim for revocation in an action for infringement.

36. A defendant in an action for infringement of a patent, may, without presenting a petition, apply in accordance with the rules of the High Court by way of counter-claim in the action for the revocation of the patent.

Power of Court in infringement action as regards relief in respect of particular claims.

37. Where the Court in any action for infringement of a patent finds that any claim in the specification, in respect of which infringement is alleged, is valid, but that any other claim therein is invalid, then, notwithstanding anything in section 27 of this Act—

- (a) if the patentee furnishes proof to the satisfaction of the Court that the invalid claim was framed in good faith and with reasonable skill and knowledge, or if the

patent is dated before the commencement of this Act, the Court shall, subject to its discretion as to costs and as to the date from which damages should be reckoned, and to such terms as to amendment of the specification as it may deem desirable, grant relief in respect of any valid claim which is infringed without regard to the invalidity of any other claim in the specification and in exercising such discretion the Court may take into consideration the conduct of the parties in inserting the invalid claim in the specification or permitting that claim to remain there;

- (b) if the patentee does not furnish proof as aforesaid, and the patent is dated after the commencement of this Act, the Court shall not grant any relief by way of damages or costs, but may grant such other relief in respect of any valid claim which is infringed as to the Court seems just, and may impose such terms as to amendment of the specification as a condition of granting any such relief as it may deem desirable;
- (c) if a counter-claim for revocation of the patent has been made in the action on the ground of the invalidity of any claim in the specification, the Court may postpone the operation of any order made thereon during such time as may be requisite for enabling the patentee to effect any amendment of the specification pursuant to terms imposed upon him and may attach any such other condition to any order to be made on the counter-claim as the Court may deem desirable.

Exemption of innocent infringer from liability for damages.

38. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Act from any defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent", "patented", or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

Order for inspection, etc., in action.

39. In an action for infringement of a patent, the plaintiff shall be entitled to relief by way of injunction and damages but not to an account of profits, but subject as aforesaid the Court may on the application of either party make such order for an injunction or inspection, and impose such terms and give such directions respecting the same and the proceedings thereon as the Court may see fit.

Certificate of validity questioned and costs thereon.

40. In an action for infringement of a patent, the Court may certify that the validity of any claim in the specification of the patent came in question; and, if the Court so certifies, then in any subsequent action for infringement of such claim the plaintiff in that action on obtaining a final order or judgment in his favour shall, unless the Court trying the action otherwise directs, have his full costs, charges, and expenses as between solicitor and client so far as that claim is concerned.

Remedy in case of groundless threats of legal proceedings.

41. (1) Where any person, by circulars, advertisements or otherwise, threatens any person with an action for infringement of patent or other like proceedings, then, whether the person making the threats is or is not entitled to or interested in a patent or an application for a

patent, any person aggrieved thereby may bring an action against him, and may obtain a declaration to the effect that such threats are unjustifiable and an injunction against the continuance of such threats and may recover such damage, if any, as he has sustained thereby, unless the person making the threats proves that the acts in respect of which the proceedings are threatened constitute or, if done, would constitute an infringement of a patent in respect of a claim in the specification which is not shown by the plaintiff to be invalid or an infringement of rights arising from the acceptance of a complete specification in respect of a claim therein which is not shown by the plaintiff to be capable of being successfully opposed.

(2) The defendant in any such action as aforesaid may apply, by way of a counter-claim in the action, for any relief to which he would be entitled in a separate action in respect of any infringement by the plaintiff of the patent to which the threats relate.

MISCELLANEOUS

Grant of patents to two or more persons.

42. (1) Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interests therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence otherwise than with their consent or in accordance with directions given under this section, and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate.

Power to give direction as to development of patents jointly owned.

(2) The Registrar may, upon application for relief under this subsection being made to him in the prescribed manner by any one or more of joint patentees, and after giving to the other joint patentees an opportunity of being

heard, give such directions in accordance with the application as to the sale or lease of the patent for the invention, or as to the grant of licences in respect thereof, or otherwise as to the use and development of the rights thereunder as appear to him to be just and expedient, and it shall be the duty of all the joint patentees to give effect to any directions so given.

(3) If any person who is under obligation to give effect to any such directions as aforesaid fails to execute any instrument or to do any act or thing requisite for giving effect thereto within fourteen days after being requested in writing so to do by any of the joint patentees, the Registrar may, by direction given under the last preceding subsection, empower any person to execute that instrument or to do that act or thing in the name and on behalf of the person in default.

(4) Nothing in this section shall be taken to authorise the use of an invention or the giving of any directions in such manner as to prejudice or affect the mutual rights or obligations of trustees or the personal representatives of a deceased person, or any rights or obligations arising out of those relationships.

(5) An order of the Registrar giving any directions or refusing an application made under this section shall be subject to appeal to the Court.

Avoidance of certain conditions attached to the sale, etc., of patented articles.

43. (1) It shall not be lawful in any contract made after the commencement of this Act in relation to the sale or lease of, or licence to use or work, any article or process protected by a patent to insert a condition the effect of which will be—

- (a) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor,

or licensor or his nominees; or

- (b) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy:

Provided that this subsection shall not apply if—

- (i) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and
- (ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase of such sum or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Minister.

In any action, application, or proceedings under this Act

no person shall be estopped from applying for or obtaining relief by reason of any admission made by him as to the reasonableness of the terms offered to him under paragraph (i) of the proviso to subsection (1).

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the commencement of this Act, may at any time after the patent or all the patents by which the article or process was protected at the time of the making of the contract has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Minister.

(3) Any contract made before the commencement of this Act relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void may, at any time before the contract is determinable under the last preceding subsection, and notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party, but where any such notice is given the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Minister.

(4) The insertion by the patentee in a contract made after the passing of this Act of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.

(5) Nothing in this section shall—

- (a) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or
- (b) be construed as validating any contract which would, apart from this section, be invalid; or
- (c) affect any right of determining a contract or condition in a contract exercisable independently of this section; or
- (d) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

Chemical
products and
substances
intended for
food or
medicine.

44. (1) In the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the methods or processes of manufacture particularly described and ascertained or by their obvious chemical equivalents:

Provided that in relation to a substance intended for food or medicine a mere admixture resulting only in the aggregation of the known properties of the ingredients of that substance shall not be deemed to be a method or process of manufacture.

(2) In an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall in the absence of proof to the contrary be deemed to have been produced by the patented process.

Appeal to
Court.

(3) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the Registrar shall, unless he sees good reason to the contrary, grant to any person applying for the same, a licence limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such licence and fixing the amount of royalty or other consideration payable, the Registrar shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Any decision of the Registrar under this subsection shall be subject to appeal to the Court.

(4) This section applies only to patents applied for after the commencement of this Act.

Provisions as
to anticipation.

45. (1) An invention covered by a patent shall not be deemed to have been anticipated by reason only of its being made available to the public by publication in Guyana —

- (a) in a specification left pursuant to an application made in Guyana and dated not less than fifty years before the date of the patent; or
- (b) in a specification describing the invention for the purpose of an application for protection in any

country outside Guyana made not less than fifty years before that date; or

- (c) in any abridgment of or extract from any such specification published under the authority of the Registrar or of the government of any country outside Guyana; or
- (d) in a provisional specification of any date not followed by a complete specification.

(2) A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted or any part thereof having been published prior to the date of the patent, if the patentee proves to the satisfaction of the Court that the publication was made without the knowledge and consent of the true inventor, and that the matter published was derived or obtained from the true inventor, and if the true inventor learnt of the publication before the date of his application for the patent that he applied for and obtained protection for the invention with all reasonable diligence after learning of the publication:

Provided that the protection afforded by this subsection shall not extend to a patentee who has or whose predecessors in title (which expression shall include the applicant for the patent) have commercially worked the invention in Guyana otherwise than for the purpose of reasonable trial of the invention prior to the date of the application for the patent.

Disconformity.

46. A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete

specification was put in, and the applicant was the first and true inventor thereof.

Patent on application of representative of deceased inventor.

47. (1) If the person claiming to be inventor of an invention dies without making an application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

(2) Every such application must contain a declaration by the legal representative that he believes the deceased to be the true and first inventor of the invention.

Loss or destruction of patent.

48. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Registrar, the Registrar may at any time issue a copy thereof certified under his hand and the seal of the Patent Office.

Requests for information as to patent or patent application.

49. A person making a request to the Registrar in the prescribed manner as respects any patent specified in the request or as respects any application for a patent so specified, for information to be furnished to him by the Registrar of any such matters as may be prescribed affecting that patent or application, shall be entitled, subject to payment of the prescribed fees, to have information furnished to him accordingly.

Provisions as to exhibitions.

50. (1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Minister, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, or the reading of a paper by an inventor before a learned society or the publication of the paper in the society's transactions, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the

application:

Provided that—

- (a) the exhibitor, before exhibiting the invention, or the person reading such paper or permitting such publication, gives the Registrar the prescribed notice of his intention to do so; and
- (b) the application for a patent is made before or within six months from the date of the opening of the exhibition, or the reading or publication of such paper.

(2) The Minister may by order apply this section to any exhibition mentioned in the order in like manner as if it were an industrial or international exhibition certified as such by the Minister, and any such order may provide that the exhibitor shall be relieved from the condition of giving notice to the Registrar of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the order.

Publication of
journal,
indexes, etc.

51. (1) The Registrar may issue periodically a journal of patented inventions, as well as reports of patent cases decided by courts of law, reports of decisions of the Registrar, or of the Appeal Tribunal, and any other information that he may deem generally useful or important.

(2) Provision may be made by the Registrar for keeping on sale copies of such journal, and also of all complete specifications of patents in force, with any accompanying drawings.

(3) The Registrar may prepare and publish in such form and at such times as he deems expedient, such indexes, abridgments of specifications, catalogues, and other

works relating to inventions, as he thinks fit.

Models for
Chief
Education
Officer.

52. The Chief Education Officer may at any time require a patentee to furnish him with a model of his invention on payment to the patentee of the cost of the manufacture of the model, the amount to be settled, in case of dispute, by the Minister.

Special
provisions as to
vessels, aircraft
and land
vehicles. [10 of
1938]

53. (1) Subject to the provisions of this section, the rights of a patentee shall not be deemed to be infringed –

- (a) by the use on board a foreign vessel of the patented invention in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, if the vessel comes into the territorial jurisdiction waters of Guyana temporarily or accidentally only, and the invention is used exclusively for the actual needs of the vessel;
- (b) by the use of the patented invention in the construction or working of a foreign aircraft or land vehicle or of the accessories thereof if the aircraft or vehicle comes into Guyana temporarily or accidentally only.

(2) This section shall apply only to vessels, aircraft and land vehicles of Guyana and to vessels, aircraft and land vehicles of a foreign state with respect to which the Minister by order declares that the laws thereof confer corresponding rights with respect to the use of inventions in vessels, aircraft and land vehicles of Guyana when coming into the foreign state or the territorial waters thereof.

The Minister may apply the provisions of this section to vessels, aircraft and land vehicles of any part of the Commonwealth outside Guyana in like manner as to vessels,

aircraft and land vehicles of a foreign state.

(3) For the purposes of this section—

“vessels and aircraft” shall be deemed to be vessels and aircraft of the country in which they are registered, and land vehicles shall be deemed to be vehicles of the country within which the owners are ordinarily resident.

TITLE II

Registration of United Kingdom Patents

Registration of patents issued in the United Kingdom.

54. Any person being the grantee of a patent in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law may apply within three years from the date of issue of the patent to have such patent registered in Guyana. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

Application for registration.

55. Every such application shall be accompanied by a certified copy of the specification or specifications (including drawings, if any) of the United Kingdom Patent and a certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the issue of the patent on such specification or specifications.

Registration on requirements being complied with.

56. (1) Upon such application being received, together with the documents mentioned in section 55, the Registrar shall register the same in the register of patents kept under section 32 and shall issue a certificate of registration.

(2) The Registrar shall thereupon give notice in the Gazette of the fact that such certificate has been issued.

Effect of registration.

57. Such certificate of registration shall confer on the applicant privileges and rights subject to all conditions

established by the law of Guyana as if a patent had been issued to him in Guyana under this Act.

Duration of privileges on registration.

58. Privileges and rights so granted shall date from the date of the patent in the United Kingdom and shall continue in force only so long as the patent remains in force in the United Kingdom:

Provided that no action for infringement shall be entertained in respect of any manufacture, use or sale of the invention prior to the date of the publication in the Gazette of the notice of issue of the certificate of registration in Guyana.

Right of persons affected to apply to the Court for declaration as to privileges acquired by registration. [10 of 1938 23 of 1956]

59. The Court or any judge thereof shall have power upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare that the exclusive privileges and rights conferred by such certificate of registration have not been acquired on any of the grounds, *mutatis mutandis*, upon which the United Kingdom patent might be revoked under the law for the time being in force in the United Kingdom.

Such grounds shall be deemed to include the manufacture, use or sale of the invention in Guyana before the priority date applicable to the patent in the United Kingdom, but not to include the manufacture, use or sale of the invention in Guyana by some person or persons after the priority date applicable to the patent in the United Kingdom and before the date of issue of the certificate of registration under section 56 of this Act.

12, 13 and 14 Geo. VI c. 87

For the purposes of this subsection, the expression "priority date" in its application to a patent in the United Kingdom has the meaning assigned to it in section 5 of the Patents Act, 1949, of the United Kingdom.

Amendment of specifications, etc., of the United Kingdom Patent.

60. Whenever the specification or drawings of a United Kingdom patent registered in Guyana has or have been amended by way of disclaimer, correction or explanation, according to the law of the United Kingdom, a request accompanied by a copy of the specification and drawings (if any) as amended, duly certified by the Comptroller General of the United Kingdom Patent Office, may be made to the Registrar to substitute a copy of the specification and drawings as amended, for the specification and drawings as originally filed.

Registration of assignments, etc.

61. Where a person becomes entitled by assignment, transmission, or other operation of law to the privileges and rights conferred by a certificate of registration or to any interest therein, he may make application in the prescribed manner to the Registrar for the entry on the register of such assignment, transmission, or other instrument affecting the title or giving an interest therein.

PART II DESIGNS

TITLE I

Registration of Designs

Application for registration of designs.

62. (1) The Registrar may, on the application made in the prescribed form and manner of any person claiming to be the proprietor of any new or original design not previously published in Guyana register the design under this Part.

(2) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the Registrar may decide the question.

(3) The Registrar may, if he thinks fit, refuse to

register any design presented to him for registration, but any person aggrieved by any such refusal may appeal to the Appeal Tribunal, and the Appeal Tribunal shall, after hearing the applicant and the Registrar, if so required, make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(5) A design when registered shall be registered as of the date of the application for registration.

Registration of designs in new classes.

63. (1) Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

- (a) on the ground of the design not being a new or original design, by reason only that it was so previously registered; or
- (b) on the ground of the design having been previously published in Guyana, by reason only that it has been applied to goods of any class in which it was so previously registered:

Provided that such subsequent registration shall not extend the period of copyright in the design beyond that arising from the previous registration.

(2) Where the proprietor of a registered design applies for the registration in the same class of goods of a design consisting of the registered design with modifications or

variations not sufficient to alter the character or substantially to affect the identity thereof, the application shall not be refused, nor shall the registration of that other design be invalidated—

- (a) on the ground that it is not a new or original design, by reason only of the registration of the registered design; or
- (b) on the ground that it has been previously published in Guyana, by reason only that the registered design has been applied to the goods in respect of which it is registered:

Provided that the period of copyright conferred by the registration of that other design shall not extend beyond the expiration of the original and any extended period of copyright in the registered design.

Certificate of registration.

64. (1) The Registrar shall grant a certificate of registration to the proprietor of the design when registered.

(2) The Registrar may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

Register of designs.

65. (1) There shall be kept at the Patent Office a book called the register of designs wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may be prescribed.

(2) The register of designs existing at the commencement of this Act shall be incorporated with and form part of the register of designs under this Act.

(3) The register of designs shall be prima facie evidence of any matters by this Act directed or authorised to be entered therein.

COPYRIGHT IN REGISTERED DESIGNS

Copyright on
registration.
[30 of 1949]

66. (1) When a design is registered, the registered proprietor of the design shall, subject to this Act, have copyright in the design during five years from the date of registration.

(2) If before the expiration of the said five years, or within such further time (not exceeding three months) as the Registrar may on a request made to him before the expiration of that further time allow, application for the extension of the period of copyright is made to the Registrar in the prescribed manner, the Registrar 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 Registrar may on a request made to him before the expiration of that further time allow, application for the extension of the period of copyright is made to the Registrar in the prescribed manner the Registrar may, subject to any rules under this Act, 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.

Requirements
before delivery
on sale.

67. (1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall cause each such article to be marked with the prescribed mark, or with the prescribed words or figures denoting that the design is registered; and if he fails to do so the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the

marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Minister by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Minister may, if he thinks fit, by regulations under this Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as he thinks fit.

Effect of disclosure on copyright.

68. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Inspection of registered designs.

69. (1) During the existence of copyright in a design, or such shorter period as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the Registrar or by the Court, and furnishing such information as may enable the Registrar to identify the design, and shall not be open to the inspection of any person except in the presence of the Registrar, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

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

(2) After the expiration of the copyright in a design or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

Information as to existence of copyright.

70. On the request of any person furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, the Registrar shall inform such person whether the registration still exists in respect of the design, and if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Cancellation of registration of designs.
[10 of 1938]

71. (1) At any time after the registration of a design any person interested may apply to the Registrar—

- (a) for the cancellation of the registration of the design on the ground that the design has been published in Guyana or registered in the United Kingdom prior to the date of registration;
- (b) for the grant of a compulsory licence on the ground that the design is applied by manufacture to any article in a country outside Guyana and is not so applied by manufacture in Guyana to such an extent as is reasonable in the circumstances of the case, and the Registrar may make

such order on the application as he considers just:

Provided that the Registrar shall not make any order under paragraph (b) which is at variance with any treaty, convention, arrangement or engagement with any country outside Guyana.

(2) An appeal shall lie from any order of the Registrar under this section to the Appeal Tribunal, and the Registrar may at any time refer any such application to the Appeal Tribunal for trial.

Registration of designs to bind the State.

72. The registration of a design shall have to all intents the like effect as against the State as it has against a subject:

Provided that the provisions of section 33 shall apply to registered designs as though those provisions were herein re-enacted and in terms made applicable to registered designs.

INDUSTRIAL AND INTERNATIONAL EXHIBITIONS

Provisions as to exhibitions.

73. (1) The exhibition at an industrial or international exhibition certified as such by the Minister, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof:

Provided that—

- (a) the exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the Registrar the prescribed notice of his

intention to do so; and

- (b) the application for registration is made before or within six months from the date of the opening of the exhibition.

(2) The Minister may by order apply this section to any exhibition mentioned in the order in like manner as if it were an industrial or international exhibition certified as such by the Minister, and any such order may provide that the exhibitor shall be relieved from the condition of giving notice to the Registrar of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the order.

LEGAL PROCEEDINGS

Piracy of registered design.

74. (1) During the existence of copyright in any design it shall not be lawful for any person—

- (a) for the purposes of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the licence or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or
- (b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding two hundred and fifty dollars, recoverable as a simple contract debt, or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable as a simple contract debt in respect of any one design shall not exceed five hundred dollars.

Application of certain provisions of the Act as to patents to designs.

75. The provisions of this Act with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee, shall apply with the necessary modifications in the case of registered designs in like manner as they apply in the case of patents.

TITLE II

United Kingdom Designs

Privileges conferred on registered proprietor of a design registered in the United Kingdom extended to Guyana.
[10 of 1938]

76. Subject to the provisions of sections 77 and 78 of this Act, the registered proprietor of any design registered in the United Kingdom under the Patent and Designs Acts, 1907 to 1932, of the United Kingdom or any Act amending or substituted for those Acts shall enjoy in Guyana the like privileges and rights as though the design had registered in Guyana under this Act.

Protection of an innocent infringer of copyright in a

77. The registered proprietor of such a design shall not be entitled to recover any damages in respect of any infringement of copyright in a design from any defendant

design registered in the United Kingdom from suit for damages.

who proves that at the date of the infringement he was not aware nor had any reasonable means other than by inquiry outside Guyana of making himself aware of the existence of the registration of the design:

Provided that nothing in this section shall affect any proceedings for an injunction.

Court may declare privileges not acquired.

78. The Court shall have power upon the application of any person who alleges that his interests have been prejudicially affected to declare upon any of the grounds upon which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom that exclusive privileges and rights in a design have not been acquired in Guyana under the provisions of this Part. Such grounds shall be deemed to include the publication of the design in Guyana prior to the date of registration of the design in the United Kingdom.

PART III

GENERAL

Patent Office and Proceedings thereat

Patent Office.

79. (1) The Patent office shall be situate at the Deeds Registry, Georgetown, Demerara, or at any other place that may be appointed by the Minister.

(2) The Patent Office shall be under the immediate control of the Registrar.

(3) Any act or thing directed to be done by or to the Registrar may be done by or to a Deputy Registrar or by or to any other officer authorised by the Registrar.

Examiner.
[29 of 1961]

80.(1) The Registrar may appoint any person as an examiner.

(2) The expenses of the execution of this Act shall be paid out of money provided by Parliament.

Seal of Patent Office.

81.(1) Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence.

(2) The seal of the Patent Office shall be the seal of the Deeds Registry with the words "Patent Office" added thereto.

Fees.

82. There shall be paid in respect of the grant and the registration of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under this Act, such fees as may be prescribed by the Minister.

PROVISIONS AS TO REGISTERS AND OTHER DOCUMENTS IN PATENT OFFICE

Trust not to be entered in registers.

83. There shall not be entered in any register kept under this Act or be receivable by the Registrar, any notice of any trust expressed, implied or constructive.

Inspection of an extracts from registers.

84. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to this Act; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Privilege of reports of examiners.

85. Reports of examiners made under this Act shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding, unless the Court or officer having power to order discovery in such legal proceeding certifies that such production or inspection is desirable in the interests of justice, and ought to be allowed:

Provided that, on application being made by any person

in the prescribed form, the Registrar may disclose the result of a search made under section 9 or 10 on any particular application for the grant of a patent where either—

- (a) the complete specification has been accepted; or
- (b) the complete specification has been published and the application has become void.

Prohibition of publication of specification, drawings, etc., abandoned, where application abandoned, etc.

86. (1) Where an application for a patent has been abandoned, or become void, the application, the specifications and the drawings samples and specimens (if any) accompanying or left in connection with such application, shall not, save as otherwise expressly provided by this Act, at any time be open to public inspection or be published by the Registrar.

(2) Where an application for a design has been abandoned or refused the application and any drawings, photographs, tracings, representations, or specimens left in connection with the application shall not at any time be open to public inspection or be published by the Registrar.

Power for Registrar to correct clerical errors.

87. The Registrar may, on request in writing accompanied by the prescribed fee—

- (a) correct any clerical error in or in connection with an application for a patent or in any patent or any specification;
- (b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered;
- (c) correct any error in an application for the registration of or in the representation of a

design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs:

Provided that where a request is made for a correction under paragraph (a) and it appears to the Registrar that the correction would materially alter the meaning or scope of the document to which the request relates, and ought not to be made without notice to persons affected thereby, he shall require a notice of the nature of the proposed correction to be advertised in the prescribed manner, and any person may within the prescribed time and in the prescribed manner give notice at the Patent Office of opposition to the request and, where any such notices given, the Registrar shall, after giving notice of the opposition to the applicant and after giving to the applicant and to the opponent an opportunity of being heard, decide on the case.

Registration of assignments, etc.

88. (1) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent or to the copyright in a registered design, he shall make application to the Registrar in the prescribed manner to register his title, and the Registrar shall, on receipt of such application and on proof of title to his satisfaction, register him as the proprietor of such patent or design and shall cause an entry to be made on the register of the assignment, transmission, or other instrument affecting the title.

(2) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, he shall make application to the Registrar in the prescribed manner to register his title, and the Registrar shall, on receipt of such application and on proof of title to his satisfaction, cause notice of the interest to be entered in the register of patents or designs, as the case may be, with particulars of the instrument, if any, creating such interest.

(3) The person registered as the proprietor of a

patent or design shall, subject to this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to or otherwise deal with the patent or design, and to give effectual receipts for any consideration for any such assignment, licence or dealing:

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

(4) Except in applications made under section 89, a document or instrument in respect of which no entry has been made in the register in accordance with subsections (1) and (2), shall not be admitted in evidence in any court in proof of the title to a patent or copyright in a design or to any interest therein unless the court otherwise directs.

Rectification of registers by Court.

89. (1) The Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

(2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the Registrar, who shall have the right to appear and be heard thereon, and shall appear if so directed by the Court.

(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the

Registrar in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

POWERS AND DUTIES OF REGISTRAR

Exercise of
discretionary

90. Where any discretionary power is by or under this Act given to the Registrar, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a design without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Costs and
security for
costs.

91. (1) The Registrar shall, in any proceedings before him under this Act, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of court.

(2) If any party giving notice of any opposition under this Act, or applying to the Registrar for the revocation of a patent, or for the cancellation of the registration of a design or for the grant of a compulsory licence in relation to a patent or to a registered design, or giving notice of appeal from any decision of the Registrar under this Act, neither resides nor carries on business in Guyana, the Registrar, or in case of appeal to the Appeal Tribunal or the Court, the Appeal Tribunal or the Court may require such party to give security for the costs of the proceedings or appeal, and in default of such security being given may proceed to treat the proceedings or appeal as abandoned.

Frivolous
applications
and appli-
cations for
patents for
illegal
inventions.

92. (1) If any application is made to the Registrar to grant a patent for an invention which is so obviously contrary to well-established natural laws that the application is frivolous or to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality the Registrar may refuse the application, or may, in the case of an invention any particular use of which would, in his opinion, be contrary to law, require as a

condition of granting a patent the insertion in the specification of such disclaimer as respects that particular use of the invention or any such other reference to the illegality thereof as he thinks fit.

(2) An appeal shall lie from the decision of the Registrar under this section to the Appeal Tribunal.

Provisions as to failure to comply with certain time limits.

93. (1) No patent granted, and no extension of the period of copyright in a registered design made, before the commencement of this section shall be treated as invalid by reason only of an act done before the commencement of this section by an applicant, the Registrar or any other person, not having been done at the time the said act was done, within the time then limited for the doing thereof by this Act.

(2) In the case of an application for a patent made before the commencement of this section which has not up to that time been treated by the Registrar otherwise than as a subsisting application, but which under this Act for the time being in force, is deemed to have been abandoned, or has become void, at any time before the commencement of this section, by reason only of the failure of the applicant, or of the Registrar or of any other person, to comply with any requirement as to time limits of this Act as for the time being in force, the Registrar may, if it appears to him that there would have been no substantial non-compliance with this Act, if this section had been in force at the date of the failure, permit the application to proceed, and thereupon the application shall be treated as not having been abandoned, or as not having become void, as the case may be.

EVIDENCE, ETC.

Evidence before Registrar.

94. (1) Subject to rules under this Act in any proceeding under this Act before the Registrar the evidence shall be given by statutory declaration in the absence of directions to the contrary; but, in any case in which the Registrar thinks it right so to do, he may take evidence viva

voce in lieu of or in addition to evidence by declaration or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

(2) The Registrar shall in respect of discovery and production of documents and, where any evidence is taken *viva voce*, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court in England.

Certificate of Registrar to be evidence.

95. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Act to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Evidence of documents in Patent Office.

96. Printed or written copies or extracts, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, of or from patents, specifications, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in Guyana and in all proceedings, without further proof or production of the originals.

Applications and notices by post.

97. Any application, notice, other document authorised or required to be left, made, or given at the Patent Office or to the Registrar, or to any other person under this Act, may be sent by post.

Excluded days.

98. Where the last day fixed by this Act for doing anything under this Act falls on any day specified in regulations under this Act as an excluded day, the regulations may provide for the thing being done on the next following day not being an excluded day.

Declaration by
infant, etc.

99. (1) If any person is, by reason of infancy, unsoundness of mind, or other disability incapable of making any declaration or doing anything required or permitted by this Act, the guardian or committee (if any) of the person subject to the disability, or, if there be none, any person appointed by any court possessing jurisdiction in respect of his property, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

(2) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the declaration or the doing of the thing.

Enforcement of
order for grant
of licence.

100. Any order for the grant of a licence under this Act shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence executed by the patentee or proprietor of a registered design as the case may be and all other necessary parties.

REGISTER AND LICENSING OF PATENT AGENTS

Licensed patent
agents.
[4 of 1972]
c. 90:01

101. (1) The Registrar may grant licences from year to year to any fit and proper person, being a Commonwealth citizen, to be a patent agent for the purpose of transacting business under this Act and the Trade Marks Act.

(2) The Registrar shall keep a register (hereinafter called a register of patent agents) of all fit and proper persons as aforesaid.

(3) It shall be lawful for the Registrar upon proof of incapacity, malfeasance or discreditable conduct on the part of any such patent agent, with the approval of the Minister, to

revoke the licence or the authority to obtain a licence given as aforesaid, and thereupon he shall remove his name from the register of patent agents.

(4) A licence to be a patent agent shall not be granted to a person who is not ordinarily resident in Guyana:

Provided that any person who has been refused a licence under subsection (1) or whose name has been removed from the register under subsection (4) shall have a right of appeal to the Minister whose decision shall be final.

Unlicensed
patent agent.

102. (1) No person shall practice, describe himself, or hold himself out, or permit himself to be described or held out, as a patent agent, unless—

- (a) in the case of an individual, he is licensed as a patent agent;
- (b) in the case of a firm, every partner of the firm is so licensed;
- (c) in the case of a company, every director and the manager (if any) of the company is so licensed.

(2) If any person contravenes this section, he shall be liable on summary conviction to a fine of three hundred dollars or in the case of a second or subsequent conviction to a fine of seven hundred and fifty dollars, and in the case of a company every director, manager, secretary, or other officer of the company who is knowingly a party to the contravention shall be guilty of a like offence and liable to a like fine.

(3) For the purposes of this section and of the last preceding section the expression "patent agent" means a person, firm, or company carrying on for gain in Guyana the

business of applying for or obtaining patents or the registration of patents, designs, or trade marks.

(4) Notwithstanding anything in any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be commenced at any time within twelve months from the date on which the alleged offence was committed.

POWER, ETC., OF MINISTER

Power of
Minister to
make
regulations.

103. The Minister may make regulations and do such things as he thinks expedient, subject to this Act—

- (a) for regulating the practice of registration under this Act;
- (b) for classifying goods for the purposes of designs;
- (c) for making or requiring duplicates of specifications, drawings, and other documents;
- (d) for securing and regulating the publishing and selling of copies, at such prices and in such manner as the Minister thinks fit, of specifications, drawings, and other documents;
- (e) for securing and regulating the making, printing, publishing, and selling of indexes to, and abridgements of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents;

- (f) for regulating and presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad;
- (g) for regulating the keeping of the register of patent agents under this Act;
- (h) for determining the conditions under which a design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of section 22 of the Copyright Act, 1911;
- (i) generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the Registrar.

1 & 2 Geo. V, c.
46.

Proceedings of
the Minister.

104. (1) All documents purporting to be orders made by the Minister and signed by the Minister, the Permanent Secretary, or by any person authorised in that behalf by the Minister, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(2) A certificate, signed by the Minister, the Permanent Secretary that any order made or act done is the order or act of the Minister, shall be conclusive evidence of the fact so certified.

OFFENCES

Offences.

105. (1) If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

(2) If any person falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered, he shall be liable for every offence, on summary conviction, to a fine of seventy-five dollars.

(3) If any person 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 the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered", or any word or words implying that there is a subsisting copyright in the design, shall be liable on summary conviction to a fine of seventy-five dollars.

(5) If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office", or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on summary conviction to a fine of three hundred dollars.

Unauthorised assumption of National Coat of Arms.
[4 of 1972]

106. The grant of a patent under this Act shall not be deemed to authorise the patentee to use the National Coat of Arms of Guyana or to place such Coat of Arms on any patented article.

Provisions as to "the Court".

107. Where by virtue of this Act a decision of the Registrar is subject to an appeal to the Court, or a petition may be referred or presented to the Court, the appeal shall, except in the case of a petition for the revocation of a patent

under section 29, and subject to and in accordance with rules of the High Court, be made and the petition referred or presented to such judge of the High Court as the Chief Justice may select for the purpose. An appeal shall not lie from any decision of such judge except in the case of an order revoking or confirming the revocation of a patent.

Tribunal for
appeals from
the Registrar.

108. (1) For the purpose of hearing appeals from decisions of the Registrar, which, by virtue of this Act, are subject to an appeal to the Appeal Tribunal, there shall be constituted a Tribunal (in this Act referred to as the "Appeal Tribunal") to consist of a judge of the High Court to be nominated by the Chief Justice.

(2) The expenses of the Appeal Tribunal shall be defrayed and the fees to be taken therein may be fixed as if the Tribunal were a Court of the High Court, but subject as aforesaid appeals to the Tribunal shall not be deemed to be proceedings in the High Court.

(3) The Appeal Tribunal may —

- (a) examine witnesses on oath and administer oaths for that purpose;
- (b) make rules regulating appeals to the Tribunal and the practice and proceedings before the Tribunal under this Act; and
- (c) in any proceedings under this Act by order award to any party such costs as the Tribunal consider reasonable and direct how and by what parties they are to be paid and any such order may be made a rule of court,

so however that, as respects rights of audience and the awarding of costs, the like practice shall be observed as, before the commencement of this Act, was observed in the hearing of appeals by the Attorney- General in the United Kingdom.

(4) The Appeal Tribunal may, if it thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the Tribunal, with the consent of the Minister responsible for finance, may determine.

CONSTRUCTION AND SAVINGS

Construction.

109. This Act shall, except where otherwise expressly provided, apply to patents granted and applications for and specifications relating to patents made and deposited, and designs registered and applications for registration of designs made, before as well as after the passing of this Act.

Saving for prerogative.

110. Nothing in this Act shall take away, abridge or prejudicially affect the prerogative of the State in relation to the granting of any letters patent or to the withholding of a grant thereof.

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made under sections 82 and 103

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SECOND SCHEDULE-Forms.

Reg. 24/8/1937
8/1951
O. 15/1970

PATENTS REGULATIONS*made under sections 82 and 103*

Citation. 1. These Regulations may be cited as the Patents Regulations.

Interpretation. 2. In these Regulations—

"Office" means the Patent Office;

"section" means Section of the Act.

Fees.
First Schedule 3. (1) The fees to be paid in relation to patents shall be those prescribed in the First Schedule, and shall be payable to the Registrar.

(2) All fees shall be payable in advance.

Forms
Second
Schedule 4. The forms herein referred to are those contained in the Second Schedule and such forms shall be used in all cases to which they are applicable, and may be modified as

directed by the Registrar to meet other cases.

DOCUMENTS

Size, etc., of Documents.

5. All documents and copies of documents, except drawings, sent to or left at the Office or otherwise furnished to the Registrar or to the Ministry shall be written, type-written, lithographed or printed in the English language (unless otherwise directed) in large and legible characters with deep permanent black ink upon strong wide-ruled white paper, and, except in the case of statutory declarations and affidavits, on one side only, of a size approximately 13 inches by 8 inches, leaving a margin of at least one inch and a half on the left-hand part thereof, and the signatures thereto must be written in a large and legible hand. Duplicate documents shall be left at the Office, if required by the Registrar. Such duplicates may be carbon copies of the original documents provided they are on paper of good quality and the typing is black and distinct.

At the top of the first page of a specification a space of about two inches should be left blank.

Leaving and serving documents.

6. Any application, notice, or other document authorised or required to be left, made, or given at the Office, or to the Registrar, or to any other person under the Act, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

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Any written communication addressed to a patentee at his address as it appears on the register of patents or at his address for service or to any applicant or opponent in any proceedings under the Act, at the address appearing on the application or notice of opposition or given for service as hereinafter provided shall be deemed to be properly addressed.

Address for
service.

7. Every applicant or opponent in any proceedings to which these regulations relate, and every person who is or shall hereafter become a patentee shall furnish to the Registrar an address for service in Guyana. Such address may be treated, for all purposes connected with such proceedings or patent as the actual address of such applicant, opponent or patentee.

Form 42

If any patentee desires to have two addresses for service entered in the register a request therefor shall be made on Patents Form 42 in respect of each patent.

AGENCY

Agency.

8. With the exception of the signing of the following documents, namely, applications for patents, for a complete specification to be treated as a provisional specification, for postdating of applications, for the revocation of patents, for the grant of a licence under a patent, for the endorsement of a patent "licences of right", for the refusal of a request for the endorsement of a patent "licences of right", for the cancellation of such endorsement, for the restoration of lapsed patents, requests for leave to amend applications or specifications, authorizations of agents, notices of oppositions, requests for issue of duplicate letters patent, and surrenders of letters patent, all communications to the Registrar under the Act relating to patents may be signed by and all attendances upon the Registrar may be made by or through an agent duly authorised to the satisfaction of the Registrar. In any particular case, the Registrar may, if he

thinks fit, require the personal signature or presence of an applicant, opponent, or other person.

The Registrar shall not recognise as such agent, or receive communications in respect of any business under the Act from, any person who is not at the time licensed to be a patent agent under the Act.

APPLICATIONS FOR THE GRANT OF PATENTS

Form of application.

9. (1) An application for a patent, other than a Patent of Addition or a Secret Patent, shall be made on one of the Patents Forms, 1 or 2 as the case may be. An application for a Patent of Addition shall be made on Patents Forms 3, 4 or 5, and an application for a Secret Patent on Patents Form 6. An application for the grant of a Patent of Addition in lieu of an independent patent shall be made on Patents Form 21.

Forms 1, 2, 3, 4, 5, 6, 21.

(2) An application for a patent for an invention communicated from board, and an application for a patent made by a person who is not at the time in Guyana, shall not be received by registrar unless made through a licenced patent agent

Application by representative of deceased inventor.

10. In the case of an application for a patent by the legal representative of a person who has died possessed of an invention, the probate of the will, or the letters of administration granted of the estate and effects, or a certified copy of such probate or letters, shall be produced at the Office in proof of the applicant's title to be regarded as legal representative and be supported by such further evidence as the Registrar may require.

Order of

11. Applications for patents sent through the post

[Subsidiary]

Patents Regulations

recording
applications.

shall, as far as may be practicable, be opened and numbered in the order in which the letters containing the same are delivered in the ordinary course of post.

Applications left at the Office otherwise than through the post shall be in like manner numbered in the order of their receipt at the Office.

One invention.

12. (1) When a specification comprises several distinct matters, they shall not be deemed to constitute one invention by reason only that they are all applicable to or may form parts of an existing machine, apparatus, or process.

Applications
for separate
patent by way
of amendment.

Where a person making application for a patent has included in his specification more than one invention, the Registrar may require or allow him to amend such application and specification and drawings or any of them so as to apply to one invention only, and the applicant may make application for a separate patent for any invention excluded by such amendment.

Every such last-mentioned application may, if the Registrar at any time so direct, bear the date of the original application or such date between the date of the original application and the date of the application in question, as the Registrar may direct, and shall otherwise be proceeded with as a substantive application in the manner prescribed by the Act.

Where the Registrar has required or allowed any application or specification or drawings or any of them to be amended as aforesaid, such application shall, if the Registrar at any time so direct, bear such date, subsequent to the original date of the application and not later than the date when the amendment was made, as the Registrar shall consider reasonably necessary to give sufficient time for the

subsequent procedure relating to such application.

(2) Where the same applicant has put in two or more provisional specifications for inventions which he believes to be cognate or modifications one of the other and the Registrar is of opinion that such inventions are not cognate or modifications one of the other, the applicant may divide the complete specification left in connection with his applications into such number of complete specifications as may be necessary to enable the applications to be proceeded with as two or more separate applications for patents for different inventions.

Claims. **13.** The statement of the invention claimed, with which a complete specification must end, shall be clear and succinct as well as separate and distinct from the body of the specification.

DRAWINGS

General. **14.** Drawings, when furnished, must accompany the provisional or complete specification to which they refer, except in the case provided for by regulation 21. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specification when printed may appear in the specification itself.

Requirements as to paper etc. **15.** Drawings must be made on pure white, hot-pressed, rolled, or calendered strong paper of smooth surface, good quality, and medium thickness, without washes or colours, in such a way as to admit of being clearly reproduced on a reduced scale by photography. Mounted drawings may not be used.

Size of drawings and **16.** Drawings must be on sheets which measure 13

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arrangement of figures.

inches from top to bottom and are either from 8 inches to 8 1/4 inches or from 16 inches to 16 1/2 inches wide, the narrower sheets being preferable. A clear margin must be left half an inch from the edges of the sheet.

If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large figure is required, it should be continued on subsequent sheets. There is no limit to the number of sheets that may be sent in, but no more sheets should be employed than are necessary. The figures should be numbered consecutively throughout and without regard to the number of sheets. They should be separated by a sufficient space to keep them distinct.

Drawings to be suitable for reproduction.

17. Drawing must be prepared in accordance with the following requirements –

- (a) They must be executed with absolutely black ink.
- (b) Each line must be firmly and evenly drawn, sharply defined, and of the same strength throughout.
- (c) Section lines, lines for effect, and shading lines must be as few as possible, and must not be closely drawn.
- (d) Shading lines must not contrast too much in thickness with the general lines of the drawing.
- (e) Sections and shading must not be represented by solid black or washes.

- (f) They must be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine, etc., may appear as affects this purpose. If the scale is given, it must be drawn, and not denoted by words. No dimensions may be marked on the drawings.
- (g) The figures must be drawn in an upright position in regard to the top and bottom of the sheet.
- (h) Reference letters and numerals, and index letters and numerals used in conjunction therewith, must be bold, distinct and not less than one-eighth of an inch in height. The same letters or numerals must be used in different views of the same parts. Where the reference letters or numerals are shown outside the figure, they must be connected with the parts referred to by fine lines.

Drawings to bear name of applicant, etc. but no descriptive matter.

18. Drawings must bear the name of the applicant (and, in the case of drawings left with a complete specification after one or more of provisional specifications, the numbers and years of the applications) in the left-hand top corner; the number of sheets of drawings sent, and the consecutive number of each sheet, in the right-hand top corner; and the signature of the applicant or his agent in the right-hand bottom corner. Neither the title of the invention nor any descriptive matter

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shall appear on the drawings.

Copies of drawings.

19. A facsimile or "true copy" of the original drawings shall be filed at the same time as the original drawings, prepared strictly in accordance with these regulations, except that the reference letters or numerals and leading lines thereto should be in black-lead pencil. In the case of a hand-made drawing this copy may be on tracing cloth.

Marking originals and true copies.

The words "original" or "true copy" must in each case be marked at the right-hand top corner, under the numbering of the sheet.

Condition or drawings on delivery.

20. Drawings must be delivered at the Office free from folds, breaks, or creases which would render them unsuitable for reproduction by photography.

Provisional drawings used for complete specifications.

21. If an applicant desires to adopt the drawing lodged with his provisional specification as the drawings or part of the drawings for his complete specification, he shall refer to them in the complete specification as those left with the provisional specification

EXTENSION OF TIME FOR LEAVING COMPLETE SPECIFICATION

Extension of time for leaving complete specification.
Form 11

22. An application for one month's extension of time for leaving a complete specification shall be made on Patents Form 11.

REQUEST FOR POSTDATING AN APPLICATION

Request for postdating an application.

23. Where a person making application for a patent desires in pursuance of the provisions of section 5 (4) of the Act before the acceptance of the complete specification that his application should be deemed to have been made on a

date within a period of six months running from the date when the application was actually made, he shall make application on Patents Form 10.

Form 10.

PROCEDURE UNDER SECTION 9 OF THE ACT

Provisional report in case of complete anticipation.

24. (1) When the Registrar or the examiner in prosecution of the investigation prescribed by section 9 (1) of the Act finds that the invention claimed in the specification under examination has been wholly claimed or described in one or more specifications referred to in the subsection, he shall, without any further prosecution of the investigation, make a provisional report to that effect.

(2) If the provisional report of the Registrar or the examiner made under this regulation be not reversed or altered, it may be deemed a final report, and the application shall be dealt with as provided by subsection (4) of the said section. If, however, such provisional report be reversed or altered, the investigation shall be continued, and a further report shall be made, and the specification shall be dealt with as provided in subsection (3) or subsection (4) of the said section, as the case may require.

Time for leaving amended specification.

25. (1) The time within which an applicant may leave his amended specification under section 9 (2) shall be two months from the date of the letter informing him that the invention claimed has been wholly or in part claimed or described in any specification or specifications within the meaning of subsection (1) of the said section.

Form 12.

(2) Application for an extension of time for leaving the amended specification shall be made on Patents Form 12, but no such extension of time shall be granted which would extend beyond the date prescribed by the Act for the acceptance of the specification and any fees payable

[Subsidiary]

Patents Regulations

under these regulations for the extension of time for acceptance of a specification shall be paid in addition to the fees for an extension of time under this regulation.

Hearing by the registrar under sub-section (4).

26. (1) When the applicant for a patent has been informed of the result of the investigation made under section 9 (1), and the time allowed for amendment of his specification has expired, the Registrar, if he is not satisfied that no objection exists to the specification on the ground that the invention claimed therein has been wholly or in part claimed or described in a previous specification referred to in that subsection, shall inform the applicant accordingly and appoint a time for hearing him, and shall give him ten days' notice at the least of such appointment. The applicant shall as soon as possible notify the Registrar whether or not he desires to be heard. The Registrar shall, after hearing the applicant, or without a hearing, if the applicant has not attended a hearing appointed or has notified that he does not desire to be heard, determine whether reference ought to be made in the applicant's specification to any, and, if so, what prior specification or specifications by way of notice to the public, and in the event of the invention claimed being wholly and specifically claimed or wholly and specifically described in any specification to which the investigation has extended, whether he should refuse to grant a patent, and shall inform the applicant accordingly. As an alternative to the insertion of a reference to a prior specification, the Registrar may prescribe or permit such amendments of the specification as will be to his satisfaction and, in such case, the applicant must elect, within such time as may be fixed by the Registrar, whether he agrees to the amendments or to the insertion of a reference. If no communication is received within the prescribed time or such further time as may be allowed, the references will be inserted.

(2) Application for an extension of the time fixed

Form 12. by the Register under paragraph (1) of this regulation shall be made in the manner prescribed in regulation 25 (2).

Reference to prior specification. 27. (1) When under section 9(4) the Registrar determines that a reference to a prior specification ought to be made by way of notice to the public, the form of reference shall be as follows, and shall be inserted after the claims—

Reference has been directed in pursuance of section 9 (4) of the Patents and Designs Act to specification No of 19

(2) Where the reference is inserted as the result of a provisional report under regulation 24, a statement to that effect shall be added to the reference.

Procedure under s. 9 (5). 28. The procedure to be followed when anticipating documents within section 9(5) are brought to the notice of the Registrar shall be that set out in regulations 24 to 27 with the necessary modifications.

PROCEDURE UNDER SECTION 10 OF THE ACT

Procedure under s. 10. 29. (1) Where on the additional investigation provided for by section 10 it appears that the invention claimed in any specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall be informed of the result of such extended investigation, and shall, within two months from the date of the letter so informing him, apply for leave to amend his specification by way of disclaimer, stating specifically what amendments he is prepared to make in it to remove the objection, or if he considers that no amendments are

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necessary, inform the Registrar accordingly.

Form 12.

(2) Application for an extension of time for making such an application shall be made on Patents Form 12, but no such extension of time shall be granted which would extend beyond the date prescribed by the Act for the acceptance of the specification, and any fees payable under these Regulations for the extension of time for acceptance of a specification shall be paid in addition to the fees for an extension of time under this regulation.

(3) The Registrar shall consider any amendments submitted by the applicant for this purpose, and may allow the necessary amendments to be made.

Hearing by
Registrar.

30. (1) If, at the expiration of the said two months or such extended time as the Registrar may allow, the Registrar is not satisfied that the invention claimed by the applicant is not wholly or in part claimed in the specification or specifications cited, he shall inform the applicant accordingly and appoint a time for hearing him, and shall give him ten days' notice at the least of such appointment. The applicant shall as soon as possible notify the Registrar whether or not he desires to be heard. The Registrar shall, after hearing the applicant or without a hearing, if the applicant has not attended a hearing appointed, or has notified that he does not desire to be heard, determine whether reference ought to be made in the applicant's specification to any, and if so, what prior specification or specifications by way of notice to the public and shall inform the applicant accordingly. As an alternative to the insertion of a reference to a prior specification, the Registrar may prescribe or permit such amendments of the specification as will be to his satisfaction, and in such case, the applicant must elect, within such time as may be fixed by the Registrar, whether he agrees to the amendments or to the insertion of a reference. If no communication is received within the prescribed time or such further time as may be

allowed, the reference will be inserted.

Form 12.

(2) Application for an extension of the time fixed by the Registrar under paragraph (1) of this regulation shall be made in the manner prescribed in regulation 25.

Reference to prior specification.

31. When, under section 10(2), the Registrar determines that reference to a prior specification ought to be made by way of notice to the public, the form of reference shall be as follows, and shall be inserted after the claims:

"Reference has been directed, in pursuance of section 10 (2) of the Patents and Designs Act to specification No..... of 19....."

Advertisement of amendments.
Form 14

32. When, after any accepted specification has been published, any amendment has been made, or any reference inserted therein, under either of the last two preceding regulations, notice thereof shall be advertised in the *Gazette*.

DISCLOSURE OF RESULT OF SEARCH

Disclosure of result of search.

33. Application under section 85 for disclosure of the result of a search made under sections 9 and 10 shall be made on Patents Form 14.

CHEMICAL INVENTIONS—TYPICAL SAMPLES AND SPECIMENS

Chemical invention—typical samples and specimens.

34. (1) Where under section 4(5), before the acceptance of the complete specification left on any application for a patent for chemical invention, the Registrar in any particular case considers it desirable and to require or allow typical samples or specimens to be furnished, such samples or specimens must if so required

by the Registrar, be supplied in duplicate.

(2) A schedule specifying the nature of such samples or specimens may be inserted in the complete specification or appended thereto.

(3) The fact that such samples or specimens have been furnished shall also be notified to the public by a statement to that effect at the head of the complete specification and in connection with the advertisement of acceptance of such specification in the *Gazette*.

(4) The samples or specimens must, unless other directions are specially given, be supplied in glass bottles of a total height not exceeding three inches, and of an external diameter of 1 1/2 inches and the bottles must be securely closed by well-fitting stoppers, and sealed. Each bottle must have an adhesive or otherwise securely attached label bearing a description which clearly identifies the sample with the substance described in the specification. Labels which are not secured to the bottle by an adhesive should be 3 inches wide and not more than 4 inches long.

(5) Where samples or specimens of colouring matters are supplied, they must unless otherwise directed by the Registrar be accompanied by samples or specimens of materials printed or dyed with such colouring matters, such last-mentioned samples or specimens must be as flat as possible, and firmly attached to cards 13 inches long by 8 inches broad. The cards must bear a full description of the processes by which the respective dyed or printed effects were produced, including the compositions and strengths of the various baths, the temperatures, duration of treatment, degree of exhaustion of the dye baths, in the case of dyed fabrics the percentage of colouring matter fixed on, in the case of prints the composition of the printing paste, and other necessary information. This description must also clearly

identify the substance used with that described in the specification.

(6) Samples of poisonous, corrosive, explosive, or easily inflammable substances must be clearly marked as such.

ACCEPTANCE OF SPECIFICATIONS

Extension of time for accepting complete specification.
Form 13

35. An application for extension of time for accepting a complete specification shall be made on Patents Form 13.

Notice and advertisement of acceptance.

36. On the acceptance of a provisional or complete specification the Registrar shall give notice thereof to the applicant, and shall advertise the acceptance of every complete specification in the *Gazette*.

Inspection of specification, etc.

37. After such acceptance in the case of a complete specification the application and specification or specifications with the drawings, foreign documents (if any) and samples or specimens (if any) may be inspected at the Office upon payment of the fee prescribed by these Regulations.

OPPOSITION TO GRANT OF PATENT

Extension of period for leaving notice of opposition.
Form 16

38. An application made under section 14 (1) for an extension of the period within which a notice of opposition may be filed shall be made upon Patents Form 16, and shall state the ground or grounds on which the application for an extension of the said period is based.

Notice of opposition.
Form 15

39. A notice of opposition to the grant of a patent shall be given on Patents Form 15, and shall state the ground

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or grounds on which the person giving such notice (herein called the opponent) intends to oppose the grant, and must be signed by him. Such notice shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he bases his case and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the applicant.

Copy for
applicant.

40. If the applicant is desirous of contesting the opposition, he shall within 14 days of the receipt of such copies, or such further time as the Registrar may allow, leave at the Office a counter-statement fully setting out the grounds upon which the opposition is contested and deliver to the opponent a copy thereof.

Counter-
statement.

41. The opponent may within 14 days from the delivery of such copy, or within such further time as the Registrar may allow, leave at the Office evidence by way of statutory declarations in support of his case and, on so leaving, shall deliver to the applicant a copy thereof.

Opponent's
evidence.

42. Within 14 days from the delivery of such evidence to the applicant, or if the opponent does not leave any evidence, within 14 days from the expiration of the time within which the opponent's evidence might have been filed, or within such further time as the Registrar may in either case allow, the applicant may leave at the Office evidence by way of statutory declarations in support of his case and, on so leaving, shall deliver to the opponent a copy thereof; and within 14 days from such delivery or within such further time as the Registrar may allow, the opponent may leave at the Office statutory declarations in reply and, on so leaving, shall deliver to the applicant a copy thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

Applicant's
evidence.

Evidence in
reply.

Closing of
evidence.

43. No further evidence shall be delivered by either party except by leave, or on requisition, of the Registrar.

Translation of
documents in
foreign
languages.

44. Where a document in a foreign language is referred to in any statement or declaration filed in connection with an opposition, a translation in duplicate verified by statutory declaration shall be furnished.

Hearing.

45. On completion of the evidence (if any), or at such other time as he may see fit, the Registrar shall appoint a time for the hearing of the case, and shall give the parties ten days' notice at the least of such appointment. If either party does not desire to be heard he shall forthwith notify the Registrar to that effect. If either party desires to be heard he must notify the Registrar on Patents Form 17. The Registrar may refuse to hear either party who has not left Patents Form 17 prior to the date of hearing. If either party intends to refer at the hearing to any publication other than a specification or publication already mentioned in the proceedings, he shall give to the other party and to the Registrar five days' notice at least of his intention, together with details of each publication to which he intends to refer. After hearing the party or parties desirous of being heard or if neither party desires to be heard, then without a hearing, the Registrar shall decide the case and notify his decision to the parties.

Form 17

Costs in
uncontested
cases.

46. In the event of an opposition being uncontested by the applicant the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the opposition was filed.

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SEALING OF PATENT AND PAYMENT OF FEE

Payment of
sealing fee.
Form 18

47. If the applicant for a patent desires to have a patent sealed on his application, he shall within the period allowed by section 16 pay the sealing fee by leaving at the Office Patents Form 18, and paying thereon the prescribed fee.

Extension of
time for
sealing.
Form 19

48. Where for any reason a patent cannot be sealed within the period allowed by section 16(4)(a), (b) or (c), the applicant may apply to the Registrar on Patents Form 19 for an extension of such period not exceeding three months.

Further
extension for
prosecuting
applications
abroad.
Form 20

49. Where the maximum extension of time for sealing a patent has been allowed under section 16 (5) and a further extension of time for sealing is required under subsection (6) of that section, application for such further extension shall be made on Patents Form 20. Such application shall be made before the expiration of the extended period allowed under subsection (5) of that section.

Grant of patent
to assignee.
Form 7

50. An application for the grant of a patent to an assignee or to a joint applicant and assignee shall be made on Patents Form 7, and shall be accompanied by a copy (verified in the manner required by the Registrar) of the agreement to assign. The original agreement shall also be produced for the Registrar's inspection. The Registrar may call for such other proof of title or written consent as he may require.

FORM OF
PATENT

Form of patent.
Form 58

51. A patent, except in the cases provided for in regulations 52 and 53, may be on Patents Form 58.

Form of patent
of addition.

52. A patent of addition may be on Patents Form 59.

Form of patent to legal representatives of deceased inventor and others.

53. Where a patent is granted to the legal representatives of a deceased inventor, or in any case in which the applicants have asked to be treated for the purpose of devolution not only of the legal but also of the beneficial interest in such patent as joint tenants, the form of the patent shall be modified so as to show clearly that the persons to whom the grant is made are to be treated for the purpose of the devolution not only of the legal but also of the beneficial interest in the patent as joint tenants.

RENEWAL FEES

Renewal fees.
Form 22
Form 23

54. If a patentee intends, at the expiration of the fourth year from the date of his patent or of any succeeding year during the term of the patent, to keep the same in force, he shall before the expiration of such year pay the prescribed annual renewal fee by lodging at the Office Patents Form 22 and paying thereon the prescribed fee. The patentee may pay all or any of such prescribed annual renewal fees in advance. An application for an enlargement of time for payment of any fee under this regulation shall be made on Patents Form 23.

Certificate of payment of fee.

55. On due compliance with the terms of regulation 54 the Registrar shall issue a Certificate that the prescribed fee has been payment of duly paid.

Notice as to renewal fees.

56. At any time not less than one month before the date when any renewal fee will become due in respect of any patent, the Registrar shall send to the patentee or patentees, whose names appear in the register of patents, at his or their address or addresses for service, or to the address of the person or persons who paid the last renewal fee, a notice reminding him or them of the date when such fee will become due, and of the consequences of the non-payment thereof.

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Patents Regulations

RESTORATION OF LAPSED PATENTS

Restoration of
lapsed patents.
Form 24

57. Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time the patentee may apply to the Registrar on Patents Form 24 for an order for the restoration of the patent. Every such application shall be accompanied by one or more statutory declarations verifying the statements contained in such application. If the Registrar entertains the application, he shall advertise it in the *Gazette* and in such other manner as in his opinion is desirable.

Opposition.
Form 25

58. At any time within two months from the first of such advertisements in the *Gazette* any person may give notice of opposition at the Office on Patents Form 25. Such notice shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he bases his case and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the applicant.

Further
procedure.

59. Upon such notice of opposition being given and a copy thereof transmitted to the applicant the provisions of regulations 40 to 46 (inclusive) shall apply to the case.

Hearing.

60. If no opposition to the application is entered the Registrar shall at the expiration of the opposition period appoint a time for hearing the applicant and, if satisfied with the evidence adduced, issue an Order restoring the patent.

Order.

61. In every Order of the Registrar restoring a patent, provisions shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent has been announced as void in the *Gazette*. Such provisions shall restrain the patentee from commencing or prosecuting any action or other proceeding, and from recovering any damage—

- (a) in respect of any infringement of the patent which shall have taken place after the date on which the patent was announced in the *Gazette* to be void and before the date of the Order;
- (b) in respect of the use or employment at any time thereafter of any mechanism, machine, machinery, process or operation actually made or carried on within Guyana or of the use, purchase, or sale of any article manufactured or made in infringement of the patent after the date of the said announcement and before the date of the 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;

- (c) in respect of the use, employment, or sale at any time thereafter by any person or corporation entitled for the time being under the last 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

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article manufactured or made by any of the means aforesaid in infringement of the patent:

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 existing at the time being or afterwards 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.

Compensation.

62. The Order shall further provide that if any person within one year after the date thereof make an application to the Registrar for compensation in respect of money, time, or labour expended by the applicant upon the subject-matter of the patent in the *bona fide* belief that such patent had become and continued to be void, it shall be lawful for the Registrar, after hearing the parties concerned, to assess the amount of such compensation if in his opinion 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 said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages.

AMENDMENT OF SPECIFICATION UNDER SECTION 25 OF THE ACT

Request for
leave to amend.

63. A request to the Registrar for leave to amend an accepted specification, except when such request is made under regulation 29 or 30, shall be made on Patents Form 26. The request must be accompanied by an official copy of the original specification and drawings, showing in red ink the proposed amendment in such

manner as to indicate clearly the alteration desired, and shall be advertised by publication of the request and the nature of the proposed amendment in the *Gazette*, and in such other manners as the Registrar may in each case direct.

Notice of
opposition.
Form 29
Copy for the
applicant.

64. A notice of opposition to the amendment shall be given on Patents Form 29. Such notice shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the opponent's interest the facts upon which he bases his case and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the applicant.

Further
proceedings.

65. Upon such notice of opposition being given and copy thereof transmitted to the applicant regulations 40 to 46 (inclusive) shall apply to the case.

Requirements
on amendment.

66. Where leave to amend is given the applicant shall, if the Registrar so require, and within a time to be limited by him, leave at the Office a new specification and drawings as amended, to be prepared in accordance with regulations 5 and 14 to 20 (inclusive).

Advertisement
of amendment.

67. Particulars of all amendments of specifications allowed and made under section 25 shall be advertised forthwith by the Registrar in the *Gazette*.

AMENDMENT OF APPLICATION OR SPECIFICATION BEFORE ACCEPTANCE

Request for
leave to amend
specification.
Form 27

68. A request for leave to amend a specification which has not been accepted, other than when such request is made under regulation 29 or 30, shall be made on Patents Form 27.

Request for leave
to amend an
application for
a patent.

69. A request for leave to amend an application for a

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Form 28 patent shall be made on Patents Form 28.

LICENCES OF RIGHT

Request for
endorsement
"licences of
right".
Form 30

70. A request to the Registrar to endorse a patent with the words "licences of right" shall be made upon Patents Form 30. Such request shall be accompanied by a statutory declaration and such other evidence as the Registrar may deem necessary to show that the patentee is not precluded by contract from making such request.

Application for
refusal of
request.
Form 31
Form 22

71. Upon receipt of such request it shall be advertised in the Gazette and any person alleging that such request has been made contrary to some contract in which he is interested may apply to the Registrar upon Patents Form 31 within one month from the date of the advertisement for the refusal of the request or at anytime after endorsement for cancellation of the endorsement. Such application shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks and in the case of an application for cancellation of the endorsement by Patent Form 22 with payment thereon of the unpaid moiety of all renewal fees which have become due since the endorsement. A copy of the application and of the statement will be transmitted by the Registrar to the patentee.

Further
procedure.

72. Upon such application being made and a copy thereof transmitted to the patentee, the provisions of regulations 40 to 46 (inclusive) shall apply to the case.

Application to
settle terms of
licence.
Form 32

73. An application to the Registrar for settlement of the terms of a licence under a patent which has been endorsed "licences of right" shall be made upon Patents Form 32. Such application shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the terms of the licence which he is prepared to grant or accept. A copy of the application and of the statement will be transmitted by the Registrar to the patentee or the applicant for the licence, as the case may be. Upon such application being made and a copy thereof transmitted to the patentee or applicant for the licence, as the case may be, the provisions of regulations 40 to 46 (inclusive) shall apply to the case with the necessary modifications.

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Application for
cancellation of
endorsement.
Form 33, 22

74. An application by a patentee for the cancellation of an endorsement under section 28 shall be made upon Patents Form 33 and shall be advertised by the Registrar in the *Gazette* and in such other manner, if any, as he deems desirable. Such application shall be accompanied by Patents Form 22 with payment thereon of the unpaid moiety of all renewal fees which have become due since the endorsement.

Opposition.
Form 34

75. At any time within one month from the first of such advertisements in the *Gazette* any person may give notice of opposition at the Office on Patents Form 34. Such notice shall be accompanied by a copy thereof, and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he bases his case, and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the patentee.

Further
procedure.

76. Upon such notice of opposition being given, and a copy thereof transmitted to the patentee, the provisions of regulations 40 to 46 (inclusive) shall apply to the case.

PROCEDURE UNDER SECTION 30 OF THE ACT

Application
under section
30 of the Act.
Form 35

77. An application for the revocation of a patent under section 30 shall be made on Patents Form 35. Such application shall be accompanied by a copy thereof, and a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks. A copy of the application and of the statement will be transmitted by the Registrar to the Patentee.

Copy for
patentee.

Procedure.

78. Upon such application being made and a copy thereof transmitted to the patentee the provisions of regulations 40 to 46 (inclusive) shall apply to the case.

Surrender of
patent.
Form 36

79. (1) A notice of an offer by a patentee to surrender his patent under section 30 shall be given on Patents Form 36, and shall be advertised by the Registrar

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in the *Gazette* and in such other manner as he deems desirable.

Notice of
opposition.
Form 37

(2) At any time within one month from the first of such advertisements in the *Gazette* any person may give notice of opposition to the Registrar on Patents Form 37. Such notice shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he bases his case and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the patentee.

Upon such notice of opposition being given and a copy thereof transmitted to the patentee, the provisions of regulations 40 to 46 (inclusive) shall apply to the case.

PROCEDURE UNDER SECTION 31 OF THE ACT

Application for
compulsory
licence or
revocation of a
patent.
Form 38

80. An application to the Registrar for an Order under section 31 shall be made on Patents Form 38 and shall set out fully the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks. The application shall be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

Advertisement
of application.
Service of
documents.

81. If the Registrar upon consideration of the application decides that it may proceed, it shall be advertised in the *Gazette* and the applicant shall upon receipt of directions from the Registrar serve a copy of the application and of the declarations upon the patentee and upon any other persons appearing from the register to be interested in the patent. The applicant must notify the Registrar when such service has been effected.

Counter-
statement.

82. The patentee or any person desirous of opposing the application shall within 14 days from the

advertisement of the application in the *Gazette*, of such further time as the Registrar may allow, deliver to the registrar a counter-statement verified by statutory declaration fully setting out the grounds on which the application is opposed. A copy of the counter-statement and of the declaration or declarations shall within the same time be delivered to the applicant by the opponent.

Further evidence.

83. No further evidence shall be delivered by either party except by leave, or on requisition, of the Registrar.

Application for hearing.
Form 39

84. If any of the parties desire a hearing a request therefore shall be made upon Patents Form 39 which must be left at the Office within 14 days from the date of the delivery of the counter-statement and declaration.

Hearing.
Form 17

85. Upon receipt of such request, the Registrar shall appoint a time for hearing the case and shall give all the parties ten days' notice at the least of such appointment. Any party who does not desire to be heard shall forthwith notify the Registrar to that effect. Every person who desires to be heard, except the person applying for the hearing, must notify the Registrar on Patents Form 17 and the Registrar may refuse to hear any person who has not left Patents Form 17 prior to the date of the hearing. If no application for a hearing has been received and the Registrar is of opinion that a hearing is necessary, he shall appoint a time for hearing the case and proceed as though a request for hearing had been made under regulation 84. After hearing the party or parties or without a hearing if no hearing is necessary, the Registrar shall decide the case and notify his decision to the parties.

Application by

86. An application by an existing licensee, under a

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licensee to
surrender a
licence under
section 31(3)
(a).

patent, which has been endorsed "licences of right" under section 31 (3) (a), for an Order of the Registrar entitling the licensee to surrender his licence in exchange for a licence to be settled by the Registrar, shall be made upon Patents Form 32 as provided in regulation 73 and the further proceedings thereon shall be regulated in accordance with regulation 73.

PROCEDURE UNDER SECTION 42 OF THE ACT

Application for
relief under
section 42 (2).
Form 53

87. An application made by a co-patentee for relief under section 42(2) shall be made upon Patents Form 53 and shall state the ground or grounds upon which such application for relief is made, and upon any such application the Registrar may give such directions as to the procedure to be adopted as he may think fit.

PATENTS FOR FOOD OR MEDICINE

Patents for food
or medicine.
Form 40

88. An application to the Registrar under section 44(3) for licence to use an invention for the purposes of the preparation or production of food or medicine shall be made on Patents Form 40. The procedure to be followed shall be the same as that prescribed in regulations 80 to 85 (inclusive) for application under section 31.

REGISTER OF PATENTS

Entry of grant.

89. Upon the sealing of a patent the Registrar shall cause to be entered in the register of patents the name, address, and nationality of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the sealing thereof, together with the address for service and such other particulars as the Registrar may deem necessary.

Alteration of

90. If a patentee send to the Registrar on Patents

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address.
Form 41

Form 41 notice in respect of a patent of an alteration in his name or address or address for service, the Registrar shall cause the register to be altered accordingly.

Application for entry of subsequent proprietorship. Form and signature of request. Form 43, 44

91. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to any interest therein, as mortgagee or licensee, application for the entry in the register of his name as proprietor or part proprietor of the patent, or of a notice of such interest, as the case may be, shall be made on Patents Form 43 or Patents Form 44 as the case may be, and shall in the case of individuals be made and signed by the person requiring to be registered as proprietor or part proprietor, or by his agent, and in the case of a body corporate by its duly authorised officer or agent.

Production of documents of title and other proof.

92. Every assignment, and every other document containing, giving effect to, or being evidence of, the transmission of a patent or effecting the proprietorship thereof as claimed by such application, except such documents as are matters of record in Guyana shall, unless the Registrar in his discretion otherwise directs, be produced to him together with the application, and he may call for such other proof of title or written consent as he may require.

An official or certified copy of a document which is a matter of record in Guyana shall in like manner be produced to the Registrar.

Copies for office.

93. The application shall be accompanied by a copy, verified in such manner as the Registrar may require, of the assignment or other document required to be produced by the preceding regulation.

Entry of notice

94. The notice of interest in a patent of any person

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of interest. other than the proprietor or part proprietor entered in the register in pursuance of the application shall be such as may appear applicable to the circumstances of the particular case.

Entry of
notification of
document.
Form 45

95. Application for entry in the register of notification of any document (not already provided for) purporting to affect the proprietorship of a patent shall be made on Patents Form 45. Such application shall be accompanied by a copy of the document, the accuracy of such copy being certified as the Registrar may direct, and the original document shall at the same time be produced and left at the Office if required for further verification.

Entry of date of
payment of fees
on issue of
certificate.

96. Upon the issue of a certificate of payment under regulation 55 the Registrar shall cause to be entered in the register a record of the date of payment of the fee on such certificate.

Hours of
inspection of
register.

97. The register of patents shall be open to the inspection of the public, on payment of the prescribed fee, on every day on which the Office is open to the public during the time it is so open except at such times when the use of the register may be required for any official purpose.

CORRECTION OF CLERICAL ERRORS

Correction of
clerical errors.
Form 46.

98. A request for the correction of a clerical error in or in connection with an application for a patent or in any patent or specification, or in any matter which is entered upon the register of patents, shall be made on Patents Form 46.

In any case where the Registrar requires notice of the nature of the proposed correction to be advertised, such advertisement shall be made by publication of the request and the nature of the proposed correction in the *Gazette* and

in such other manner (if any) as the Registrar may in each case direct.

Any person may at any time within one month from the date of such advertisement in the *Gazette* give notice at the Patent Office of opposition to the proposed correction.

Form 47

Notice of opposition to the correction shall be made on Patents Form 47. Such notice shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the opponent's interest, the facts on which he bases his case and the relief which he seeks. A copy of the notice and of the statement will be transmitted by the Registrar to the applicant.

Upon such notice of opposition being given and a copy thereof transmitted to the applicant, the provisions of regulations 40 to 46 (inclusive) shall apply to the case.

CERTIFICATES

Certificates and certified copies of documents.
Form 48

99. A request for a certificate of the Registrar as to an entry, matter or thing which he is authorised by the Act or any of these regulations to make or do, shall be made on Patents Form 48.

Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, statutory declarations, and other public documents in the Office, or of or from registers and other books kept there, may be furnished by the Registrar on payment of the fee prescribed by these regulations.

[Subsidiary]

Patents Regulations

INFORMATION

Requests for
information.
Form 49

100. A request made under section 49 for information upon a matter affecting a patent or an application for a patent shall be made on Patents Form 49 and may be in respect of any one of the following matters:

- (a) when a complete specification following a provisional specification has been left or when an application for a patent has become abandoned,
- (b) when a complete specification has been accepted or when an application for a patent has become void,
- (c) when a patent has been sealed or when the time for payment of the sealing fee has expired,
- (d) when a renewal fee has been paid,
- (e) when a patent has expired,
- (f) when an entry has been made on the register or application has been made for the making of such entry, or
- (g) when any application is made or action taken involving an entry on the register or advertisement in the *Gazette*.

SECRET PATENTS

Secret patents.
Form 6

101. When it has been decided by the Minister responsible for defence that it is advisable to take out a

secret patent for any invention assigned under section 34, and an application for such patent has been made on Patents Form 6, accompanied by a certificate of the Minister responsible for defence under section 34 (3), the Registrar shall not communicate the application or any documents relating thereto to any member of his staff other than a deputy or special examiner or examiners, who shall make the required investigations and reports required by the Act to be made in the case of other applications for patents.

Unless and until such invention is re-assigned to the inventor by the Minister responsible for defence—

- (a) no copy of any specification or any other document or drawing relating thereto shall in any manner whatever be published or open to the inspection of the public;
- (b) the application for the patent, and the acceptance of any specification relating to the invention shall not be advertised, nor shall the grant of the patent for such invention be open to opposition under section 14; but the Registrar shall cause a patent to be sealed in respect of every such invention as soon as may be after the acceptance of the complete specification relating thereto;
- (c) every such secret patent shall be registered in a confidential register at the Office, and no details or particulars relating thereto shall at any time be published as required

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Patents Regulations

by the Act for ordinary patents. Nor shall any entry be made in the ordinary register of patents in respect of any such patent or any assignment;

- (d) no fees shall be payable in respect of any secret patent, and every such patent, notwithstanding the non-payment of such fees, shall remain in force for the full period of 16 years from its date.

Certificate of secrecy after application.

102. When an application has been made otherwise than as provided by the last preceding regulation for a patent for an invention, and such application is still pending, and a certificate under section 34 (3) is furnished to the Registrar by the Minister responsible for defence, such regulation shall, so far as is practicable, having regard to the date of such certificate, apply to such application and to all documents relating thereto.

Re-assignment.

103. In the event of any secret patent being re-assigned to the inventor by the Minister responsible for defence, it shall be removed from the confidential register of secret patents; all fees that would have been thereafter payable if the same had not been a secret patent shall be paid in respect thereof; and the patent shall remain in force only for the same term, and subject to the same conditions as to payments of fees and otherwise as if it had not been a secret patent.

LOST PATENT

Lost patent.
Form 50

104. An application for a duplicate of a patent which has been lost or destroyed shall be made on Patents Form 50, and shall be accompanied by a statutory declaration setting out in full and verifying the

circumstances in which the patent was lost or destroyed.

INDUSTRIAL OR INTERNATIONAL EXHIBITIONS

Industrial or international exhibitions.

105. Any person desirous of exhibiting at an industrial or international exhibition an invention in respect of which an application for a patent has not been left at the Patent Office, or of publishing any description of such invention during the period of the holding of the exhibition, or of using such invention for the purpose of the exhibition in the place where the exhibition is held, may, after the Minister has issued a certificate that the exhibition is an industrial or international one, give to the Registrar notice on Patents Form 51, of his intention to exhibit, publish, or use the invention, as the case may be. For the purpose of identifying the invention in the event of an application for a patent being subsequently made the inventor shall furnish to the Registrar a brief description of his invention, accompanied, if necessary, by drawings, and such other information as the Registrar may in each case require.

PUBLICATION OF INVENTIONS BEFORE LEARNED SOCIETIES

Publication of inventions before learned societies.
Form 51

106. Any person desirous of publishing an invention in respect of which application for a patent has not been left at the Patent Office, by reading a paper before a learned Society or of permitting publication of the paper in such Society's transactions may give the Registrar notice on Patents Form 51 of his intention to publish such invention as provided in regulation 105.

[Subsidiary]

Patents Regulations

EXERCISE OF DISCRETIONARY POWERS BY THE
REGISTRAR

Exercise of
discretionary
powers by
Registrar.
Notice of
hearing.

107. Before exercising any discretionary power given to the Registrar by the Act or these Regulations adversely to any person concerned, the Registrar shall give ten days' notice, or such longer notice as he may think fit, to such person of the time when he may be heard personally or by his agent before the Registrar.

Notice by
applicant.

108. Within five days from the date on which such notice would be delivered in the ordinary course of post, or such longer time as the Registrar may appoint in such notice, the person concerned shall notify in writing to the Registrar whether or not he intends to be heard upon the matter.

Registrar may
require
statement, etc.

109. Whether such person desires to be heard or not, the Registrar may at any time require him to submit a statement in writing within a time to be notified by the Registrar, or to attend before him and make oral explanations with respect to such matters as the Registrar may require.

Decision to be
notified to
parties.

110. The decision or determination of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified by him to all persons who appear to him to be affected thereby.

STATUTORY DECLARATION AND
AFFIDAVITS

Form, etc., of
statutory
declaration and
affidavit.

111. The statutory declarations and affidavits required by these Regulations or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject. Every statutory

declaration or affidavit shall state the description and true place of abode of the person making the same, and shall be written, typed, lithographed or printed bookwise and shall bear the name and address of the person leaving it and shall state on whose behalf it is left.

Manner in which and persons before whom declaration or affidavit is to be taken.

112. The statutory declarations and affidavits required by the Act or used in any proceedings thereunder, shall be made and subscribed as follows:

- (a) in Guyana, before any commissioner or other officer authorised by law to administer an oath for the purpose of an legal proceeding;
- (b) in any other part of the Commonwealth before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose o a legal proceeding; and
- (c) if made out of the Commonwealth, before a diplomatic agent or a consular officer of Guyana.

GENERAL

Power of amendment, etc.

113. If the Registrar think fit any document for the amending of which no special provision is made by the Act may be amended, and any irregularity in procedure may be rectified, on such terms as the Registrar may direct if in the opinion of the Registrar such amendment or rectification can be made without detriment to the interests of any person.

[Subsidiary]

Patents Regulations

General power
to enlarge time.

114. The times prescribed by these Regulations for doing any act, or taking any proceeding thereunder, other than the times prescribed by regulations 48 and 54, may be enlarged by the Registrar if he think fit, upon such notice to other parties and proceedings thereon, and upon such terms, as he may direct.

Days and hours
of business.

115. The Office shall be open to the public every weekday except Saturday between the hours of nine and four, and on Saturday between the hours of nine and twelve, except on public holidays and on such days as may from time to time be notified by a placard posted in a conspicuous place at the Office.

Excluded days.

116. Whenever the last day fixed by the Act, or by these Regulations for doing anything shall fall on a day when the Office is not open or on a Saturday, which days shall be excluded days for the purposes of the Act and these Regulations, it shall be lawful to do any such thing on the day next following such excluded day, or days, if two or more of them occur consecutively.

Power to
dispense with
evidence,
signature, etc.

117. Where, under these Regulations, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or to make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, signature, declaration, document, or evidence.

APPLICATIONS TO AND ORDERS OF
COURT

Applications to
Court.

118. (1) Four days' notice of every application to the Court under section 89 for rectification of the register of patents shall be given to the Registrar.

Orders of
Court.
Form 52

(2) Where any order has been made by the Court under the Act revoking a patent or extending the term of a patent, or allowing a patentee to amend his specification or affecting the validity or proprietorship of a patent or any rights thereunder, the person in whose favour such order has been made shall forthwith serve on the Registrar a certified copy of such order together with Patents Form 52. The specification shall thereupon be amended or the register rectified or altered as the case may be.

LICENSING OF PATENT AGENTS

Patents Agent's
licence.

119. The licence issued by the Registrar under section 101 shall be for the period of one year beginning on the 1st January and ending on the 31st December in any one year.

UNITED KINGDOM PATENTS

Applications in
respect of
United
Kingdom
patents.
How made.

120. All applications under sections 54 to 61 (inclusive) shall be made through a licensed patent agent. The forms in connection therewith may also be signed by a licensed patent agent on behalf of the applicant, but if not so signed, then if the applicant is a firm, they must be signed by each individual who is a partner, and if the applicant is a body corporate the forms must be signed by its duly authorised officer or agent.

Application for

121. (1) An application for registration in Guyana of

[Subsidiary]

Patents Regulations

registration of
United
Kingdom
patent.
Form 54
Form 57

a United Kingdom patent shall be made on Patents Form 54.

(2) The certificate of registration shall be on Patents Form 57.

Application to
register
amended or
substituted
specification of
United
Kingdom
patent.
Form 55

122. An application under section 60 to substitute a copy of the specification and drawings of a United Kingdom patent as amended for the specification and drawings as originally filed shall be made on substituted Patents Form 55.

Application to
register
assignments,
etc., of United
Kingdom
patents.
Form 56

123. An application under section 61 for the entry on the register of patents of an assignment or other instrument affecting title of a United Kingdom patent or giving an interest therein shall be made on Patents Form 56 accompanied by a certificate of the Comptroller General of Patents, Designs and Trade Marks in the United Kingdom showing that the entry proposed to be made in the register of patents in Guyana has already been made in the Patents Office, London; or on Patents Form 43 or Patents Form 44, as the case may be, where no such entry has been made in the Patent Office, London.

Form 43, 44

s. 3.
[8 of 1951
4 of 1972]

FIRST SCHEDULE
LIST OF FEES PAYABLE IN RESPECT OF THE GRANT OF
PATENTS AND OF OTHER MATTERS WITH RELATION
THERE TO

	\$	c. Corresponding Form
1. On application accompanied by provisional or specification	10 00	Patents Form 1 2, etc
2. On filing complete specification thereafter	30 00	Patents Form 9
3. On application accompanied by complete specification	40 00	Patents Forms 1 2, etc., and 9.
4. On request for the post-dating of an application under section 5 4) —		
Not exceeding one month	4 00	Patent Form 10
“ “ two months	8 00	do.
“ “ three months	12 00	do.
“ “ four months	16 00	do.
“ “ five months	20 00	do.
“ “ six months	24 00	do.
5. For extension of time for leaving complete specification not exceeding one month	20 00	Patent Form 10
6. For extension of time for leaving amended specification under regulations		

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Patents Regulations

25 or 29 or notifying acceptance under regulations 26 or 30— c. corresponding form

Not exceeding one month 5 00 Patent Form 11

Each succeeding month 5 00 do.

7. For extension of time for acceptance of complete specification—

Not exceeding one month 5 00 Patent Form 12.

“ “ two months 10 00 do.

“ “ three months 15 00 do.

8. On application for result of a search under sections 9 and 10 10 00 Patents Form 14

9. On notice of opposition to grant of patent by opponent 5 00 Patents Form 15.

10. On application for extension of time for filing notice of opposition to grant of patent 5 00 Patents Form 16.

11. On hearing by Registrar.
By applicant and by opponent respectively 10 00 Patents Form 17.

12. On notice of desire to have patent Sealed 10 00 Patents Form 18.

13. Application under section 16 (1) (b) for grant of patent to

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§ c. Corresponding Form

an assignee 10 00 Patents Form 7.

14. On application for extension of time for
Sealing of patent other than an extension
under section 16(6)–

Not exceeding one month 4 00 Patent Form 19.

“ “ two months 8 00 do.

“ “ three months 12 00 do.

15. On application for extension of time for sealing of patent
under section 16(6)–

Not exceeding one month.... 4 00 Patent Form 20.

Each succeeding month 4 00 do.

16. On application for grant of Patent of
Addition in lieu of an independent
Patent 40 00 Patent Form 21

On application for certificate of renewal–

17. Before the expiration of the 4th year
from the date of the patent and in respect
of the 5th year 20 00 Patent Form 22.

18. Before the expiration of the 5th
year from the date of the patent
and in respect of the 6th year 24 00 do.

19. Before the expiration of the 6th
year from the date of the patent
and in respect of the 7th year 28 00 do.

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20. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year 32 00 do.
21. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year 36 00 do.
22. Before the expiration of the 9th year from the date of the patent and in respect of the 10th year 40 00 do.
23. Before the expiration of the 10th year from the date of the patent and in respect of the 11th year 44 00 do.
24. Before the expiration of the 11th year from the date of the patent and in respect of the 12th year 48 00 do.
25. Before the expiration of the 12th year from the date of the patent and in respect of the 13th year 52 00 do.
26. Before the expiration of the 13th year from the date of the patent and in respect of the 14th year 56 00 do.
27. Before the expiration of the 14th year from the date of the patent and in respect of the 15th year 60 00 do. § c. Corresponding Form
28. Before the expiration of the 15th year from the date of the patent and in respect of the 16th year 64 00 Patent Form 22.
29. On enlargement of time for

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payment of renewal fees—

Not exceeding one month 4 00 Patents Form 23.

“ “ two months 8 00 do.

“ “ three months 12 00 do.

30. On application for restoration

Of a lapsed patent 40 00 Patent Form 24.

31. On notice of opposition to
application for restoration of

lapsed patent 10 00 Patent Form 25.

32. On hearing by Registrar.

By applicant and by opponent
respectively 10 00 Patent Form 17.

33. On application to amend
specification after acceptance—

Up to sealing. By applicant 6 00 Patent Form 26.

After sealing. By patentee 20 00 do.

\$ c. Corresponding Form

34. On application to amend
specification not yet accepted 6 00 Patent Form 27.

35. On application to amend an

application for a patent 6 00 Patent Form 28

36. On notice of opposition to

amendment. By opponent 5 00 Patents Form 29

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Patents Regulations

37. On hearing by Registrar. By applicant and by opponent respectively 10 00 Patent Form 17.

38. On request for endorsement of patent "Licences of Right" 10 00 Patent Form 30.

39. On application for refusal of request for endorsement of patent "Licences of Right" or cancellation of endorsement 20 00 Patent Form 31.

40. On hearing by Registrar. By each Party 10 00 Patent Form 17.

41. On application for settlement of terms of licence under patent endorsed "Licences of Right" 40 00 Patent Form 32.

42. On hearing by Registrar. By each party 10 00 Patent Form 17.

43. On application by patentee for cancellation of endorsement of a patent "Licences of Right" 10 00 Patent Form 33.

44. On notice of opposition to cancellation of endorsement of a patent "Licences of Right" 5 00 Patent Form 34.

\$ c. Corresponding Form

45. On hearing by Registrar. By each party 10 00 Patent Form 17.

46. On application for revocation of a patent under section 30 10 00 Patents Form 35.

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47. On hearing by Registrar.
By applicant and by patentee
respectively 10 00 Patents Form 17.
48. On offer to surrender a patent
under section 305 00 Patents Form 36.
49. On notice of opposition to surrender
a patent5 00 Patents Form 37.
50. On hearing by Registrar.
By applicant and by opponent
respectively 10 00 Patents Form 17.
51. On application for grant of compulsory
Licence or revocation of a patent under
section 31 40 00 Patents Form 38.
52. On request for hearing under section
31(11) 10 00 Patents Form 39.
53. On hearing by Registrar. By
Each party10 00 Patents Form 17.
54. On application for licence under
section 44 (3)40 00 Patents Form 40.
55. On hearing by Registrar. By each
Party10 00 Patents Form 17.
56. For altering name or address for
service in register, for each patent2 00 Patents Form 41

\$ c. Corresponding Form

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57. For entry of two addresses for service in register, for each patent.... .. 2 00 Patents Form 42.

58. On application for entry of name or Subsequent proprietor in the register of patents, if made within six months from date of acquisition of proprietorship—

In respect of one patent5 00 Patents Form 43.

For each additional patent, the devolution of title being the same as in the first patent 1 00 do.

59. On application for entry of name of subsequent proprietor in the register of patents, if made after expiration of six months from date of acquisition of proprietorship—

In respect of one patent..... .. 20 00 do.

For each additional patent, the devolution of title being the same as in the first patent1 00 do.

60. On application for entry of notice of a Mortgage or licence in the register of patents, if made within six months from the date of acquisition of interest or the sealing of the patent—

In respect of one patent 5 00 Patents Form 44.

For each additional patent, the devolution of title being the same

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as in the first patent 1 00 do.

61. On application for entry of notice of a Mortgage or licence in the register of patents, if made after expiration of six months from date of acquisition of interest or the sealing of the patent—

In respect of one patent 20 00 do.

For each additional patent, the Devolution of title being the same as in the first patent 1 00 do.

62. On application for entry of notification of a document in the register of patents, if made within six months from date of document or the sealing of the patent—

In respect of one patent 5 00 Patents Form 45.

For each additional patent referred to in the same document as the first patent1 00 do.

63. On application for entry of notification of a document in the register of patents, if made after expiration of six months from date of document or the sealing of the patent—

In respect of one patent.... 20 00 do.

For each additional patent referred to

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\$ c. Corresponding Form

in the same document as the first patent.....1 00 do

64. On request to Registrar to correct a Clerical error—

Up to sealing 5 00 Patents Form 46

After sealing 10 00 Patents Form 47.

65. On notice of opposition to the correction of a clerical error ... 5 00 Patents Form 47.

66. On hearing by registrar. By each party 10 00 Patents Form 17.

67. For certificate of Registrar under section 95 5 00 Patents Form 48.

68. On request for information as to a matter affecting a patent or an application therefor 5 00 Patents Form 49.

69. For duplicate of patent 20 00 Patents Form 50.

70. On notice to Registrar of intended exhibition or publication of an invention under section 5010 00 Patents Form 51.

71. On notice of order of court for amendment of specification or rectification of register 5 00 Patents Form 52.

72. On application under section 42 (2) for directions as to sale or lease of a patent or grant of

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licence	40 00	Patents Form 53.
73. On hearing by Registrar. By each party	10 00	Patents Form 17.
			\$ c. Corresponding Form
74. On inspection of register, original documents, and samples or specimens	0	50	-
75. For typewritten office copies... every 120 words (but never less than twenty five cents)	0 25	-
76. For photographic office copies of drawings, cost according to agreement.			
77. For office copy of patent	2 00	-
78. For certifying office copies, MSS. printed or photographic, each	1 00	-
79. On application for registration of United Kingdom patent, including certificate of registration.....		10 00	Patents Form 54.
80. On application for registration of substitution of amended specification or other document.....		10 00	Patents Form 55.
81. On application for registration of extension of United Kingdom patent, including certificate of registration....		10 00	Patents Form 56.
82. On application for entry on Register of Patents of assignment, etc., of United Kingdom patent....	2 00	do.

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83. On issue of certificate thereof if
required.... 2 00 -

\$ c. Corresponding Form

84. On every certificate of Registrar,
Where no special fee therefor is
prescribed..... 3 00 -

85. Annual fee for licence to patent
Agent 60 00 -

86. On application, accompanied
by provisional or complete specification,
in addition to amounts payable
under items 1 and 3, a deposit for
examiner's fee, refundable if no
examiner employed..... 50 00

SECOND SCHEDULE

PATENTS FORM 1.

Patents and Designs Act

(To be accompanied by two copies of Patents Form 8 or of Patents Form 9)

APPLICATION FOR PATENT

(a) Here insert (a) I (or We)
 (in full) name,do
 address and
 nationality of
 the applicant or
 applicants,
 Including
 actual inventor

(b) Here insert title of invention
 invention the title of which is (b).....

(c) State here who is or are the inventor or inventors
 that (c)
 claim to be the true and first inventor thereof, and that the
 same is not in- use by any other person or persons to the
 best of my (or our) knowledge and belief; and I (or we)
 humbly pray that a Patent may be granted to me (or us) for
 the said invention.

Dated theday of.....20.....

(d) To be signed by applicant or applicants and in the case of a
 (d).....

[Subsidiary]

Patents Regulations

Firm by each partner

NOTE.—One of the two forms on the back hereof, or a separate authorisation of agent, should be signed by the applicant or applicants.

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

(e) the address must be in Georgetown.

(1) Where application is made through a Patent Agent. I (or We) hereby appoint Of (e) to act for me (or us) in respect of the within application for a Patent, and request that all notices, requisitions, and communications relating thereto may be sent to him (or them) at the above address.

Dated the day of..... 20.....

To be signed by applicant or applicants.

.....
.....
.....

(2) Where application is made without an Agent (Reg. 7).

(e) the address must be in Georgetown.

I (or We) hereby request that all notices, requisitions, and communications in respect of the within application may be sent to..... at (e)

Dated the day of , 20

To be signed by the applicant or applicants.

PATENTS FORM 2.

Patents and Designs Act

(To be accompanied by two copies of Patents Form 8 or of Patents Form 9)

APPLICATION FOR PATENT FOR INVENTION COMMUNICATED FROM ABROAD

(a) Here insert (in full) name, address and nationality of the applicant or applicants (a) I (or We)..... ofdo hereby declare I am (or we are in possession of an invention the title of which Is (b).....

(b) Here insert title of invention which invention has been communicated to me (or us) by (c)

(c) here insert name address, and nationality of communicator that I (or we) claim to be the true and first inventor thereof; and that the same is not in use within Guyana by any other person or persons to the best of my (or our) knowledge and belief; and I (or we) humbly pray that a Patent may be granted to me (or us) for the said invention.

Dated the day of....., 20.....

(d) To be signed by applicant or applicants. (d).....

To the Registrar of Patents, Designs and Trade Marks,
The Patents Office,
Deeds Registry,
Georgetown.

PATENTS FORM 3.

Patents and Designs Act

(To be accompanied by two copies of Patents Form 8 or of
Patents Form9)

APPLICATION FOR PATENT OF ADDITION

(a) Here insert
(in full) name,
address and
nationality of
applicant or
applicants
(including the
actual inventor)

(a) I (or We)
.....
.....
.....
....., do
hereby declare that I am (or we are) in possession of an
invention the title of which is (b).....
.....
.....

(b) Here insert
title of
invention

That (c)claim to be the true
and first inventorthereof; that the same is not in use
by any other person or persons to the best of my (or our)
knowledge and belief, and that the said invention is an
improvement in or modification of my (or our) invention for
which a patent was applied for on the
....., and numbered[
for which I was (we were) the applicant.....] [of which I am
(we are) the patentee.....;] and I (or we) humbly pray that
a patent may be granted to me (or us) for the said invention,
and request that the term limited in such further patent
for the duration thereof be the same as that of the original
patent, or so much of that term as is unexpired.

(c) State here
who is or are
the inventor or
inventors

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Dated theday of....., 20.....

(d) To be signed by applicant or applicants and in the case of a firm by each partner

(d)
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 4.

Patents and Designs Act

(To be accompanied by two copies of Patents Form 8 or of Patents Form 9)

APPLICATION FOR PATENT OF ADDITION FOR INVENTION COMMUNICATED FROM ABROAD

(a) Here insert (in full) name, address and nationality of applicant or applicants.

(a) I (or We)
.....
.....
....., do

(b) Here insert Name, address and nationality of communicator.

hereby declare that I am (or we are) in possession of an invention the title of which is (b)
.....
.....

(c) State here who is or are the inventor or inventors .

Which invention has communicated to me (or us) by (c).....
.....
.....

That I (or we) claim to be the true and first inventor

[Subsidiary]

Patents Regulations

thereof; that the same is not in use within Guyana by any other person or persons to the best of my (or our) knowledge and belief, and that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the and numbered [for which I was (we were) the applicant....] [of which I am (we are) the patentee....]; and I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated theday of.....,20

(d) To be signed by applicant or applicants

(d)
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 5.

Patents and Designs Act

(To be accompanied by two copies of Patents Form 8 or of Patents Form 9)

APPLICATION FOR PATENT OF ADDITION TO A PATENT OF ADDITION

(a) here insert (in full) name

a) I (or We)
.....

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Patents and Designs

[Subsidiary]

Patents Regulations

and address
and nationality
of applicant or
applicants
(including the
actual
inventor).
(b) here insert
the title of
invention
(c) state here
who is or are
the inventor or
inventors.

.....
.....
.....
....., do
hereby declare that I am (or we are) in possession of an
invention the title of which is (b)
.....
.....
that (c) claim to
be the true (c) State here and first inventor thereof; that
the same is not in use by any other person or persons to the
best of my (or our) knowledge and belief, and that the said
invention is an improvement in or modification of my (or
our) invention, for which a patent (hereinafter called the
original patent) was applied for on the,
and numbered, [for which Patent of
Addition I was (we were) the applicant....] [of which the
patent of addition I am (we are) the patentee....] and I (or
we) humbly pray that a Patent may be granted to me (or us)
for the said invention, and request that the term limited in
such further patent for the duration thereof be the same as
that of the original patent, or so much of that term as is
unexpired.

Dated theday of, 20.....
(d)
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

[Subsidiary]

Patents Regulations

PATENTS FORM 6.

Patents and Designs Act

(To be accompanied by two copies of Patents Form 8 or of Patents Form 9 and a certificate under section 34 (3))

APPLICATION FOR A SECRET PATENT

(a) Here insert (in full) name, address and nationality of applicant or applicants.
(b) Here insert title of Invention.

(a) I (or We)
.....
..... do
hereby declare that I am (or we are) in possession of an
invention the title of which is (b)
.....
.....

(c) State here who is or are the inventor or inventors.

that (c)
claim to be the true and first inventor thereof; and that
the same is not in use by any other person or persons to the
best of my (or our) knowledge and belief; and I (or we)
humbly pray that a secret patent may be granted to me
(or us) for the said invention.

Dated theday of....., 20....
(d)

(d) To be signed by applicant or applicants.

NOTE.—This Form is only for use where the Minister has certified to the Registrar under section 34 of the Act, that particulars of the invention should be kept secret.

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 7.

Patents and Designs Act

APPLICATION UNDER SECTION 16 (1) (b) FOR GRANT
OF PATENT TO AN ASSIGNEE

(a) here insert name of applicant or applicants.
(b) Here insert the number and date of the Application for Patent. (c) Here insert name of the applicant or applicants for Patent. (d) Here insert (in full) name, address and nationality of the person or persons to whom it is desired the Patent should be granted. (e) Here specify the particulars of such document, giving its date and the parties to the same, and showing

(a) I (or We)
.....
.....
hereby request that the application for Patent No. (b).....

Dated made by (c) may be granted to (d).....
.....
I (or We) claim to be entitled to the grant of the Patent by virtue of (e).....
.....
.....
And in proof whereof I (or we) transmit the accompanying (f).....
with a copy thereof.

My (or Our) address for service in Guyana is—
.....

(g)

[Subsidiary]

Patents Regulations

how the claim here made is substantiated. (f) Here insert the nature of the document. The copy should be written, type-written or printed on foolscap paper on one side only. (g) To be signed by applicant or applicants and in the case of a Firm by each partner.

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 8.

Patents and Designs Act To be issued with Patents Forms 1, 2, 3, 4, 5, or 6

PROVISIONAL SPECIFICATION

(To be furnished in Duplicate)

(a) Here insert title verbally agreeing with that in the application form.

(a)
.....
.....
.....

(b) Here insert (in full) name, address and nationality of applicant or applicants as in application form.

(b) I (or We)
.....
.....

do hereby declare the nature of this invention to be as follows—

c) Here begin

(c).....
.....
.....

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Patents and Designs

[Subsidiary]

Patents Regulations

description of
the nature of
the invention.
The
continuation- of
the
specification
should be upon
wide- ruled
paper of the
same size as
this form, on
one side only,
with a margin
of one inch and
a half on the
left hand part
of the paper.
The
specification
and the
duplicate
thereof must
be signed at the
end, and dated
(thus):
"Dated the
..... day of
....., 20"

PATENT FORM 9.

Patents and Designs Act

Where provisional specification or specifications have been left, quote No. or Nos., and date or dates.

No Date

COMPLETE SPECIFICATION
(To be furnished in Duplicate)

(a) here insert (a)

[Subsidiary]

Patents Regulations

title verbally
 agreeing with
 that in the
 application (b)
 form I (or We)

(b) Here insert
 (in full) name,
 address and
 nationality of
 applicant or
 applicants in
 application
 form do hereby declare the nature of this invention and in what
 manner the same is to be performed, to be particularly and
 ascertained in and by the following statement— (c)

(c) Here begin full
 description of
 the nature of
 the invention.
 The
 continuation- of
 the
 specification
 should be
 upon wide-
 ruled paper of
 the same size as
 this form, on
 one side only,
 with a margin
 of one inch and
 a half on the
 left hand part
 of the paper.
 The completion
 of the
 description
 should be
 followed by the
 words,
 "having now
 particularly
 described and
 ascertained the
 nature of

NOTE.—The claims must be clear and succinct as well as
 separate and distinct from the body of the
 Specification, and should form in brief a
 clear statement of that which constitutes the
 invention. Applicants should be careful that their
 claims include neither more nor less than
 they desire to protect by their Patent. Any
 unnecessary multiplicity of claims or prolixity of
 language should be avoided. Claims should not be
 made for the efficiency or advantages of the
 invention.

My (or our) said invention, and in what manner the same is to
 be performed, I (or we) declare that what I (or we) claim is:
 after which should be written the claim or claims numbered
 consecutively (see note below). The specification and the
 duplicate thereof must be signed at the end and dated

thus: Dated the day of..... 20....."

PATENTS FORM 10.

Patents and Designs Act

REQUEST FOR THE POST-DATING OF AN APPLICATION UNDER SECTION 5(4)

I (or We) hereby request that application Noof..... filed on the.....of.....be deemed to have been made on the following date, namely, the..... day of.....20...

(a) To be signed by applicant or applicants

(a)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 11.

Patents and Designs Act

APPLICATION FOR EXTENSION OF TIME FOR LEAVING A COMPLETE SPECIFICATION

I (or We) hereby, in respect of application No
Dated, apply for one month's extension of time

[Subsidiary]

Patents Regulations

in which to leave a complete specification.

(a) To be signed
by applicant or
applicants.

(a)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patents Office,
Deeds Registry,
Georgetown.

PATENTS FORM 12.

Patents and Designs Act

APPLICATION FOR EXTENSION OF TIME FOR LEAVING
AN AMENDED SPECIFICATION UNDER REGULATION
25 OR 29 OR NOTIFYING ACCEPTANCE OF
ALTERNATIVE OFFERED UNDER REGULATION 26 OR 30

(a) and (b)
Strike out the
words which
inapplicable

I (or We) hereby apply for Month
extension of time within which (a) An amended specification
may be left under regulation 25 or 29 (b) agreement to the
amendment of the specification or to the insertion words
which of a reference under regulation 26 or 30 may be
notified, in connection with application No..... dated
.....

(c) to be signed
by applicant or
applicants or
his or their
agent.

(c)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 13.

Patents and Designs Act

APPLICATION FOR EXTENSION OF TIME FOR
ACCEPTANCE OF A COMPLETE SPECIFICATION

I (or We) hereby apply for Month
extension of time for the acceptance of the complete
specification upon application No..... dated
.....

(a) to be signed
by applicant or
applicants or
his or their
agent.

(a)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 14.

Patents and Designs Act

APPLICATION UNDER SECTION 85 FOR THE RESULT OF
A SEARCH MADE UNDER SECTIONS 9 AND 10

I (or We) hereby request that I (or we) may be informed of the result of the search made under sections 9 and 10 in connection with Application for Patent No

a) here insert name and full address to which information is to be sent.

(a)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

(This part to be filled in at the Patent Office)

Result of the search made under sections 9 and 10 of the Patents and Designs Act in connection with application for Patent No

Specifications or other publications cited under section 9.	Specifications under section 10.

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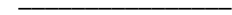
[Subsidiary]

Patents Regulations

Dated this day of, 20.....

Registrar of Patents, Designs and Trade Marks.

NOTE.—Citations may be made during the examination of the specification which are not relevant to the specification as accepted. Citations under section 9 are completed before acceptance of the specification, but citations under section 10 may be made subsequently.



PATENT FORM 15.

Patents and Designs Act

NOTICE OF OPPOSITION TO GRANT OF PATENT (TO be accompanied by a copy, and a statement of case in duplicate)

Here state (in full) name and address

I (or We)
.....
.....

hereby give notice of opposition to the grant of a patent upon application No applied for by upon the ground

Here state upon which of the grounds of opposition permitted by section 14 of

.....
.....
.....
.....

[Subsidiary]

Patents Regulations

the Act the grant is opposed

My (or Our) address for service in Guyana is-

To be signed by opponent or opponents

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 16.

Patents and Designs Act

APPLICATION FOR AN EXTENSION OF TIME FOR FILING A NOTICE OF OPPOSITION

I (or We) hereby request that the period within which I (or we) may file a notice of opposition to the grant of a patent on Application No of..... the acceptance of the complete specification of which was advertised in the Gazette on the.....of..... 20..... , may be extended by one month.

The ground upon which the request is made..... as follows—

.....

My (or Our) address for service in Guyana is:

.....

(a) to be signed by the person or persons by

(a)

whom the
Notice of
opposition will
be entered or
by their agent

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown

PATENT FORM 17

Patent and Designs Act

NOTICE THAT HEARING BEFORE THE REGISTRAR WILL
BE ATTENDED

(a) here insert
(in full) name
and address.
(b) here insert
date of hearing
(c) here insert
particulars (i.e.
number of
application or
patent, names
of parties and
nature of
proceedings)
(d) Signature.

(a) I (or We)
.....
..... Hereby give notice that the Hearing fixed for the (b)
in reference to (c)
Will be attended by myself (or ourselves) or by some person
on my behalf (or our) behalf.
(d)

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

[Subsidiary]

Patents Regulations

PATENTS FORM 18.

Patents and Designs Act

NOTICE OF DESIRE TO HAVE PATENT SEALED

(a) Here insert name of applicant or applicants

(a) I (or We) desire to have a patent sealed on my (or our) Application No..... and I (or we) hereby transmit the prescribed fee on sealing, and request that the following may be entered on the Register as my (or our) address for service—
.....
.....
.....

(b) Signature of applicant or applicants or his or their agents

(b)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks.
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 19.

Patents and Designs Act

APPLICATION FOR EXTENSION OF TIME FOR THE SEALING OF A PATENT OTHER THAN AN EXTENSION UNDER SECTION 16(6)

I (or We) hereby apply for..... month extension of time for the sealing of a patent upon

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[Subsidiary]

Patents Regulations

(a) to be signed by the applicant or applicants or his or their agent. Application No.....

(a)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 20.

Patents and Designs Act

APPLICATION FOR AN EXTENSION OF TIME FOR THE SEALING OF A PATENT UNDER SECTION 16(6)

I (or We) hereby apply for monthextension of time for the sealing of a patent upon application No..... The circumstances in and grounds upon which this extension is applied for are as follows (a)–

(a) the circumstances and grounds must be stated in detail

.....
.....
.....
.....

I (or We) hereby declare than an extension of time for sealing has already been allowed under section 16(5) and has not yet expired.

(b) To be

(b)

[Subsidiary]

Patents Regulations

signed by the
applicant or
applicants or
his or their
agents

.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 21.

Patents and Designs Act

APPLICATION FOR THE GRANT OF A PATENT OF
ADDITION IN LIEU OF AN INDEPENDENT PATENT

(a) Here insert
(in full) name,
address and
nationality
of patentee
or patentees.

(a) I (or We)
.....hereby request that
patent No..... of which I am (we are) the
patentee be revoked, and that in lieu thereof a patent of
addition to patent No..... of which I am (we are) also
the patentee be granted to me (or us), and that such patent
of addition bear the same date as the patent so revoked.

Dated theday of, 20.....

(b) To be
signed by
patentee or
patentees and
in the case of a
Firm by each
partner.

(b)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 22.

Patents and Designs Act

APPLICATION FOR CERTIFICATE OF PAYMENT OF RENEWAL FEE

Here insert name of patentee.

I (or We) hereby transmit the fee prescribed for the continuation in force ofPatent No....., for a further period of..... and request that the Certificate of Payment of the fee may be sent to me (or us). It is requested that the address for service of the patentee in Guyana shall be—

.....

Here insert name and full address to which Certificate is to be sent

Name
Address

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown, Demerara,
Guyana.

[This part of the Form to be filled in at the Patent Office]

CERTIFICATE OF PAYMENT OF RENEWAL FEE

Letters Patent No.....

This is to certify that.....did thisday of....., 19....., make the prescribed payment of \$.....in respect of a period of..... fromAnd that by virtue of such payment the rights of

[Subsidiary]

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See section 21 of the Patents and Designs Act.

the patentee remain in force.
The Patent Office,
Georgetown.

PATENTS FORM 23
Patents and Designs Act

APPLICATION FOR ENLARGEMENT OF TIME FOR
PAYMENT OF RENEWAL FEE

I (or We) hereby apply for an enlargement of time for
..... month in which to make the prescribed payment
of..... upon my (or our) Patent, No.....

(b) Here insert name and full address to which receipt is to be sent.

(b).....
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 24.

Patents and Designs Act

APPLICATION FOR THE RESTORATION OF A LAPSED
PATENT UNDER SECTION 24

[To be accompanied by one or more statutory declarations
verifying the statements contained in this application]

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Patents and Designs

[Subsidiary]

Patents Regulations

I (or We) hereby apply for an order of the Registrar for the restoration of Patent No dated

The circumstances which have led to the omission of the payment of the fee of (a) on or before the

(a) State amount of fee. (b) State last day when fee was due. (c) The circumstances must be stated in detail.

(b) are as follows —

(c)
.....
.....
.....
.....

My (or Our) address for service in Guyana is—

.....
.....

(d) To be signed by the applicant or applicants and in the case of a Firm by each partner.

(d)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 25.

Patents and Designs Act

NOTICE OF OPPOSITION TO AN APPLICATION FOR THE RESTORATION OF A LAPSED PATENT

[TO be accompanied by a copy, and a statement of case in duplicate]

[Subsidiary]

Patents Regulations

Here state (in full) the name and address of opponent or opponents.

I (or We)
.....
.....
.....

..... hereby give notice of opposition to the application for restoration of Patent No dated for the following reason—

Here state reason of opposition.

.....
.....
.....
.....

My (or Our) address for service in Guyana is—
.....

To be signed by the opponent or opponents

To the Registrar of Patents, Designs or Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 26.

Patents and Designs Act

APPLICATION FOR AMENDMENT OF SPECIFICATION AFTER ACCEPTANCE

Here state (in full) name and address of applicant or patentee.

I (or We)
.....
.....
.....

..... seek leave to amend the specification of Patent No

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[Subsidiary]

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..... as shown in red ink in the official copy of the original specification hereunto annexed.

These words are to be struck out when a patent has not been sealed.

I (or We) declare that no action for infringement or proceeding before the Court for the revocation of the Patent in question is pending.

Here states reason for seeking amendment; and, where the applicant is not the patentee state what interest he possesses in the Patent.

My (or Our) reasons for making this amendment are as follows.....

My (or Our) address for service in Guyana is-
.....

To the Registrar of Patents, Designs or Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 27.

Patents and Designs Act
APPLICATION FOR AMENDMENT OF A SPECIFICATION
NOT YET ACCEPTED

Here state (in full) name and address of applicant or

I (or We)

[Subsidiary]

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applicants

.....

seek leave to amend the specification of Application No of as shown in red ink in the copy of the original specification hereunto annexed.

Here state reasons for seeking amendment. My (or Our) reasons for making this amendment are as follow.....

.....

.....

To be signed by applicant or applicants and in the case of a Firm by each partner To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 28.

Patents and Designs Act

APPLICATION FOR AMENDMENT OF AN APPLICATION FOR A PATENT

Here state (in full) name and address of applicant or applicants I (or We).....

.....

.....

.....

seek leave to amend my (or our) Application No of..... as shown in red ink in the copy of the original Application hereunto annexed.

Here state reasons for seeking amendment My (or Our) reasons for making this amendment are as follows.....

.....

.....

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[Subsidiary]

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.....
.....
.....

.....

To be signed
by applicant or
applicants and
in the case of a
Firm
partner

To the Registrar of Patents, Designs and Trade Marks,
The Patents Office,
Deeds Registry,
Georgetown.

PATENTS FORM 29.

Patents and Designs Act

NOTICE OF OPPOSITION TO AMENDMENT OF
SPECIFICATION

[TO be accompanied by a copy, and a statement of case in
duplicate]

Here state
(in full) name
and address of
opponent
or opponents.

I (or We)
.....
.....
.....

hereby give notice of opposition to the proposed
amendment of the specification of Patent No..... for
the following reason:

Here state
reason of
opposition

.....
.....
.....
.....

..... My (or Our) address for service in Guyana is-

[Subsidiary]

Patents Regulations

To be signed
by opponent or
opponents

.....
To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 30.

Patents and Designs Act

REQUEST FOR ENDORSEMENT OF PATENT

"LICENCES OF RIGHT"

[To be accompanied by a statutory declaration etc., as required by
regulation 70 and by the Letters Patent]

Here state (in
full) name and
address of
applicant or
applicants

I (or We)
.....
.....

hereby request that Patent No.... may be endorsed "Licences of
of Right".

My (or Our) address for service in Guyana is—

.....
.....

To be signed
by the patentee
or patentees
and in the case
of a firm by
each partner

.....
.....
To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 31.

Patents and Designs Act

APPLICATION FOR REFUSAL OF REQUEST FOR ENDORSEMENT OF PATENT "LICENCES OF RIGHT" OR CANCELLATION OF ENDORSEMENT

(a) Here insert (in full) name address, and nationality of applicant or applicants

[To be accompanied by copy and a statement of case in duplicate]

(a) I (or We)

and hereby declare that the request for the endorsement of Patent No "Licences of Right" is contrary to a contract in which I am (or we are) interested and I (or we) apply that such request may be refused or the endorsement cancelled.

(b) to be signed by the applicant or applicants in case of a Firm by each Partner of

My (or our) address for service in Guyana is – (b)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 32.

Patents and Designs Act

APPLICATION FOR SETTLEMENT OF TERMS OF LICENCE UNDER PATENT ENDORSED "LICENCES OF RIGHT"

[To be accompanied by copy and a statement of case in duplicate]

Here insert (in full (a) I (or We) (a)name, address and nationality of applicant or applicants. hereby apply for settlement of the terms of a Licence to be granted under Patent No (b) and request that an Order may be made entitling me (or us) to surrender the Licence dated..... granted to me (or us) by the Patentee.

(b) Strike out these words if inapplicable. The Licence is applied for by (c)

(c) Here insert full name and address of the applicant for Licence, or strike out the words if the application is made by the applicant for the Licence.

My (or Our) address in Guyana

(d)

(d) to be signed by patentee or applicant for licence.

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown

PATENTS FORM 33.

Patents and Designs Act

APPLICATION BY PATENTEE FOR CANCELLATION OF
ENDORSEMENT OF A PATENT "LICENCES OF RIGHT"

Here state (in full) name and address of applicant or applicants

I (or We)
.....
.....
hereby apply that the endorsement of Patent No "Licences of Right" may be cancelled, and I (or we) enclose Patents Form 22 in respect of the unpaid moiety of all renewal fees which have become due since the endorsement.

I (or We) declare that there is no existing licence under the Patent.

My (or Our) address for service is
.....
.....

To be signed by patentee or patentees and in case of a Firm by each partner

(a)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

[Subsidiary]

Patents Regulations

PATENTS FORM 34.

Patents and Designs Act

NOTICE OF OPPOSITION TO CANCELLATION OF
ENDORSEMENT OF A PATENT "LICENCES OF RIGHT"

[To be accompanied by a copy and statement of case in
duplicate].

here state (in
full) name and
address of
applicant or
applicants

I (or We)
.....
.....
.....

hereby give notice of opposition to the application for the
cancellation of the endorsement "Licences of Right" in
respect of Patent No

My (or Our) address for service in Guyana is
.....
.....

.....
.....

To be signed by
the opponent
or opponents

To the Registrar of Deeds,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 35.

Patents and Designs Act

APPLICATION FOR THE REVOCATION OF A PATENT
UNDER SECTION 30

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[Subsidiary]

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[To be accompanied by a copy and statement of case in duplicate]

Here state (in full) name and address and nationality of applicant or applicants for revocation

I (or We)
.....
.....

hereby apply for an Order for the revocation of the Patent No..... On the following grounds

The ground or grounds of an application for revocation under section 30 of the Act must be any one or more of the grounds on which the grant of the patent might have been opposed under section 14 of the Act.

.....
.....
.....
.....
.....

.....I (or We) declare that no action* for infringement or proceeding in any Court for the revocation of the patent is pending.

My (or Our) address for service in Guyana is:
.....
.....

If such proceeding is pending in any Court the application cannot be made without the leave of the Court.

.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks
The Patent Office,
Deeds Registry,
Georgetown

To be signed by the applicant or applicants for revocation.

[Subsidiary]

Patents Regulations

PATENTS FORM 36.

Patents and Designs Act

OFFER TO SURRENDER A PATENT UNDER SECTION 30

Here state
(in full) name
and address of
patentee
or patentees

I (or We)
.....
.....
.....
.....
hereby offer to surrender Patent No.....

if any action or
proceedings
are pending,
full particulars
thereof should
be furnished.

I (or We) declare that no action for infringement or
proceeding in any Court for the revocation of the patent is
pending.

My (or Our) reasons for making this offer are as
follows:.....
.....
.....

My (or Our) address for service in Guyana is:
.....
.....

to be signed by
patentee or
patentees

.....
To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

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Patents and Designs

[Subsidiary]

Patents Regulations

PATENTS FORM 37.

Patent and Designs Act

NOTICE OF OPPOSITION TO SURRENDER OF A PATENT UNDER SECTION 30

[To be accompanied by a copy, and a statement of case in duplicate]

Here state (in full) name and address of opponent or opponents

I (or We)
.....
.....

..... hereby give notice of opposition to the offer to surrender Patent No..... for the following reason:

Here state reason of opposition

.....
.....

My (or Our) address for service in Guyana is:.....
.....
.....

To be signed by the opponent or opponents

.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

[Subsidiary]

Patents Regulations

PATENTS FORM 38.

Patents and Designs Act

APPLICATION FOR GRANT OF COMPULSORY LICENCE
OR REVOCATION OF A PATENT UNDER SECTION 31

(a) Here insert (in full) name, address and nationality of applicant or applicants.
•Here set out the nature of the applicant's interest, the facts upon which he bases his case, and the relief which he seeks.

(a) I (or We)
hereby declare that there has been an abuse of the monopoly rights under Patent No
.....
.....
.....
.....
My (or Our) address for service in Guyana is:.....
.....
.....
.....

To be signed by the applicant or applicants

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 39.

Patents and Designs Act

REQUEST FOR HEARING UNDER SECTION 31(11)

I (or We) hereby request that a hearing may be appointed in connection with the application made under the provisions of section 31 in respect of Patent No

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To be signed by the applicant (or) applicants or his (or their) agent

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 40.

Patents and Designs Act

APPLICATION FOR LICENCE UNDER SECTION 44(3)

(a) here insert (in full) name address and nationality of applicant or applicants (a) I (or We).....

hereby apply for a licence under Patent No limited to the use of the invention for the purposes of the preparation or production of food or medicine.

(b) here set out the nature of the applicant interests the fact upon which he bases his case and the relief which he seeks (b)

My (or Our) address for service in Guyana is—

[Subsidiary]

Patents Regulations

(c) To be signed
by the
applicant or
applicants and
in the case of a
Firm by each
partner

(c)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 41.

Patents and Designs Act

REQUEST FOR ALTERATION OF A NAME OR AN
ADDRESS OR AN ADDRESS FOR SERVICE IN THE
REGISTER OF PATENTS

(a) here state
(in full) name
and address of
applicant or
applicants

In the matter of Patent No

(a) I (or We)
.....
.....
.....
.....

(b) Strike out
words not
applicable

hereby request that the

(b) name.....

(b) address

(b) address for service

(c) now upon the Register of Patents may be altered to (c)

.....
.....
.....

(d) signature of
applicant or
applicants

(d).....
.....
.....
.....

The Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 42.

Patents and Designs Act

REQUEST FOR ENTRY OF TWO ADDRESSES FOR
SERVICE IN THE REGISTER OF PATENTS

In the matter of Patent No.....

(a) Here state
(in full) name
or names and
address of
applicant or
applicants.

(a) I (or We)
.....
.....
.....

hereby request that the two following addresses for service
may be entered in the Register of Patents –

(b) (1)
.....

Here insert full

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addresses (2).....
.....

(c) Signature of applicant or applicants. (c)

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 43.

Patents and Designs Act

APPLICATION FOR ENTRY OF NAME OF PROPRIETOR
OR PART PROPRIETOR IN THE REGISTER OF PATENTS

(a) Here insert (in full) name, address and nationality (a) I (or We)
.....
.....

(b) Here give name and address of person to whom Patent was granted. hereby apply that you will enter my (or our) name (or names) in the Register of Patents as proprietor (or part proprietor) of Patent No.....

granted to (b)
.....
.....

(c) Here insert title of the invention. the title of which is (c)
.....
.....

(d) Here specify the particulars of such document, giving its date, and the parties to the same, and showing I (or We) claim to be so entitled by virtue of (d).....
.....
.....

And in proof whereof I (or we) transmit the accompanying

how the claim here made is substantiated.

(e).....with a copy thereof.

(e) Here insert the nature of the document. The copy should be written, type-written or printed on foolscap paper on one side only and verified in such manner as the Registrar may require.

My (or Our) address for service in Guyana is—

(f)..... (g)

If the applicant is in respect of more than one patent, the number thereof, as well as the particulars required at (b) and (c) above, should be given in a separate schedule which should be attached to this form.

(f) Signature. (g) Here state in what capacity the signatory is acting.

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 44.

Patents and Designs Act

APPLICATION FOR ENTRY OF NOTICE OF A MORTGAGE OR LICENCE IN THE REGISTER OF PATENTS

(a) Here insert (in full) name, address and nationality

(a) I (or We)
.....
.....

(b) Here insert the nature of the claim, whether by way of Mortgage or

hereby apply that you will enter in the Register of Patents a notice of the following interest in a patent—

I (or We) claim to be entitled (b)

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Licence. To an interest in

(c) name and address of person to whom patent was granted. Patent No, granted to (c)

(d) Here insert title of the invention. the title of which is (d).....

(e) Here specify the particulars of such documents the copy should be written, type written or printed on foolscap paper on one side only and verified in such manner as the registrar may require. by Virtue Of (e)

(f) Here insert the nature of the document. And in proof whereof I (or we) transmit the accompanying (f)..... with the copy thereof. My (or Our) address for service in Guyana is-

(g) (h)

The copy should be written, typed and printed on fool-

scap paper on one side only and verified in such manner as the Registrar may require. If the applicant is in respect of more than one patent, the number thereof, as well as the particulars required at (b) and (c) above, should be given in a separate schedule which should be attached to this form.

(g) Signature. (h) Here state in what capacity the signatory is acting To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 45.

Patents and Designs Act

APPLICATION FOR ENTRY OF NOTIFICATION OF DOCUMENT IN THE REGISTER OF PATENTS

(a) Here insert a description of the nature of the document, giving its date and the names address and nationalities of the parties thereto. The copy should be written, typewritten or printed on foolscap paper on one side only.
(b) Signature,
(c) Here insert full address of party benefiting under the document

I (or We) transmit herewith a copy of (a).....
.....
.....
under Patent No as well as the original document for verification and 1 (or we) apply that a notification thereof may be entered in the Register.

(b).....

(c).....
.....
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown,

[Subsidiary]

Patents Regulations

PATENTS FORM 46.

Patents and Designs Act

REQUEST FOR CORRECTION OF CLERICAL ERROR

I (or We) hereby request that the following clerical error(s) (a)viz.:

(a)Here set out the alleged error or errors.

In the (b)

(b)Here state whether in application, specification or register

No may be corrected in the manner shown in red ink in the copy of the original (b) Hereunto annexed.

(c)Signature. (d)Address in full

(c) (d)
.....
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 47.

Patents and Designs Act

NOTICE OF OPPOSITION TO THE CORRECTION OF A CLERICAL ERROR

[TO be accompanied by a copy, and a statement of case in duplicate]

Here state

I (or We)

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(in full) name
and address

..... hereby give notice of opposition to the correction of an
alleged clerical error in

.....
which said correction has been applied for by

.....
The grounds upon which the said correction is opposed are
as follows-.....

.....
My (or Our) address for service in Guyana is—

.....

To be signed
by opponent or
opponents

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 48.

Patents and Designs Act

REQUEST FOR CERTIFICATE OF REGISTRAR

In the matter of the application for
Patent Noof 1.....

(a) Here set out
the particulars

I (or We)
of.....

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Patents Regulations

which the Registrar is requested to certify, and of any copies of documents which are to be annexed to the Certificate, stating also the purpose for which the copies are required. (b) Name and full address to which Certificate is to be sent.

..... hereby request you to furnish me (or us) with your Certificate to the effect that (a)..... (b).....

Dated the..... day of....., 19.....

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 49.

Patents and Designs Act

REQUEST FOR INFORMATION AS TO A MATTER AFFECTING A PATENT OR AN APPLICATION THEREFOR

In the matter of the Patent (or Application No of 1

I (or We) of..... hereby request you to furnish me (or us) with the following information affecting the patent (or application) aforesaid—

(a) Here set out particulars as to the matter in respect of

(a).....

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(b).....

which information is sought.

Dated the..... day of....., 19.....

(b) To be signed by the person or persons seeking information or their agent.

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 50.

Patents and Designs Act

APPLICATION FOR DUPLICATE OF LETTERS PATENT

Date.....

*Here insert date, number, full name and address of grantee or grantees. Here insert title of invention. Here insert the word "destroyed" or "lost", as the case may be and state in full, the circumstances of the case, which must be verified by statutory declaration. §Here state

I (or We) have to inform you that the Letters Patent dated

No..... granted to for an invention the title of which is

Has been

I (or We) beg therefore to apply for the issue of a duplicate of such Letters Patent

.....

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interest possessed by applicant or applicants in the Patent. Signature of patentee or patentees and full address to which the duplicate is to be sent.

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 51.

Patents and Designs Act

NOTICE OF INTENDED EXHIBITION OR PUBLICATION OF AN UNPATENTED INVENTION

Here state (in full) name, address and nationality of person giving the notice.

I (or We) hereby give notice of my (or our) intention.

(a) or (b) Strike out words which are inapplicable.

(a) to exhibit a of at the

State "opened" or "is to open"

Exhibition, which on the day of 20.....

(b) to publish my invention for by reading a paper before..... on the or by permitting publication of the paper in the Society's transactions.

This description of

I (or We) herewith enclose a brief description of my (or our)

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invention should be accompanied by drawings if necessary invention

To be signed by the person giving the notice To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 52.

Patents and Designs Act

APPLICATION FOR ENTRY OF ORDER OF COURT IN THE REGISTER

(a) Here state (in full) name and address of applicant or applicants (a) I (or We).....

(b) Here state the purport of the Order. hereby transmit a certified copy of an Order of the Court with reference to (b)

(c) Signature. (c).....

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

PATENTS FORM 53.

Patents and Designs Act

APPLICATION FOR DIRECTIONS UNDER SECTION 42(2)
AS TO THE SALE OR LEASE OF A PATENT, OR AS TO
THE USE AND DEVELOPMENT OF RIGHTS OR THE
GRANT OF A LICENCE THEREUNDER.

(a) Here insert
(in full) name,
address and
nationality of
patentee or
joint patentees.

(a) I (or We)
.....
.....
.....
hereby apply for directions in respect of Patent No
as to
and request that an Order may be made giving such
directions.....

Here set
out the facts
upon which the
patentee bases
his case and the
directions
which he seeks.

.....
.....
.....
.....
My (or Our) address for service in Guyana is
.....
.....

To be
signed by the
patentee or
patentees
seeking
directions

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 54.

Patents and Designs Act

APPLICATION FOR REGISTRATION OF UNITED KINGDOM PATENT

(a) Here insert (in full) name address and occupation of applicant or applicants.

(a) I (or We)..... of.....
.....
.....

do hereby declare that I am (or we are) the holder (or holders) of United Kingdom Patent No dated (b) in proof whereof I (or we) transmit the accompanying certificate of the Comptroller General of the United Kingdom Patent Office.

(b) Here state whether applicant is grantee of patent or is a person deriving his right from such grantee by assignment, transmission or other operation of law, and in the latter case state particulars.

And I (or we) humbly pray that a certificate of registration may be issued to me (or us) in respect of the said Patent.
Dated theday of....., 20.....

(c)

(c) To be signed by applicant as in (d) or by patent agent on behalf of applicant.

I (or We) hereby appoint Of a licensed patent agent to act for me (or us) in respect of this application and request that all notices, requisitions and communications relating thereto may be sent to him at the above address.

(d) To be signed by applicant or applicants; in case of a firm by each

Dated the..... Day of....., 20.....

(d).....

[Subsidiary]

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partner, and in case of a company by any director or the secretary or other authorised agent signing on behalf of the company

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown

PATENTS FORM 55.

Patents and Designs Act

REQUEST TO REGISTRAR TO SUBSTITUTE AMENDED SPECIFICATION OR OTHER DOCUMENT

(a) Here insert (in full) name, address and occupation of applicant or applicants

(a) I (or We) of..... do hereby request you to substitute the amended (b) for those (or that) already filed in your office, The amended (b) have (or has) been duly certified by the Comptroller General of the United Kingdom Patent Office.

© to be signed by applicant as in (d) or by patent agent on behalf of applicant

Dated the day of....., 19

(c)

I (or We) hereby appointof..... a licensed patent agent to act for me (or us) in respect of this application and request that all notices, requisitions and communications relating thereto may be sent to him at the above address.

(d) to be signed by applicant or applicants: in case of firm by each partner and in case of

Dated the day of....., 20.....

(d)

company by any director or Secretary or other authorised agent signing on behalf of the company

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown

PATENTS FORM 56.

Patents and Designs Act

APPLICATION TO REGISTRAR FOR ENTRY ON REGISTER OF ASSIGNMENT ETC., OF UNITED KINGDOM PATENT

(a) Here insert (in full) name, address and occupation of applicant or applicants.

(a) I (or We) of. hereby make application to you to enter my (or our) name (or names) in the Register of Patents as the proprietor of (or holder of an interest in (b)) Patent No dated a certification of registration for which was granted to (c)

(b) Here state nature of interest.

I (or We) claim to be so entitled by virtue of (d) in proof whereof I (or We) transmit the accompanying certificate of the United Kingdom Patent Office.

(c) Here give name and address to whom certificate was granted.

Dated the day of.....20.....

(d) Here specify the particulars of such document giving its date and the parties to the same and showing how the claim here made is

(e)

I (or We) hereby appoint of a licensed patent agent to act for me (or us) in respect of this application and request that all notices, requisitions and communications relating thereto may be sent to him at the

[Subsidiary]

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substantiated.
(e)To be signed
by applicant as
in (f) or by
patent agent on
behalf of
applicants.

above address.

Dated the day of....., 20.....

(f)

(f) to be signed
by applicant or
applicants in
case of a firm
by each
partner, and in
case of a
company by
any director or
the secretary or
other
authorised
agents signing
on behalf of the
company

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 57.

Patents and Designs Act

CERTIFICATE OF REGISTRATION OF UNITED KINGDOM
PATENT IN GUYANA

In the matter of the application by.....
.....grantee (or person deriving his
right from grantee by assignment, transmission or other
operation of law, as the case may be) of the Patent issued on
the day of....., 20..... In the
United Kingdom to
Of in respect of an
invention For which said
Patent was sealed on the day of..... and
numbered..... I
Registrar of Patents Designs and Trade Marks, hereby certify

that the said has applied to me under sections 54, 55 and 56 of the above-mentioned Act to register the said Patent in Guyana and he has complied with the provisions of the said Act entitling him to the registration of the said Patent and being satisfied that he is the *bona fide* holder of the said Patent and that the said Patent is in full force I have this day registered the same in accordance with the said Act.

Dated the day of....., 20.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

PATENTS FORM 58.

Patents and Designs Act

FORM OF PATENT

WHEREAS hath declared that he is in possession of an invention for..... that he claims to be the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief:

AND WHEREAS the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of his said invention:

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Patents Regulations

AND WHEREAS the said inventor (hereinafter together with his executors, administrators and assigns, or any of them, referred to as the said patents) hath by and in his complete specification particularly described the nature of his invention:

AND WHEREAS it is in the public interest that the said patentee's prayer be acceded to:

KNOW, THEREFORE, that by these presents it is hereby granted unto the said patentee license, full power, sole privilege, and authority that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within Guyana, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of sixteen years from theday of being the date of the original patent No. or so much of that term as is unexpired: AND to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention. All persons within Guyana are hereby strictly commanded that they do not at any time during the continuance of the said term of sixteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence or agreement of the said patentee in writing under his hand and seal, on pain of incurring the penalties of the law and of being answerable to the patentee according to law for his damages thereby occasioned:

PROVIDED ALWAYS that these letters patent shall be

revocable on any of the grounds from time to time prescribed by law and the same may be revoked and made void accordingly; PROVIDED ALSO, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything hereinbefore contained:

PROVIDED ALSO that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: AND lastly, it is hereby declared that these letters patent shall be construed in the most beneficial sense for the advantage of the said patents.

IN WITNESS whereof these letters have been made patent and have been sealed as of the..... day of..... two thousand and

.....

To the Registrar of Patents, Designs and Trade Marks,
 The Patent Office,
 Deeds Registry,
 Georgetown.

PATENTS FORM 59.

Patents and Designs Act

FORM OF PATENT OF ADDITION WHEREAS

hath declared that he is in possession of an invention for.....that he claims to be the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief, and that the said invention is an improvement in or modification of his invention for which a patent was applied for on and numbered and on which a patent (hereinafter called the original patent) has been granted from which he was the applicant (or of which he is the patentee):

AND WHEREAS the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of his said invention:

AND WHEREAS the said inventor (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) hath by and in his complete specification particularly described the nature of his invention, and has requested that the term limited in such patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

AND WHEREAS it is in the public interest that the said patentee's prayer be acceded to:

KNOW, THEREFORE, that by these presents it is hereby granted unto the said patentee license, full power, sole privilege, and authority that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise and vend the said invention within Guyana, in such manner as to him or them may seem meet, and that the said

patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of sixteen years from the day of..... being the date of the original patent No or so much of that term as is unexpired: AND to the end that the said patentee may have and enjoy the sole use and exercise, and the full benefit of the said invention. All persons within Guyana are hereby strictly commanded that they do not at any time during the continuance of the said term either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence or agreement of the said patentee in writing under his hand and seal, on pain of incurring the penalties of the law and of being answerable to the patentee according to law for his damages thereby occasioned:

PROVIDED ALWAYS that these letters patent shall be revocable on any of the grounds from time to time prescribed by law and the same may be revoked and made void accordingly:

PROVIDED ALSO, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of the said original letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any

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of the said cases, these letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything hereinbefore contained:

PROVIDED ALSO that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: AND lastly, it is hereby declared that these letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

To be signed
by the Registrar
of Patents.

IN WITNESS whereof these letters have been made paten
and have been sealed as of the day of
..... Two thousand and

.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

SUBSIDIARY LEGISLATION

DESIGN REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Fees.
4. Forms.
5. Sets of articles.
6. Classification of goods.

DOCUMENTS

7. Size, etc., of documents.
8. Signature of documents.
9. Service of documents.

ADDRESS

10. Address.
11. Address for service.

AGENTS

12. Agency.

[Subsidiary]

Designs Regulations

REGULATION

APPLICATION FOR REGISTRATION

13. Signature of applicant.
14. Form of application.
15. Lace designs.
16. Form of application for designs other than checks or stripes.
17. Form of application for checks or stripes.
18. Class.
19. Application of design.
20. Statement of novelty.
21. Application under section 63.
22. Representations.
23. Representations for set.
24. Representations for set.
25. Nature of representations.
26. Drawings, etc., must be in ink.
27. Special representations.
28. Words, etc., on designs.
29. Repeat of pattern.
30. Specimens of designs.
31. Representations of living persons or persons recently dead.

PROCEDURE ON RECEIPT OF APPLICATION

32. Objections.
33. Decision of Registrar.
34. Date for appeal.

NON-COMPLETION REGULATION

35. Non-completion within 12 months.

DEATH OF APPLICANT

36. Death of applicant before registration.

REGULATION

EXTENSION OF PERIOD OF COPYRIGHT

37. Extension of period of copyright beyond first five years.
38. Extension of period of copyright beyond second five years.
39. Extension of period of copyright in designs registered under section 63.
40. Payment of fees in advance.

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41. Joint request for entry of assignment, etc.
42. Application for entry of assignment by subsequent proprietor,
43. Particulars in application.
44. Entry of notification of document.
45. Copies for office.
46. Entry on Register.
47. Removal of name.
48. Change of name.

ALTERATION OF ADDRESS

49. Alteration of address in Register.

CORRECTION OF ERRORS

50. Correction by applicant or proprietor.

CANCELLATIONS UNDER SECTION 87(6)

51. Cancellation of design.
52. Cancellation by assignee in insolvency, etc.

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- 55. Search under section 70.
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- 60. Enlargement of time.
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- 62. Certificate for use in legal proceedings or other purpose.

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- 63. (1) Registration mark.
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**REGISTER OF DESIGNS AND INSPECTION OF REGISTERED
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- 64. Registering design.
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- 66. Cancellation of registration of designs and applications for compulsory licences under section 71.
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- 68. Applicant's evidence.
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- 75. Form, etc., of statutory declaration.
- 76. Manner in which, and person before whom declaration is to be taken.
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APPLICATIONS TO AND ORDERS OF THE COURT

- 78. Notice to Registrar of application to rectify Register.
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**DESIGNS EXCLUDED FROM PROTECTION UNDER COPYRIGHT
ACT 1911**

- 81. Designs excluded from protection under Copyright Act 1911.

FIRST SCHEDULE—Fees.

SECOND SCHEDULE—Forms.

THIRD SCHEDULE—Classification of goods.

Reg. 14/9/1947

DESIGNS REGULATIONS

made under section 103

Citation. 1. These Regulations may be cited as the Designs Regulations.

Interpretation. 2. In these Regulations—

“agent” means a licensed patent agent under the Act duly authorised to the satisfaction of the Registrar;

“lodged” means left at the Office or sent through the post by a prepaid letter addressed to the Registrar at the office;

“Office” means the Patent Office;

“section” means section of this Act;

“set” means a number of articles of the same general character ordinarily on sale together or intended to be used together all bearing the same design with or without modifications or variations not sufficient to alter the character or substantially to affect the identity thereof;

“specimen” means an article of manufacture or a substance with the design applied to it.

Fees.
First Schedule. 3. (1) The fees to be paid in relation to designs shall be those prescribed in the First Schedule and shall be payable to the Registrar.

(2) All fees shall be payable in advance.

Forms.
Second
Schedule. 4. The forms herein referred to are the forms contained in the Second Schedule, and such forms shall be used in all cases to which they are applicable and may be modified as directed by the Registrar to meet other cases.

Sets of articles. 5. Where there is any doubt whether given articles do or do not constitute a set, the doubt shall be determined by the Registrar.

Classification
of goods.
Third Schedule. 6. For the purposes of the registration of designs and of these Regulations, goods are classified in the manner set out in the Third Schedule. If any doubt arises as to the class to which any particular description of goods belongs, it shall be

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determined by the Registrar.

DOCUMENTS

Size, etc., of documents.

7. Subject to any other directions that may be given by the Registrar, all applications, notices, papers having representations affixed, and other documents required by the Act or by these Regulations to be lodged shall be upon strong paper, and, except where otherwise required, on one side only, of a size of approximately 13 inches by 8 inches, and having on the left-hand part thereof a margin of approximately two inches.

Signature of documents.

8. A document lodged by a partnership or firm shall contain the names of the partners in full and shall be signed by all the partners. A document lodged by a body corporate shall be signed by a director or by the secretary or other principal officer of such body corporate.

Service of documents.

9. Any application, statement, notice or other document authorised or required to be lodged, or to be left, made or given with or to any person under the Act or these Regulations may be sent through the post by a prepaid letter; any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put in the post.

ADDRESS

Address.

10. Where any person is bound to furnish the Registrar with an address, the address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of business of the person whose

address is given.

Address of
service.

11. Every applicant in any proceedings to which these regulations relate, and every person registered as proprietor of, or as having an interest in, a registered design, shall furnish to the Registrar in addition to his full residential or business address an address for service in Guyana. Such address may be treated, for all purposes connected with such proceedings or design, as the actual address of such applicant or person and shall in the case of a registered proprietor be entered on the register as the address for service of such proprietor.

Any written communication addressed to an applicant in any proceedings, or to any person registered as proprietor of, or as having an interest in, a registered design, at his address for service shall be deemed to be properly addressed.

Where an address for service has not been furnished to the Registrar, the Registrar may treat the residential or business address as the address for service, unless such residential or business address is out of Guyana, in which case the Registrar need not proceed with the examination of the application until an address for service in Guyana has been furnished to him.

AGENTS

Agency.

12. An application for registration and all other communications between an applicant and the Registrar, and between the registered proprietor of a design and the Registrar, or any other person, may be made by or through an agent.

Any such applicant or proprietor may appoint an agent to represent him in the matter of the design by signing and sending to the Registrar an Authority in writing to that effect

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Designs Regulations

Form 1 on Designs Form 1, or in such other form as the Registrar may deem sufficient. In case any registered proprietor of a design shall appoint such an agent, service upon such agent or any document relating to such design shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such design may be addressed to such agent.

The Registrar shall not recognise as such agent, or receive any communications in respect of any business under the Act relating to designs from any person who is not at the time licensed to be a patent agent under the provisions of the Act. In any particular case, the Registrar may, if he thinks fit,, require the personal signature or presence of an applicant or other person.

APPLICATION FOR REGISTRATION

Signature of applicant. **13.** An application for registration of a design shall be signed by the applicant for registration or by his agent.

Form of application.
Forms 2 and 3. **14.** An application for registration of a design shall be lodged at the Office and (except as regards (a) applications for lace designs in Class 9 and (b) applications in classes 13, 14 and 15) shall be on Designs Form 2, or in the case of a set on Designs Form 3 as the case may be.

Lace designs.
Forms 4 and 5. **15.** An application for registration of a lace design in Class 9 shall be on Designs Form 4 or in the case of a set on Designs Form 5.

Form of application for designs other than checks or stripes. Form 6. **16.** Applications for registration of designs in Classes 13 and 14 shall be made on Designs Form 6.

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Patents and Designs

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Form of application for checks or stripes. Form 7.

17. Applications for registration of designs in Class 15, consisting substantially of checks or stripes only, shall be made on Designs Form 7. If any doubt arises as to whether a design presented for registration on Designs Form 7 is a design consisting substantially of checks or stripes only, that doubt shall be determined by the Registrar.

Class.

18. An application shall state the class in which the design is to be registered, and where it is desired to register the same design in more than one class, a separate application shall be made in respect of each class. In that case each application shall be numbered separately, and shall be treated as a separate and distinct application.

Application of design.

19. Every application shall state the article or articles to which the design is to be applied and where the Registrar so requires, the applicant shall further state for what purpose the article to which the design is to be applied is used and the material or the predominating material of which the article is made.

Statement of novelty.

20. The applicant may, and shall, if required by the Registrar in any case so to do, endorse on the application and each of the representations a brief statement of the novelty he claims for his design.

Application under section 63.

21. When an application is made under the provisions of section 63 for the registration of a design which has already been registered under one or more classes, the application shall contain the number or numbers of the registration or registrations already affected.

Registration.

22. There shall be furnished in connection with an application for the registration of a design to be applied to a single article three identical representations of the design, in a form satisfactory to the Registrar, or three specimens.

Representation

23. There shall be furnished in connection with an

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Designs Regulations

- for set. application for the registration of a design to be applied to a set four identical representations of the design, in a form satisfactory to the Registrar or four specimens.
- Representations for set. **24.** When the design is to be applied to a set, each of the representations accompanying the application should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.
- Nature of representation. **25.** Each representation of the design, whether to be applied to a single article or to a set of articles, must be upon paper of the size prescribed by regulation 7 and not on cardboard, and must appear on one side only of the paper. The figures must be placed in an upright position on the sheet. When more figures than one are shown these should where possible be on one and the same sheet, and each must be designated perspective view, front view, side view or otherwise as the case may be.
- Drawings, etc., must be in ink. **26.** When drawings or tracings are furnished, they must be in ink, and if on tracing cloth or tracing paper must be mounted on paper of the size prescribed by regulation 7.
- Special representations **27.** When the specimens are not, in the Registrar's opinion, of a kind which can be conveniently mounted in a flat position by means of an adhesive, upon paper of the size prescribed by regulation 7 and stored without damage to other documents, representations shall be furnished in place of specimens.
- Words, etc. on designs. **28.** Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design the Registrar may require the insertion of a disclaimer of any right to their exclusive use.
- Repeat of **29.** Each representation of a design which consists of a

pattern. repeating surface pattern must show the complete pattern and a sufficient portion of the repeat in length and width, and shall not be of less size than 7 inches by 5 inches.

Specimens of designs. **30.** Where representations are supplied, the Registrar may at any time require specimens or additional representations.

Representation s of living persons or persons recently dead. **31.** Where the names or representations of living persons appear on a design, the Registrar shall be furnished, if he so require, with consents from such persons before proceeding to register the design. In the case of persons recently dead the Registrar may call for consents from their legal representatives before proceeding with the registration of a design on which their names or representations appear.

PROCEDURE ON RECEIPT OF APPLICATION

Objections. **32.** If upon consideration there appears to the Registrar to be any objection to the application, a statement of those objections shall be sent to the applicant in writing, and unless within one month the applicant applies for a hearing, he shall be deemed to have withdrawn his application.

Decision of Registrar. **33.** The decision of the Registrar at such hearing as aforesaid shall be communicated to the applicant in writing, and if he objects to such decision and desires to appeal, he shall within one month apply to the Registrar, upon Designs Form 8, requesting him to state in writing the grounds of and the materials used by him in arriving at his decision.

Date for appeal. **34.** Upon receipt of such application the Registrar shall send to the applicant such statement as aforesaid in writing and the date when such statement is sent shall be deemed to be the date of the Registrar's decision for the purpose of an appeal.

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*Designs Regulations***NON-COMPLETION**

Non-completion within 12 months.

Form 9

35. Where an application for registration of a design is not completed within twelve months from the date of the application by reason of default or neglect on the part of the applicant, the Registrar shall give notice to the applicant in writing of such non-completion, and if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was sent, the application is not completed, the application shall be deemed to be abandoned, unless application is made on Designs Form 9 for an extension of time, not exceeding three months, within which the application for registration may be completed.

DEATH OF APPLICANT

Death of applicant before registration.

36. In case of the death of any applicant for registration of a design after the date of his application, and before registration of the design has been effected, the Registrar may, on being satisfied of the applicant's death, enter in the register, in place of the name of such deceased applicant, the name, address and nationality of the person owning the design, on such ownership being proved to the satisfaction of the Registrar.

EXTENSION OF PERIOD OF COPYRIGHT

Extension of period of copyrights beyond first five years
Forms 10 and 12.

37. If the proprietor of a registered design intends to apply for an extension of the period of copyright beyond the first period of five years, he shall apply before the expiration of the first period of five years on Designs Form 10. An application for an enlargement of time for payment of any fee payable for an extension of the period of copyright under

section 66 (2) shall be made on Designs Form 12.

Extension of period of copyright beyond second five years. Forms 11 and 12.

38. If the proprietor of a registered design intends to apply for an extension of the period of copyright beyond the second period of five years, he shall apply before the expiration of the second period of five years on Designs Form 11. An application for an enlargement five of time for payment of any fee payable for an extension of the period Forms of copyright under section 66(3) shall be made on Designs Form 12.

Extension of period of copyright in designs registered under section 63. Form 12.

39. The fee payable for an extension of the period of copyright in respect of a design registered under section 63 shall become due for payment and shall be paid before the expiration of the current period of copyright in the original design. An application for an enlargement of time for payment of any such fee shall be made on Designs Form 12.

Payment of fees in advance.

40. The proprietor of any registered design may pay all or any of the prescribed fees for obtaining an extension of the period of copyright in advance.

ASSIGNMENTS, ETC.

Joint request for entry of assignment, etc.

Form 13

41. Where a person becomes entitled by assignment, transmission or other operation of law to the copyright in a registered design or as mortgagee, licensee or otherwise to any interest in a design, he may, conjointly with the registered proprietor, make application to the Registrar on Designs Form 13 to register his title.

Application for entry of assignment by Subsequent proprietor. Form 14.

42. Where a person becomes entitled to the copyright in a design or to any interest therein in the manner referred to in regulation 41 and no conjoint application as therein mentioned is made, he shall make application to the Registrar on Designs Form 14 to register his title.

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Particulars in application.

43. An application under regulation 41 or regulation 42 shall contain the name, address and nationality of the person claiming to be entitled together with full particulars of the instrument, if any, under which he claims, and such instrument shall be produced for inspection by the Registrar.

Entry of notification of document.

Form 15.

44. Application for entry in the Register of notification of any document (not already provided for) purporting to affect the proprietorship of a registered design shall be made on Designs Form 15.

Copies for office.

45. The applicant shall, if so required by the Registrar, lodge at the Office a copy (verified in such manner as the Registrar may require)* of any instrument produced for inspection in proof of title.

Entry on Register.

46. When the Registrar is satisfied as to the applicant's title he shall cause the applicant to be registered as proprietor, mortgagee, licensee or as otherwise entitled to an interest in the design and shall record in the Register such particulars as he may consider necessary of the instrument, if any, under which the title was acquired.

Removal of name.
Form 16

47. Where the name of a person is entered in the Register as, mortgagee or licensee, such person may on making an application for the purpose on Designs Form 16 have a note entered in the Register that he no longer claims to be mortgagee or licensee, as the case may be.

Change of name.
Form 17

48. When the registered proprietor of a design changes his name, he shall make application on Designs Form 17 for entry of such change of name in the Register and such application shall be accompanied by documentary evidence substantiating such change of name.

ALTERATION OF ADDRESS

Alteration of address in register. Form 18.

49. Every registered proprietor of a design who alters his address, or his address for service, shall forthwith apply to the Registrar on Designs Form 18, and the Registrar shall alter the Register accordingly.

CORRECTION OF ERRORS

Correction by applicant or proprietor. Form 19.

50. Where an applicant for registration or the registered proprietor of a design desires, under the provisions of section 87 to correct an error, he shall make the application on Designs Form 19.

CANCELLATIONS UNDER SECTION 87 (b)

Cancellation of design. Form 20.

51. Where the registered proprietor of a design desires to cancel his registration, he shall make the application on Designs Form 20.

Cancellation by assignee in insolvency etc.

Form 20.

52. Cancellation may also be effected by the assignee in insolvency of the registered proprietor or where the registered proprietor is a company in liquidation by the liquidator or in any other case where the request is made by a person whom the Registrar may decide to be entitled to act in the name of the registered proprietor. In such cases the application shall be made on Designs Form 20 modified as the Registrar may direct.

DISCRETIONARY POWER

Hearing.

53. Before exercising any discretionary power given to the Registrar, by the Act adversely to any person, the Registrar shall give such person not less than ten days notice of a time when he may be heard by himself or his agent.

Within five days from the date when such notice would be delivered in the ordinary course of post, the person

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concerned shall notify the Registrar whether or not he intends to be heard on the matter.

Notification of decision.

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

SEARCHES

Search under section 70.

Form 21.

55. Where any person desires to obtain the information which he is entitled to obtain under section 70, and can furnish the registration number of the design, he shall apply on Designs Form 21 and the Registrar will thereafter furnish him with the information aforesaid.

Form 22

Where the applicant is unable to furnish the registration number of the design he shall apply on Designs Form 22 and furnish to the Registrar such information as he may possess, and the Registrar will thereupon make such search in the class indicated as may be possible on the information supplied, and will furnish such information as can be afforded. Where Designs Form 22 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

Search among registered designs.

56. The Registrar may, upon application for the purpose made on Designs Form 23, cause a search to be made among the registered designs and state whether any design accompanying such form and to be applied to goods in any particular class appears to be identical with, or closely to resemble any registered design applied to such goods of which the copyright is still existing. The design accompanying Designs Form 23 shall be furnished in

duplicate.

HOURS OF INSPECTION

Hours of inspection.

57. The Office shall be open to the public every weekday, except Saturday, between the hours of nine and four, and on Saturday between the hours of nine and twelve, except on public holidays and on such days as may from time to time be notified by a placard posted in a conspicuous place at the Office.

POWER TO DISPENSE WITH EVIDENCE

Dispensing with evidence.

58. Where under these Regulations any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, and upon the production of such other evidence and subject to such terms as he may think fit, to dispense with any such act or thing, signature, declaration, document, or evidence.

AMENDMENTS

Amendment of documents.

59. If the Registrar think fit any document or drawing or other representation of a design may be amended, and any irregularity in procedure may be rectified, on such terms as the Registrar may direct, if in the opinion of the Registrar such amendment or rectification can be made without detriment to the interest of any person.

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*Designs Regulations***ENLARGEMENT OF TIME**Enlargement of
time.

60. The time prescribed by these Regulations for doing any act, or taking any proceeding thereunder, other than the times prescribed by regulation 35, may be enlarged by the Registrar if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

Excluded days.

61. Whenever the last day fixed by the Act or by these Regulations for doing anything shall fall on a day when the Office is not open, or on a Saturday, which days shall be excluded days for the purposes of this Act, it shall be lawful to do any such act or thing on the day next following such excluded day, or days if two or more of them occur consecutively.

CERTIFICATE BY REGISTRARCertificate for
use in legal
proceedings.

62. Where a certificate is required for the purpose of any legal proceeding, or other special purpose, as to any entry, matter or thing which the Registrar is authorised by the Act or these Regulations to make or do, the Registrar may, on the lodging of a request on Designs Form 24, give such certificate, which shall also specify on the face of it the purpose for which it has been issued as aforesaid.

MARKING OF ARTICLESRegistration
mark.

63. (1) Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall cause each such article to be

marked with the word REGISTERED or with the abbreviation REGD or with the abbreviation RD, as he may choose, and also (except in the case of articles to which have been applied designs registered in Classes 9, 13, 14 and 15) with the number appearing on the certificate of registration.

Dispensation as regards marking.

(2) The requirements of the Act as to the marking of article to which registered designs are applied are dispensed with as regards printed or woven textile piece goods other than handkerchiefs.

REGISTER OF DESIGNS AND INSPECTION OF REGISTERED DESIGNS

Registering design.

64. When a design is registered, there shall be entered in the Register, in addition to the particulars prescribed by the Act such other particulars as the Registrar may deem necessary.

Inspection of Registered designs.

65. The period under section 69 during which a design shall not be open to inspection, except as provided in that section, shall be, as regards designs in Classes 13, 14 and 15, three years, as regards designs in Classes 7 and 9, two years from the date of the registration thereof, and as regards designs in other classes, from the date of application until the registration is effected.

CANCELLATION OF REGISTRATION OF DESIGNS AND APPLICATIONS FOR COMPULSORY LICENCES UNDER SECTION 71

Cancellation of registration of

66. An application for the cancellation of the registration of a design or the grant of a compulsory licence

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designs and applications for compulsory licences under section 71. Form 25.

under section 71 shall be made on Designs Form 25. Such application shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the applicant's interest and the facts upon which he bases his case and the relief which he seeks. Copies of the application and the statement of case will be transmitted by the Registrar to the registered proprietor.

Counter-statement.

67. If the registered proprietor is desirous of opposing the application, he shall, within 14 days of the receipt of such copies or such further time as the Registrar may allow, leave at the Office a counter-statement fully setting out the grounds on which the application is to be opposed and shall deliver to the applicant a copy thereof.

Applicant's evidence.

68. The applicant shall, within 14 days from the delivery of such copy or within such further time as the Registrar may allow, leave at the Office evidence by way of a statutory declaration in support of his case and shall deliver to the registered proprietor a copy thereof.

Proprietor's evidence.

69. Within 14 days from the delivery of such copy or such further time as the Registrar may allow, the proprietor may leave at the Office statutory declarations in answer and, on so leaving, shall deliver to the applicant a copy thereof and within 14 days from such delivery or within such further time as the Registrar may allow, the applicant may leave at the Office statutory declarations in reply and, on so leaving, shall deliver to the proprietor a copy thereof. Such last mentioned declaration shall be confined to matters strictly in reply.

Evidence in reply.

Closing of evidence.

70. No further evidence shall be delivered by either party except Closing of by leave or on requisition of the Registrar.

Hearing.

71. On completion of the evidence, or at such other time as he, may see fit, the Registrar shall appoint a time for

the hearing of the case, and give the parties ten days notice at least of such appointment, and in the event of his deciding to take evidence viva voce in lieu of, or in addition to, the evidence by declaration, or to allow any declarant to be cross-examined on his declaration, he may require the attendance of any declarant or other person whose evidence he may consider desirable. If either party does not desire to be heard, he shall as soon as possible notify the Registrar to that effect. If either party desires to be heard he must give notice to the Registrar on Designs Form 26. The Registrar may refuse to hear either party who has not left Designs Form 26 prior to the date of the hearing.

Form 26.

Cost on
uncontested
application.

72. In the event of an application for the cancellation of the registration of a design or grant of a compulsory licence being uncontested by the proprietor, the Registrar in deciding whether costs should be awarded to the applicant shall consider whether proceedings might have been avoided if reasonable notice had been given by the applicant to the registered proprietor before the application was filed.

LOST CERTIFICATE OF REGISTRATION

Lost certificate.
Form 29.

73. An application for a duplicate of a certificate of registration which has been lost or destroyed shall be made on Designs Form 29, and shall be accompanied by a statutory declaration setting out in full and verifying the circumstances in which the original certificate of registration was lost or destroyed.

INDUSTRIAL AND INTERNATIONAL EXHIBITIONS

Notice of
exhibition.

74. Any person desirous of exhibiting an unregistered design or of any article to which an unregistered design has been applied, at any industrial or international exhibition, which has been duly certified as such by the

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Designs Regulations

Form 27.

Minister or of publishing a description of a design during the period of the holding of such an exhibition, may give the Registrar notice, on Designs Form 27, of his intention to exhibit the design or article or to publish a description of the design, as the case may be. For the purpose of identifying the design in the event of an application to register the same being subsequently made, the person giving such notice shall supply a brief description of the nature of the design, accompanied by a sketch, drawing, or specimen, and shall supply such other information as the Registrar may in each case require.

STATUTORY DECLARATIONS

Form, etc., of
statutory
declaration.

75. The statutory declarations required by these Regulations, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, so far as possible, be confined to one subject. Every statutory declaration shall state the description and true place of abode of the person making the same, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

Manner in
which, and
person before
whom
declaration is
to be taken

76. Statutory declarations shall be made and subscribed as follows:

- (a) in Guyana, before any commissioner or other officer authorised by law to administer an oath for the purpose of any legal proceeding;
- (b) in any other part of the Commonwealth, before any court, judge, justice of the peace, or any officer authorised by law to

administer an oath there for the purpose of a legal proceeding; and

- (c) if made out of the Commonwealth, before a diplomatic agent or a Consular Officer of Guyana.

Notice of seal of officer taking declaration to prove itself

77. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person declaration to hereby authorised to take such declaration in testimony of such declaration having been made and subscribed before him, may be admitted by the Registrar without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

APPLICATIONS TO AND ORDERS OF THE COURT

Notice to Registrar of application to rectify Register.

78. Four clear days' notice of every application to the Court under section 89 for rectification of the Registrar of Designs shall be given to the Registrar.

Order of Court.

79. Where an order has been made by the Court in any case under the Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith serve on the Registrar a certified copy of such order, together with Designs Form 28. The Register shall, if necessary, thereupon be rectified or altered by the Registrar.

Form 28.

Publication of order of Court

80. Whenever an order is made by the Court under the Act, the Publication Registrar may, if he thinks that the effect of such order should be made public, advertise a notice thereof in the *Gazette*.

**DESIGNS EXCLUDED FROM PROTECTION UNDER
COPYRIGHT ACT, 1911**

Design
excluded from
protection
under
Copyright Act
1911.
(1 and 2 geo. 5.)
C. 46

81. A design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of section 22 of the applied Act entitled the Copyright Act, 1911—

- (a) when the design is reproduced or is intended to be reproduced in more than 50 single articles, unless all the articles in which the design is reproduced or is intended to be reproduced together form only a single set, as defined by regulation 2;
- (b) where the design is to be applied to (i) printed paper hangings, (ii) carpets, floor cloths or oil cloths, manufactured or sold in lengths or pieces, (iii) textile piece goods, or textile goods manufactured or sold in lengths or pieces, (iv) lace, not made by hand.

FIRST SCHEDULE

FEEES

The following fees shall be paid under the Act, so far as they relate to designs. Such fees must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid.

LAWS OF GUYANA

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Patents and Designs

[Subsidiary]

Designs Regulations

Subject or proceeding	Amount		Corresponding Form
	\$	c.	
1. On application to register one design to be applied to a single article in a class, not being lace, and except articles in classes 13 to 15 ...	5.00		Designs 2.
2. On application to register one design to be applied to a set of articles in a class, not being lace	10.00		Designs 3.
3. On application to register one design to be applied to lace	1.20		Designs 4.
4. On application to register one design to be applied to a set of lace articles	2.50		Designs 5.
5. On application to register one design in class 13 or class 14	2.50		Designs 6.
6. On application to register one design in class 15	1.20		Designs 7.
7. On application to Registrar to state grounds of decision and materials used under regulation 33	5.00		Designs 8.
8. On application for extension of time within which an application for			

[Subsidiary]

Designs Regulations

registration of a design may be completed—		
Not exceeding one month	5.00	Designs 9.
“ “ two months	10.00	do.
“ “ three months	15.00	do.
9. On extension of period of copyright under section 66 (2)	20.00	Designs 10.
10. On extension of period of copyright under section 66 (3)	50.00	Designs 11.
11. On application for enlargement of time for payment of fee for extension of copyright—		
Not exceeding one month	5.00	Designs 12.
“ “ two months	10.00	do.
“ “ three months	15.00	do.
12. On joint application to enter name of subsequent proprietor, etc., made within six months from date of acquisition of proprietorship, etc.—		
In respect of one design	5.00	Designs 13
For each additional design	1.20	-
13. On joint application to enter name of subsequent proprietor, etc., made after six months from date of acquisition of proprietorship, etc.—		

LAWS OF GUYANA

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Patents and Designs

[Subsidiary]

Designs Regulations

In respect of one design	100.00	Designs 13.
For each additional design	1.20	-
14. On application to enter name of subsequent proprietor, etc., under regulation 42, made within six months from date of acquisition of proprietorship, etc. —		
In respect of one design	5.00	Designs 14
For each additional design	1.20	-
15. On application to enter name of subsequent proprietor, etc., under regulation 42, made after six months from date of acquisition of proprietorship, etc. —		
In respect of one design	100.00	Designs 14.
For each additional design	1.20	-
16. On application for entry of notification of document in the register of designs, made within six months of date of document —		
In respect of one design	5.00	Designs 15.
For each additional design.	1.20	-
17. On application for entry of notification of document in the register of designs, made after six months from date of document —		
In respect of one design	100.00	Designs 15.

[Subsidiary]

Designs Regulations

For each additional design	1.20	-
18. On application of mortgagee, licensee, or other person having registered interest for removal of his name—		
In respect of one design	5.00	Design 16
For each additional design	2.00	-
19. On application to enter change of name of registered proprietor in the Register—		
In respect of one design	5.00	Designs 17.
For each additional design	1.20	-
20. On application for alteration of address or address for service in the Register—		
In respect of one design	2.50	Designs 18.
For each additional design	0.50	-
21. On application under section 87 to correct error	5.00	Designs 19.
22. On application by proprietor or his representative for cancellation	2.50	Designs 20.
23. On application for search under section 70 when registration number is supplied	2.50	Designs 21.
24. On application for search		

under section 70 when registration number is not supplied	5.00	Designs 22.
25. On application for search under regulation 56	5.00	Designs 23.
26. On application for Certificate of Registrar for legal proceedings or other special purpose	5.00	Designs 24.
27. On application for cancellation or compulsory licence under section 71	20.00	Designs 25.
28. On notice that hearing of an application for cancellation or compulsory licence under section 71 will be attended	10.00	Designs 26.
29. On notice to Registrar of intended exhibition or publication of an unregistered design	2.50	Designs 27.
30. On notice of Order of Court for rectification of the Register	5.00	Designs 28.
31. For duplicate of Certificate of Registration	5.00	Designs 29.
32. Inspection of Register or design where inspection is permitted other than		

[Subsidiary]

Designs Regulations

inspection under the second paragraph of section 69 (1)	0.50	-
33. Office or photographic copy of design or documents	Cost according to agreement	-
34. For Office copy of documents, every 120 words	0.50	-
35. For certifying Office copies	1.0	-

SECOND SCHEDULE

INDEX TO FORMS

Subject	No. of Form	Corresponding fee
Authorisation of agent	1	-
Application for registration of design, not being lace and except articles in classes 13 to 15	2	2
Application for registration of set of designs, not being lace	3	4
Application for registration of a design to be applied to lace	4	6

Application for registration of design to be applied to a set of lace articles	5	8
Application for registration of design in class 13 or class 14	6	10
Application for registration of a design in class 15	7	12
Request for statement of grounds of decision under regulation 33	8	14
Application for extension of time within which an application for registration of a design may be completed	9	16
Extension of copyright for second period	10	18
Extension of copyright for third period	11	20
Application for enlargement of time for payment of fee for extension of copyright	12	22
Joint request by registered proprietor and assignee, etc., to enter the name of assignee, etc., in the Register under regulation 41	13	24 or 26

[Subsidiary]

Designs Regulations

Request to enter the name of subsequent proprietor, etc., in the Register under regulation 42	14	28 or 30
Application for entry of notification of document in Register 15	15	32 or 34
Application under regulation 47 to vacate entry of name of mortgagee or licensee in Register	16	36
Application to enter change of name of registered proprietor in the Register	17	38
Application for alteration of address or address for service in Register	18	40
Request under section 87 for correction of error	19	42
Application by registered proprietor to cancel entry in Register	20	44
Request for search under section 70 when registration number is supplied	21	46
Request for search under section 70 when registration number is not supplied	22	48

Request for search under regulation 56	23	50
Request for certificate for use in legal proceedings or other special purpose	24	52
Application for cancellation of registration or grant of compulsory licence under section 71	25	54
Notice that hearing of application for cancellation of registration of a design or grant of compulsory licence will be attended	26	56
Notice of intended exhibition or publication of an unregistered design	27	58
Application for entry of an Order of the Court in Register	28	60
Application for duplicate of Certificate of Registration	29	62

[Subsidiary]

Designs Regulations

DESIGNS FORM 1

Patents and Designs Act

AUTHORISATION OF AGENT

(a) here insert name and address of agent

I (or We) have appointed (a)
.....
.....
Of.....
.....
.....

(b) here state the particular purpose for which the agent is appointed

to act as my (or our) agent for (b)
and request that all notices, requisitions and communications relating thereto may be sent to such agents at the above address. I (or We) revoke all previous authorisations, if any.

(c) here state nationality

I (or We) hereby declare that I am (or we are) a (c)
.....

To be signed by the person appointing the Agent.

(d)
Address

Dated this day of, 20.....

To the Registrar of Patents, Designs and Trade Marks
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 2

Patents and Designs Act

APPLICATION FOR REGISTRATION OF DESIGN (NOT BEING LACE AND EXCEPT ARTICLES IN CLASSES 13 TO 15)

(a) here insert in full the name and address and nationality of the applicant or applicants
Application is hereby made for registration of the accompanying design in Class, in the name of (a)
of
who claims to be the proprietor thereof.

(b) here state the article to which the design is to be applied as shown in the representations
The design is to be applied to (b).....

(c) Strike out these words if no previous registration has been effected
(c) The design, with or without modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof, has been previously registered in Classes
under No

My (or Our) address for service in Guyana is

(d) Signature (d)

Dated this day of 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

[Subsidiary]

Designs Regulations

N.B.- THREE identical representations or specimens of the design should accompany this Form.

DESIGNS FORM 3

Patents and Designs Act

APPLICATION FOR REGISTRATION OF DESIGN TO BE APPLIED TO A SET (NOT BEING LACE)

(a) here insert in full the name, address and nationality of applicant or applicants

Application is hereby made for registration of the accompanying design for a set of articles in Class in the name of (a).....

(b) here state the set of articles and also the trade description of each of the articles comprised in the set to which the design is to be applied as shown in the representations

Of who claims to be the proprietor thereof.

The design is to be applied to (b)

(c) Strike out these words if no previous registration has been effected

(c) The design, with or without modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof, has been previously registered in Classes under No.

My (or Our) address for service in Guyana is

(d) Signature

(d)

Dated this day of, 20.....

To the Registrar of Patents, Designs and Trade Marks
The Patent Office,
Deeds Registry,
Georgetown.

N.B. – FOUR identical representations or specimens of the design should accompany this Form.

DESIGNS FORM 4
Patents and Designs Act
APPLICATION FOR REGISTRATION OF A LACE
DESIGN IN CLASS 9

Application is hereby made for registration of the accompanying Lace Design (without search) in Class 9, in the name of (a)
.....
Of
.....
who claims to be the proprietor thereof.

(a) here insert in full the name address and nationality of the applicant or applicants

(b) Strike out these words if no previous registration has been effected

(b) The design, with or without modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof, has been previously registered in Classes under No.....

My (or Our) address for service in Guyana is.....
.....
.....

[Subsidiary]

Designs Regulations

(c) Signature

(c)

Dated this day of....., 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

N.B.- THREE identical representation or specimens of the design should accompany this Form.

DESIGNS FORM 5

Patents and Designs Act

APPLICATION FOR REGISTRATION OF A LACE DESIGN IN CLASS 9 TO BE APPLIED TO A SET

Application is hereby made for registration (without search) of the accompanying design for a set of lace articles in Class 9, in the name of (a)
.....
of
.....
who claims to be the proprietor thereof.

(a) Here Insert in full the name address, and nationality of the applicant or applicants.

(b) strike out these words if no previous registration has been effected

(b) The design, with or without modifications or variations not sufficient to alter the character, or substantially to effect the identity thereof, has been previously registered in Classes under No

My (or Our) address for service in Guyana is.....
.....
.....

(c) Signature (c)

Dated this day of....., 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

N.B.- FOUR identical representation or specimens of the
design should accompany this Form.

DESIGNS FORM 6

Patents and Designs Act

APPLICATION FOR REGISTRATION OF DESIGN IN
CLASS 13 OR CLASS 14

Application is hereby made for registration of the
accompanying design in Class..... in the
name of (a)

(a) Here insert
in full the name
address and
nationality of
the applicant or
applicants
Of
who claims to be the proprietor thereof.

The design is to be applied to (b)

(b) Here state
the kind of
goods, i.e., "
piece goods" or
"handkerchief
and shawls
(c) The design, with or without modifications or variations
not sufficient to alter the character, or substantially to affect
the identity thereof, has been previously registered in Classes
..... under No.....

(c) strike out
these words
if no previous
registration
has been effected.
My (or Our) address for service in Guyana is.....

[Subsidiary]

Designs Regulations

(d) signature

(d)

Dated this day of....., 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

N.B.- THREE identical representation or specimens of the design should accompany this Form.

DESIGNS FORM 7

Patents and Designs Act

APPLICATION FOR REGISTRATION OF DESIGN IN CLASS 15

Application is hereby made for registration of the accompanying design (without search) in Class 15, in the name of (a)

(a) Here insert in full the name address and nationality of the applicant or applicants

.....
Of

.....
who claims to be the proprietor thereof.

This design consists substantially of the checks or stripes only.

(b) Strike out there words if no previous registration has been effected

(b) The design, with or without modifications or variations not sufficient to alter the character, or substantially to affect the identity thereof, has been previously registered in Classes under No.....

My (or Our) address for service in Guyana is
.....

.....

(c) Signature

(c)

Dated this day of....., 20....

To the Registrar of Patents, Designs and Trade Marks, The Patent Office, Deeds Registry, Georgetown.

N.B.- THREE identical representations or specimens of the design should accompany this Form.

DESIGNS FORM 8

Patents and Designs Act

REQUEST FOR STATEMENT OF GROUNDS OF DECISION UNDER REGULATION 33

Application for Design No.....
in Class

Application is hereby made under regulation 33 of the Designs Regulations for a statement in writing of the grounds of the decision dated the day of after the hearing on the day of, and the materials used in arriving at such decision.

Signature and address.

.....
.....

Dated this day of, 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patents Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 9

Patents and Designs Act

**APPLICATION FOR EXTENSION OF TIME WITHIN
WHICH AN APPLICATION FOR THE REGISTRATION
OF A DESIGN MAY BE COMPLETED**

I (or We) hereby apply for month' extension
of time within which the application No for the
registration of a Design may be completed.

(a) Here insert (a)
name and full
address to
which receipt is
to be sent.

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 10

Patents and Designs Act

**APPLICATION FOR EXTENSION OF COPYRIGHT IN
DESIGN FOR THE SECOND PERIOD OF FIVE YEARS**

I (or We) hereby transmit the prescribed fee of \$20 for the
extension of the copyright in the Design No.....in
Class..... for a second period of five years.

(Name*)

*Here insert name and address to which certificate is to be sent

(Address)

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

[This part of the Form to be filled in at the Patent Office.]

CERTIFICATE OF EXTENSION OF COPYRIGHT IN DESIGN FOR THE SECOND PERIOD OF FIVE YEARS

This is to certify that did This day of make the prescribed payment of \$20 for the extension of copyright in the Design No in Class for a second period of five years, and that by virtue of such payment the copyright remains in force until the day of....., 20....

The Patent Office,
Deeds Registry,
Georgetown.

Seal

DESIGNS FORM 11
Patents and Designs Act

APPLICATION FOR EXTENSION OF COPYRIGHT IN DESIGN FOR THE THIRD PERIOD OF FIVE YEARS

I (or We) hereby transmit the prescribed fee of \$50 for the extension of the copyright in the Design No..... in Class for a third period of five years.

[Subsidiary]

Designs Regulations

*Here insert name and full address to which certificate is to be sent.

(Name*).....

(Address).....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

[This part of the Form to be filled in at the Patent Office]

CERTIFICATE OF EXTENSION OF COPYRIGHT IN DESIGN FOR THE THIRD PERIOD OF FIVE YEARS

This is to certify that Did this day of..... make the prescribed payment of \$50 for the extension of copyright in the Design No in Class or a third period of five years, and that by virtue of such payment the copyright remains in force until the day of., 20....

The Patents Office,
Deeds Registry,
Georgetown.

DESIGNS FORMS 12
Patents and Designs Act

APPLICATION FOR ENLARGEMENT OF TIME FOR PAYMENT OF FEE FOR EXTENSION OF COPYRIGHT IN DESIGN

I (or We) hereby apply for months enlargement of time within which payment of the fee

(a) here insert name and full address to which receipt is to be sent. of \$ for the extension of the copyright in Design Noin Class may be made.

(a)
.....
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patents Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 13
Patents and Designs Act

**JOINT REQUEST BY REGISTERED PROPRIETOR AND
ASSIGNEE OR MORTGAGEE OR LICENSEE, ETC., TO
ENTER THE NAME OF ASSIGNEE, ETC., IN THE
REGISTER OF DESIGNS UNDER REGULATION 41.**

We, (a), of (b)
and (c), of (d)
hereby request under regulation 41 of the Designs
Regulations that the name of (e)
carrying on business at (f)
may be entered in the Register of Designs as proprietor (or
mortgagee, or licensee) of the Design No..... in
Class.....

- (a) Name of Registered Proprietor.
- (b) Address of Registered Proprietor.
- (c) Name and nationality of Assignee, etc.
- (d) Address of Assignee, etc.
- (e) Name of Assignee, etc.
- (f) Business address of Assignee, etc.
- (g) Insert full particulars of instrument, if

The assignee (or mortgagee, or licensee) is entitled to the said design or an interest therein in pursuance of (g)

The address for service in Guyana of the assignee (or mortgagee or licensee) is

[Subsidiary]

Designs Regulations

any.

Dated day of....., 20...

(h) Signature of Registered Proprietor. (h).....

(i) Signature of Assignee, etc. (i)

To the Registrar of Patents, Designs and Trade Marks,
The Patents Office,
Deeds Registry,
Georgetown.

N.B.—The instrument under which the assignee, mortgagee or licensee, etc., claims should accompany this Form.

DESIGNS FORM 14
Patents and Designs Act

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR, OR OF MORTGAGEE OR OF LICENSEE, ETC., OF DESIGN, IN THE REGISTER UNDER REGULATION 42.

(a) here insert name address and nationality I (or We) (a)
Of

hereby request that you will enter my (or our) name(s) in the Register of Designs as proprietors) (or mortgagee, or licensee) of the design No in Class

(b) insert full particulars of instrument, if I am (or We are) entitled to the said design (or to an interest in the said design) in pursuance of (b)

any.

My (or Our) address for service in Guyana is
.....
.....

(c)

(c) signature

Dated this day of....., 20....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

N.B.—The instrument under which the applicant claims
should accompany this Form.

DESIGNS FORM 15
Patents and Designs Act

APPLICATION FOR ENTRY OF NOTIFICATION OF
DOCUMENT IN REGISTER OF DESIGNS

I (or We) transmit herewith a copy of (a)
..... relative to Design No in
Class, as well as the original document for
verification, and I (or We) apply that a notification thereof
may be entered in the Register.

(a)Here insert a description of the nature of the document, giving its date and the names, addresses and nationality of the parties thereto.
(b)Signature.
(c)Here insert full address of the party

(b)

(c)

.....
.....

[Subsidiary]

Designs Regulations

benefiting
under the
document

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 16

Patents and Designs Act

**APPLICATION UNDER REGULATION 47 TO VACATE
ENTRY OF NAME OF MORTGAGEE OR LICENSEE IN
REGISTER**

Design No Class.....

Name of Registered Proprietor

.....

Place of Business.....

.....

I (or We) the undersigned

.....

Of

.....

apply that the entry of my (or our) name in the Register of
Designs as..... of the design No
..... in Class may be vacated.

.....

.....

Dated thisday of, 20...

To the Registrar of Patents, Designs and Trade Marks,

The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 17
Patents and Designs Act

APPLICATION TO ENTER CHANGE OF NAME OF
REGISTERED PROPRIETOR OF DESIGN IN THE
REGISTER

I (or We).....
.....
.....
hereby request that you will enter my (or our) name(s) in the
Register of Designs as proprietor of the design No
in Class as entitled to the said design.

There has been no change in the actual proprietorship of
the said design, but

Signature and address.
.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 18

Patents and Designs Act

**APPLICATION FOR ALTERATION OF ADDRESS OR
ADDRESS FOR SERVICE IN REGISTER OF DESIGNS**

Design No..... registered
in Class

I (or We)

Of

.....
the registered proprietor of the design numbered as above
apply that my (or our) address [or my (or our) address for
service] in the Register of Designs may be altered to
.....

Dated this day of..... 20.....

Signature of
proprietor

.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 19

Patents and Designs Act

**REQUEST UNDER SECTION 87 FOR CORRECTION OF
ERROR**

I hereby request that the following error.....

.....
.....

(a) here state

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[Subsidiary]

Designs Regulations

whether in application, representation or Register in the (a) of Design No in Class..... may be corrected.....

*Signature
*Address

*.....
*.....

Dated this day of....., 20....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 20
Patents and Designs Act
APPLICATION BY REGISTERED PROPRIETOR OF
DESIGN TO CANCEL ENTRY IN REGISTER

Design No Class
Name of Registered Proprietor
Address

I (or We) the undersigned
Of
apply that the entry in the Register of Designs of the Design
No..... in Class may be
cancelled.

[Subsidiary]

Designs Regulations

*Signature

*.....

Dated this day of....., 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 21

Patents and Designs Act

**REQUEST FOR SEARCH UNDER SECTION 70 WHEN
REGISTRATION NUMBER IS SUPPLIED**

I (or We) hereby request that I (or we) may be given such information as I (or we) may be entitled to under section 70 of the Patents and Designs Act with respect to the design registered under the No

*Signature and address

*.....

.....

Dated this day of 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 22

Patents and Designs Act

**REQUEST FOR SEARCH UNDER SECTION 70 WHEN
REGISTRATION NUMBER IS NOT SUPPLIED**

I (or We) hereby request that a search may be made in Class in respect of the design (annexed hereto in duplicate) and that I (or we) may be given such information as I (or we) may be entitled to under section 70 of the Patents and Designs Act.

*Signature and address

*
.....

Dated this day of 20...

To the Registrar of Patents, Designs and Trade Marks
The Patent Office,
Deeds Registry,
Georgetown

DESIGNS FORM 23

Patents and Designs Act

REQUEST FOR SEARCH UNDER REGULATION 56

I (or We) hereby request that a search may be made in Class and that I (or we) may be informed whether the Design (annexed hereto in duplicate) to be applied to appears to be identical with or closely to resemble any registered design applied to such good of which the copyright is still existing.

[Subsidiary]

Designs Regulations

*Signature and address

*
.....

Dated this day of 20....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown

DESIGNS FORM 24

Patents and Designs Act

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR OTHER SPECIAL PURPOSE

(a) here set out the particulars which the Registrar is requested to certify

Design No. registered in Class
in the name of
.....

(b) Here stat the purpose for which the certificate is required, i.e., whether for use of legal proceedings (if so, state title of proceedings) or for other purpose

I (or We)
.....
of
.....
hereby request you to furnish me (or us) with your Certificate
(a).....
for use in (b)
.....

*

*Signature

Dated this day of....., 20....

To the Registrar of Patents, Designs and Trade Marks
The Patent Office,
Deeds Registry,
Georgetown.

NOTE.—Where a representation of the registered design is to be attached to the Certificate a copy identical with that attached to the Certificate of Registration must accompany this Form.

DESIGNS FORM 25
Patents and Designs Act

**APPLICATION FOR CANCELLATION OF THE
REGISTRATION OF A DESIGN OR FOR THE GRANT OF
A COMPULSORY LICENCE UNDER SECTION 71**

Design No in Class

I (or We).....
.....

(a) and (b)
Strike out the
paragraph
which is not
applicable to
the case

hereby apply
(a) that the registration of Design No
in Class..... may be cancelled on the ground that it was
published in Guyana prior to the date of registration, or

(b) for the grant of a compulsory licence on the ground that
the design is applied by manufacture to an article in a country
outside Guyana and is not so applied by manufacture in
Guyana to such an extent as is reasonable in the
circumstances of the case.

My address for service in Guyana is—
.....
.....

[Subsidiary]

Designs Regulations

*Signature

*.....

Dated this day of..... 20.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 26

Patents and Designs Act

**NOTICE THAT HEARING OF APPLICATION FOR
CANCELLATION OF REGISTRATION OF A DESIGN OR
FOR THE GRANT OF A COMPULSORY LICENCE WILL
BE ATTENDED.**

(a) here insert
in full name
and address.
(b) and (c)
Strike out the
words which
are not
applicable to
the case.

(a) I (or We)..... hereby
give notice that the hearing in reference to the application (b)
to cancel the registration (c) for the grant of a compulsory
licence in respect of Design No in Class
will be attended by myself (or ourselves) or by some person
on my (or our) behalf.

(d) Signature.

(d)

Dated this..... day of 20.....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 27
Patents and Designs Act

NOTICE OF INTENDED EXHIBITION OR PUBLICATION
OF AN UNREGISTERED DESIGN

- (a) Here state name, address and nationality of applicant (b) Strike out words which are inapplicable (c) State "opened" or "is to open" (d) Insert brief description of design, and furnish sketch, drawing or specimen. (e) Signature

(a) I (or We) hereby give notice of my (or our) intention to (b) exhibit or publish a description of the design, or article, a representation of which is attached, or during the period of the holding of theExhibition which (c)on20.... under the provisions of the Patent and Designs Act .

(d) herewith enclose a..... (e).....

Dated this day of..... 20....

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 28
Patents and Designs Act

APPLICATION FOR ENTRY OF ORDER OF THE COURT
IN REGISTER

Design No in Class

- (a) Here state (in full) name and address of applicant.

(a) I (or We)

[Subsidiary]

Designs Regulations

(b) Here state the purport of the order.

.....
hereby transmit a certified copy of an Order of the Court with reference to (b)

(c) Signature and address

.....
(c)
.....

Dated this day of, 20...

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

DESIGNS FORM 29
Patents and Designs Act

APPLICATION FOR DUPLICATE OF CERTIFICATE OF REGISTRATION OF DESIGN

(a) Here insert the word "lost" or "destroyed", as the case may be, and state in full the circumstances of the case which must be verified by statutory declaration.

I (or We) have to inform you that the Certificate of Registration of Design No in Class has been (a)

(b) Here state interest possessed by applicant in the design.

I (or We) therefore apply for the issue of a duplicate of such certificate (b)
(c)

Dated this day of 20....

(c)Signature
and address

To the Registrar of Patents, Designs and Trade Marks,
The Patent Office,
Deeds Registry,
Georgetown.

THIRD SCHEDULE

CLASSIFICATION OF GOODS

CLASS 1.—Articles composed wholly of metal or in which metal predominates, and jewellery.

CLASS 2.—Books and Bookbinding of all materials.

CLASS 3.—Articles composed wholly of wood, bone, ivory, paper mache, or other solid substances not included in other classes, or of materials in which such substances predominate.

CLASS 4.—Articles composed wholly of glass, earthenware, or porcelain, clay (burnt or baked), or cement or in which such materials predominate.

CLASS 5.—Articles composed wholly of paper, cardboard, mill-board or straw-board (except articles included in Class 2, and paper- hangings) or in which such materials predominate.

CLASS 6.—Articles composed wholly of leather or in which leather predominates, not included in other classes.

CLASS 7.—Paper hangings.

CLASS 8.—Carpets, rugs and floor coverings, in all materials.

CLASS 9.—Lace.

CLASS 10.—Boots and shoes.

CLASS 11.—Millinery and wearing apparel (except boots and shoes).

CLASS 12.—Goods not included in other classes.

CLASS 13.—Printed or woven designs on textile piece goods (other than checks or stripes).

CLASS 14.—Printed or woven designs on handkerchiefs and shawls (other than checks or stripes).

CLASS 15.—Printed or woven designs on textile piece goods or on handkerchiefs or shawls being checks or stripes.
