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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

LDB - 01/2005

INTELLECTUAL PROPERTY ACT, No. 36 OF 2003

Regulations made by the Minister of Trade, Commerce, Consumer Affairs and Marketing Development under Section 204 of the Intellectual Property, Act No. 36 of 2003.

JEYARAJ FERNANDOPULLE,
Minister of Trade, Commerce,
Consumer Affairs and Marketing Development.

15th of May 2006,
Ministry of Trade, Commerce, Consumer Affairs
and Marketing Development,
Colombo.

1. These regulations may be cited as the Intellectual Property Regulations No. 01 of 2006 and shall come into operation on 17th May, 2006

Part I

INDUSTRIAL DESIGNS

- 2.(1) The application for assignment referred to in subsection (1) of Section 33 of the Act shall be in writing and shall contain a request for assignment, the name and address of the applicant for assignment, the number of the application for the registration of the industrial design concerned or of the registered industrial design, name and address of the applicant of the application for registration of such industrial design or of the registered owner of such industrial design and a clear statement of facts and evidence to substantiate the claim with the fee specified in the second schedule hereto.
- (2) The counter statement referred to in sub section (3) of Section 33 of the Act shall be made in writing with a clear statement of facts and evidence to substantiate the claim with the fee specified in the second schedule hereto.
- (3) The application for the registration of an industrial design under Section 36 of the Act shall be substantially set out in the Form D 01 of the first Schedule hereto signed by the applicant or his duly appointed Agent together with the fee specified in the second schedule hereto.
- (4) The application shall be accompanied in respect of each industrial design by the following in triplicate.

- (a) If the industrial design is two-dimensional, by one photographic or graphic representation or one drawing or tracing ;
 - (b) If the industrial design is three dimensional, by two photographic or graphic representations or two drawings or tracings, each showing a different aspect of the industrial design ;
 - (c) No photographic or graphic representation, drawing or tracing of the industrial design shall exceed 10 centimeters X 15 centimeters. Where there are more than one of such representation, drawing or tracing, they shall be affixed on one sheet of paper of A4 size. Photographic and graphic representations may be in Colour. Drawings and tracing shall be in black.
 - (d) An amendment to the application for registration made under this Act may be permitted only in respect of change of name or address of the applicant provided there is no change of the name or address of the applicant by assignment, transmission or otherwise.
3. An indication of the kind of product for which the industrial design is to be used shall be specified in the application together with the class of the Classification given in the Third Schedule hereto.
 4. The date of the application shall be the date of its receipt in the National Intellectual Property Office (hereinafter referred to as 'the office') provided that, where the fee in respect of such application is received on a date later than the date of receipt of the application then that later date shall be deemed to be the date of the application.
 5. Where the earlier application referred to in the declaration claiming priority is in a language other than the language of the application for the registration of the industrial design in Sri Lanka, the Director-General may require the applicant to furnish him within three months from the date of receipt of his letter with a translation of the said earlier application in the language of the application for the registration of the industrial design in Sri Lanka certified as correct by a sworn translator.
- 6.(1) The notice of opposition referred to in sub Section (9) of the Section 40 of the Act shall be substantially set out in the form D 02 of the first schedule hereto with the fee specified in the second schedule hereto and shall be signed by the person who considers that the industrial design should not be registered or his duly appointed agent.
 - (2) At any hearing the evidence shall, unless otherwise directed by the Director General, be in the form of an affidavit and after submission of evidence the parties shall file the written submissions, if any, simultaneously on a date given by the Director General.
7. In addition to the particulars specified in sub Section (2) of Section 42 of the Act the following particulars shall also be recorded in respect of each registered industrial design.
 - (a) the name and address of any duly appointed agent ;
 - (b) the reference to the date and number of the *Gazette* in which the registration was published ;
 - (c) any change in the address of the registered owner or the agent.
 8. The publication of each registered industrial design in the *Gazette* by virtue of Section 44 of the Act shall be substantially set out in the form D 03 of the first Schedule hereto.
 9. (1) The registration of an industrial design may be renewed by the Director-General upon receipt of an application substantially set out in the form D 04 of the first schedule hereto of the registered owner or his duly appointed agent and on payment of the fee specified in the Second Schedule hereto.

- (2) Every renewal of the registration of an industrial design shall be published in the *Gazette* substantially set out in the form D 05 of the first Schedule hereto.
10. (1) Any application under Section 49 of the Act made to the Director-General requesting him to record in the Register of Industrial Designs the assignment or transmission of an application for registration, or the registration, of any industrial design, shall be substantially set out in the form D 06 of the First Schedule hereto. Such application shall be signed by the assignee or transferee or his duly appointed agent and shall be forwarded to the Director-General together with the fee specified in the Second Schedule hereto.
- (2) Where the provisions of paragraph (1) of this regulations have been complied with the Director-General shall record such assignment or transmission in the Register of Industrial Designs.
- (3) The provisions of paragraphs (1) and (2) of this regulation shall apply *mutatis mutandis* to the registration of licence contracts under Section 52 of the Act.

Part II

MARKS

11. The application for the registration of a mark under Section 106 of the Act or a collective mark under Section 138 of the Act or a certification mark under Section 142 of the Act shall be substantially set out in the Form M 01 of the first Schedule hereto together with the fee specified in the Second Schedule hereto. Such application shall be signed by the applicant or his duly appointed agent and in the case of a collective mark or certification mark the application shall accompany the conditions governing the collective mark or certification mark in terms of sections 139 and 142 of the Act.

12.(1) Where the mark consists of letters, words, numerals or punctuation signs and no special graphic features are claimed, the said elements may be reproduced by a means of equipment such as typewriter or computer in the appropriate space provided in the form. One copy of the representation of any other two-dimensional mark shall be affixed to the appropriate space provided in the form.

(2) Where the mark consists of words other than Sinhala, Tamil or English, a translation of such words into English shall accompany the application. The translation shall be certified as correct by a sworn translator.

13. Where the particular mark is three-dimensional, the application shall contain an indication to that effect and the representation shall comprise at least two aspects of the mark sufficient to illustrate the shape and features of the mark. A copy of the representation shall be affixed to the appropriate space provided in the form.

14.(1) Where the copy of the representation to be affixed to the appropriate space provided in the form is larger than that space, it may be affixed on a separate sheet of paper of A4 size and appended to the form.

(2) The representation of a mark shall not exceed 10 centimeters by 10 centimeters.

15. The following amendments to the application for registration may be permitted.

(1) Change of name or address of the applicant provided there is no change of the name or address of the applicant by assignment, transmission or otherwise, and

(2) Amendment of the mark subsequently by deleting a part or parts of the mark.

16. The application for registration of a mark may relate to goods or services of any one class of the international Classification set out in the fourth Schedule hereto.

17. The date of the application shall be the date of its receipt in the office, provided where the fee in respect, however, of such application is received on a date later than the date of receipt of the application, then that later date shall be deemed to be the date of the application.

18.(1) Where the earlier application referred to in the declaration claiming priority is in a language other than the language of the application for the registration of the mark in Sri Lanka, the Director General may require the applicant to furnish him, within three months from the date of receipt of the application, with a translation of the earlier application in the language of the application for the registration of such mark in Sri Lanka certified as correct by a sworn translator.

(2) Where the certificate referred to in Section 108 of the Act is in a language other than the language of the application, the Director General may require the applicant to furnish him, within three months from the date of receipt of the application with a translation of that certificate in the language of the application certified as correct by a sworn translator.

19. The publication fee referred to in sub Section (7) of Section 111 of the Act shall be paid within a period of two months from the date of the notice of the Director General.

20.(1) Any notice of opposition referred to in sub Section (10) of Section 111 of the Act shall be substantially set out in the Form M 02 of the first Schedule hereto and shall be signed by the opposing party or his duly appointed agent and with the fee specified in the second schedule hereto.

(2) At any hearing the evidence shall, unless otherwise directed by the Director General, be given in form of an affidavit and after such evidence the parties shall file the written submissions, if any, simultaneously on a date by the Director General.

21. Any notice of non completion of registration referred to in Section 112 of the Act shall be substantially set out in the Form M 03 of the first Schedule hereto. The time specified in the notice for the completion of the registration shall be three months from the date of issue of such notice.

22. The Director General shall not register any mark which bears the terms or words such as “President”, “Prime Minister”, “Minister”, “State”, “Government” or any other word or term of similar meaning which is likely to mislead the public into believing that such mark has state patronage or authorization.

23. In addition to the particulars specified in sub section (2) of Section 113 of the Act the following particulars shall be recorded in the Register of Marks in respect of each registered mark :

- (a) the name and address of any duly appointed agent of the owner of the registered mark ;
- (b) the reference to the date and number of the *Gazette* in which the registration was published ; or reference to the medium so published in a manner adequate enough to give the public due notice.
- (c) any change in the name or the address of the registered owner.

24. The publication of every registered mark shall be substantially set out in the Form M 04 of the first Schedule hereto.

25. The registration of a mark may be renewed by the Director General upon an application made substantially set out in the Form M 05 of the first Schedule hereto with the fee specified in the second schedule hereto in that behalf by the registered owner or his duly appointed agent.

26. Every such renewal shall be published in the *Gazette* substantially set out in the Form M 06 of the first Schedule hereto.

27. Any application under Section 120 of the Act shall be substantially set out in the in Form M 07 of the first Schedule hereto. It shall be signed by the applicant or his duly appointed Agent and be accompanied with the fee specified in the second schedule hereto.

28. Where the Director General grants leave to add to or to alter, the publication referred to in Section 120 of the Act shall include a representation of the mark as added to or altered, the registration number, the name and address of the registered owner, the date of the registration, the date of the grant of the said leave and the list of the goods or services in respect of which the mark has been registered with an indication of the corresponding class.

29.(1) Any application under Section 123 of the Act to the Director General requesting him to record in the Register of Marks the assignment or transmission of an application for registration, or the registration of a mark shall be substantially set out in the Form M 08 of the first Schedule hereto. It shall be signed by the assignee or transferee or the duly appointed agent and shall be forwarded to the Director General together with the fee specified in the second schedule hereto.

(2) Where the provisions of paragraph (1) of this regulation have been complied with, the Director General shall record such assignment or transmission in the Register of Marks.

(3) The provisions of paragraph (1) and (2) of this regulations shall apply, *mutatis mutandis*, to the registration of a licence contract under Section 125 of the Act.

30. Any changes effected in the conditions governing the use of a collective mark or certification mark shall be notified to the Director General in writing signed by the registered owner of such mark or his duly appointed agent and shall be accompanied with the fee specified in the second schedule hereto.

31. The provisions of this part shall, *mutatis mutandis*, apply to collective marks and certification marks, where appropriate.

Part III

PATENTS

32.(1) An application for the grant of a patent under Section 71 of the Act shall be substantially set out in the Form P 01 of the first Schedule hereto and shall be signed by the applicant or his duly appointed agent. Such application shall be accompanied with the fee specified in the second schedule hereto.

(2) An amendment to the application for registration may be permitted in respect of change of name or address of the applicant provided there is no change of the name or address of the applicant by assignment, transmission or otherwise.

33.(1) Where the inventor or the person having title to the invention is dead the legal heir of such inventor or such person having title to the invention may apply to obtain the patent.

(2) Where the applicant dies during the time intervening between the filing of his application and the granting of a patent thereon, the patent may be granted to the legal heir upon proper intervention by him.

34. Where two or more persons have jointly made an invention the application for the grant of a patent shall, subject to regulation No. 33, be made by them jointly. Such application shall be substantially set out in the Form P 01 of the first schedule hereto.

35. Where an invention has been duly assigned the assignee shall make an application for the grant of a patent and such application shall be accompanied with a statement specifying the basis on which the applicant derives the right to such patent.

36.(1) The description of invention shall first state the title of the invention as appearing in the request and shall-

- (a) specify the technical field to which the invention relates ;
- (b) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and preferably, cite the documents reflecting such art ;
- (c) disclose the invention in such terms that it can be understood and in a manner sufficiently clear and complete for the invention to be evaluated as to its novelty, inventive step and industrial application and to be carried out by a person having ordinary skill in the art, and state the advantageous effects, if any, of the invention with reference to the background art ;
- (d) briefly describe the figures in the drawings, if any ;
- (e) set forth at least the best mode contemplated by the applicant for carrying out the invention ; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any ;
- (f) indicate explicitly, when it is not obvious from the description of nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or, if it can only be used, the way in which it can be used.

(2) The manner and order specified in paragraph (1) shall be followed except when due to the nature of the invention, a different manner or a different order would result in a better understanding and a more economical presentation.

37.(1) The number of the claims shall be reasonable in consideration of the nature of the invention.

- (2) If there are several claims, they shall be numbered consecutively in Arabic numerals.
- (3) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either-
 - (a) as an amended claim, in which case, it shall bear the same number as the previous claim it amends ; or
 - (b) as a new claim, in which case, it shall bear the next number after the highest previously numbered claim.
- (4) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word "cancelled".
- (5) Where the application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features. When used, the reference signs shall preferably be placed between parentheses. If inclusion of reference sign fails to particularly facilitate quicker understanding of a claim, it should not be made.
- (6)
 - (a) The definition of the invention shall be in terms of the technical features of the invention.
 - (b) Whenever appropriate, any claim shall contain the following -
 - (i) a statement indicating those technical features of the invention which are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art ;

- (ii) a characterizing portion- preceded by the words “characterized in that” “characterized by” “wherein the improvement comprises” or any other words to the same effect- stating concisely the technical features which, in combination with the features stated under paragraph (i), it is desired to protect.
 - (iii) (a) Any claim which includes all the features of one or more other claims (claims in dependent form, hereinafter referred to as “dependent claim”) shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim (“multiple dependent claim”) shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim.
 - (b) Any dependent claim shall be construed as including all the limitations contained in the claims to which it refers or, if the dependent claim is a multiple dependent claim, all the limitations contained in the particular claim in relation to which it is considered.
 - (c) All dependent claims referring back to a single previous claim as well as all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most practical way possible.
38. (1) (a) Subject to the provisions of item (ii) of paragraph (b) of this regulation, drawings shall be required when they are necessary for the understanding of the invention.
- (b) Where, without being necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings-
- (i) the applicant may include drawings in the application when filed ;
 - (ii) the Director General may require that the applicant file such drawings with him and within a time limit specified by him in writing.
- (c) Where drawings are supplied, a reduction of the most illustrative drawing shall be furnished by the applicant in the size and within the limits specified by the Director General.
- (2) Flow sheets and diagrams are considered drawings.
39. (1) The abstract shall consist of the following :
- (a) a summary of the disclosure as contained in the description, the claims , and any drawings ; the said summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention ;
 - (b) where applicable, the chemical formula which, among all the formulae contained in the application, best characterize the invention.
- (2) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words).
- (3) The abstract shall not contain statements on the alleged merits or value of the invention or on its speculative application.
- (4) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign placed between parentheses.
- (5) The abstract shall be accompanied by the most illustrative of any drawings furnished by the applicant.

- 40.(1) Section 74 of the Act shall be construed as permitting in particular, either of the following two possibilities :
- (a) in addition to an independent claim for a given product, the inclusion in the same application of one independent claim for one process specially adapted for the manufacture of the said product, and the inclusion in the same application of one independent claim for one use of the said product ; or
 - (b) in addition to an independent claim for a given process, the inclusion in the same application of one independent claim for one apparatus or means specifically designed for carrying out the said process.
- (2) Subject to the provisions of Section 74 of the Act it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.
- (3) Subject to the provisions of Section 74 of the Act it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.
- 41.(1) Any divisional application under Sub-section (2) of Section 75 of the Act shall contain a reference to the initial application.
- (2) If the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application shall contain a request to that effect. In such a case, the declaration of priority and the documents furnished in accordance with regulation 43 for the initial application shall be deemed to relate also to the divisional application.
- (3) Where the priorities of two or more earlier applications are claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.
42. An applicant who wishes that the disclosure of matter constituting the invention claimed in the application should be disregarded for prior art purpose under Subsection (3) Section 64 of the Act may so refer to that in the request and shall set forth the facts in a statement accompanying the application.
- 43.(1) The declaration of priority referred to in Subsection (1) of Section 76 of the Act shall indicate-
- (a) the date of each earlier application ;
 - (b) subject to paragraph (2) the number of each earlier application ;
 - (c) subject to paragraph (3) the symbol, if any, of the International Patent Classification which has been allocated to each earlier application ;
 - (d) the name of the State in which each earlier application was filed or, where the earlier application is a regional or an international application, the name of the State or States for which it is filed ;
 - (e) where the earlier application is a regional or an international application, the office with which it was filed.
- (2) Where at the time of filing the declaration referred to in paragraph (1), the number of any earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed.
- (3) Where a symbol of the International Patent Classification has not been allocated to the earlier application, or had not been allocated at the time of filing the declaration referred to in paragraph (1), the applicant shall state this fact in the said declaration.

- (4) Where the priorities of two or more earlier applications are claimed, in accordance with paragraph (1), the indication relating to those earlier applications may be included in a single declaration.
 - (5) The applicant may, at any time before the grant of the patent, amend the contents of the declaration referred to in the preceding paragraphs.
44. (1) The period for furnishing a certified copy of each earlier application in terms of Sub-section (2) of Section 76 of the Act shall be three months from the date of request of the Director General.
- (2) Where a certified copy referred to in paragraph (1) has already been furnished for another application, the applicant may respond to the Director General by making a reference to that other application.
 - (3) Where the earlier application referred to in paragraph (1) is in a language other than the language of the application for grant of a patent in Sri Lanka, the Director General may require the applicant to furnish him, within three months, with a translation of the earlier application in the language of the application for the grant of such patent in Sri Lanka certified as correct by a sworn translator. The Director General may extend the time limit for such period as he deems appropriate.
45. Where the applicant fails to fulfill the requirements of Section 76 of the Act and regulations 43 and 44 of these regulations, the Director General shall require such applicant to furnish him with the necessary corrections of the application within three months from the date of his request.
46. (1) The applicant or his duly appointed agent, if so authorized in that behalf by the applicant, may withdraw the application at any time during its pendency.
- (2) The withdrawal of the application shall be effected by a written declaration addressed to the Director General. In the case of several applicants, the declaration shall be signed by all the applicants or their duly appointed agents.
47. (1) The date of receipt of the application shall be recorded as the filing date of such application.
- (2) If the Director General finds that, at the time of receipt of the application, the requirements referred to in Subsection (1) of Section 77 of the Act were not complied with he shall request the applicant to file the required correction within three months from the date of the request of the Director General. The Director General may extend that time limit for such period as he deems appropriate.
 - (3) When the applicant complies with the request referred to in paragraph (2), the Director General shall record as the filing date, the date of receipt of the required correction.
 - (4) Where the application refers to drawings, which in fact are not included in the application, the Director General shall request the applicant to furnish the drawings referred to in application within three months from the date of intimation of the Director General. The Director General may extend that time limit for such period as he deems appropriate. If the applicant complies with the said request, the Director General shall record as the filing date of the application the date of receipt of the missing drawings. Otherwise, the Director-General shall record as the filing date of the application the date of the receipt of the application and shall treat any reference to the said drawings as non-existent.
48. (1) The search report referred to in Subsection (1) of Section 73 the Act shall be an international type search report.
- (2) The applicant shall furnish to the Director General, within three months from the date of issue of the international type search report referred to in Subsection (1) of Section 73 of the Act, two copies of that report.

- (3) The international-type search report required under Subsection (1) of Section 73 of the Act shall be a report issued by any national intellectual property office or inter-governmental organization appointed as an International Searching Authority under the Patent Co-operation Treaty.
 - (4) For the purpose of Subsection (1) of Section 73 of the Act, the translation in the English Language of the International-type search report shall extend to the text of that report as such, but does not include the text of any document cited in that report unless the Director General, after an examination of the translation accompanying that report, requires the applicant to furnish a translation of the text of any given document so cited or of any portion of that document.
49. The period referred to in Subsection (3) of Section 78 of the Act shall be a period of three months from the date of the request made by the Director General. Where the fee specified in the second schedule hereto is not paid and the corrections are not duly effected within the said period of three months the application shall be rejected.
- 50.(1) Where the Director General considers appropriate the notice referred to in the proviso to Subsection (2) of Section 79 of the Act shall be published in a widely circulated newspaper in Sinhala, Tamil and English.
- (2) The certificate of the grant of a patent, specified in Subsection (2) of Section 79 of the Act shall contain the number of the patent, the name and address of the owner of the patent, date of filing, date of priority, if any, of the application and the date of grant of the patent and the title to the invention.
 - (3) The certificate of the grant of a patent shall be signed by the Director General or any officer authorized by him.
51. The patent granted in pursuant to Section 79 of the Act shall, in addition to a copy of the description, the claims, the drawings, if any, and the abstract, include the following particulars :
- (a) the name and address of the inventor, except where the inventor has indicated that he wishes not to be named in the patent ;
 - (b) the date and if any, the number of the international-type search report and the name of the institution issuing the report.
- 52.(1) Any application under Section 88 of the Act to the Director General requesting him to record in the Register of Patents the assignment or transmission of an application for the grant of a patent or the grant of a patent, shall be substantially set out in the Form P 02 of the first Schedule hereto. It shall be forwarded to the Director General together with the fee specified in the second schedule hereto.
- (2) Where the provisions of paragraph (1) of this regulation have been complied with, the Director General shall record such assignment or transmission in the Register of Patents.
 - (3) Paragraph (1) and (2) of this regulation shall apply, *mutatis mutandis*, to the licence contracts under Section 91 of the Act.
53. The publication of registration of a patent under Subsection (3) Section 79 of the Act shall be substantially set out in the form P03 of the first Schedule hereto.
54. The application for renewal of a patent under Subsection (2) Section 83 of the Act shall be substantially set out in the Form P 04 of the first Schedule hereto.

Part IV

LAY OUT DESINGS OF INTEGRATED CIRCUITS

55. The application for the registration of a layout design of integrated circuit under subsection (1) of Section 150 of the Act shall be substantially set out in the FormIC 01 of the first schedule hereto together with the fee specified in the second Schedule hereto.
56. The Register of Layout Designs shall contain in addition to the particulars specified in subsection (3) of Section 151 of the Act, the name and address of the agent, if any.
57. The counter claim referred to in subsection (2) of Section 152 of the Act shall be in writing giving necessary information in clear and concise manner.

Part V

REGISTERED AGENTS

- 58.(1) Subject to the provisions of Section 175 of the Act and regulations made under the Act a persons shall be qualified to be registered as an Agent if such a person.
- (i) is an Attorney-at-Law of the Supreme Court of Sri Lanka ; or
 - (ii) (a) has passed the examination as specified hereinafter ; and
 - (b) has been successful at the interview conducted by the Director General ; or
 - (iii) a corporate body or a firm qualified under Subsection (4) of Section 175 of the Act.
- (2) (i) The Director General may conduct an examination on his own or with the assistance of Sri Lanka Law College or Sri Lanka Institute of Development Administration, as and when he considers necessary, for the admission and registration of Agents.
- (ii) The Director General shall cause to be called for an application from any person possessing the required qualifications under paragraph (iii) for the examinations from time to time.
- (iii) The persons who ;
- (a) have passed the G. C. E. (A. L.) Examination in four subjects (old syllabus) and 3 subjects (new syllabus) at not more than two sittings ;
 - (b) have Credit passes at G. C. E. (O. L.) in English and Sinhala or Tamil as a subject ; and
 - (c) not less than 18 years of age ;
- shall be qualified to apply for the examination.
- (3) The examination will have 2 papers on the following subjects :
- (i) Intellectual Property Law
 - (ii) Administration of Intellectual Property and International Conventions.

(4) Syllabus-

(i) Intellectual Property Law :

The candidates will be tested on their knowledge on the principles of Intellectual Property Law as provided in the Intellectual Property Act No. 36 of 2003. This 3 hour paper will contain 12 questions and the candidates are required to answer 8 questions. One answer will carry a maximum of 12.5 marks and total marks will be 100. Pass marks will be 45.

(ii) Administration of Intellectual Property and International Conventions.

This paper will consist of two parts - (a) and (b)

(a) Administration of Intellectual Property :

The candidates will be tested on their knowledge on the regulations made under the Intellectual Property Law, the preparations and prosecution of applications relating to trademarks, patents, industrial designs, integrated circuits etc., functions, duties and responsibilities of Agents and work practices in the Intellectual Property Office.

(b) International Conventions :

The candidates will be tested on their knowledge on international conventions on intellectual property administered by the WIPO and the UPOV Convention and the TRIPS Agreement and their application to Sri Lanka.

This three hour paper will contain 12 questions and the candidates are required to answer 8 questions. It is necessary to choose minimum of 2 questions from each part. One answer will carry a maximum of 12.5 marks and total marks will be 100. Pass mark shall be 45.

- (5) The candidate shall pay the examination fee as decided by the Examination Authorities referred to above.
- (6) Those who have passed the examination shall be interviewed by the Director General. At the interview the Director General shall examine the required qualifications of the candidate for the examination. The Director General shall also examine whether the candidate is fit and proper person to function as a registered Agent. The Director General shall satisfy himself about the good character and behaviour of the candidate, his leadership qualities and communication skills.
- (7) No person shall be entitled to be registered as an Agent if such person-
- (a) has been judged by a competent Court to be of unsound mind ; or
 - (b) having been judged as an insolvent or bankrupt has not been granted by a competent Court a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from inevitable losses or misfortune ; or
 - (c) has been convicted of a crime, except minor traffic offences, by a competent Court whether in Sri Lanka or elsewhere and has not been granted a free pardon ; or
 - (d) cease to have qualifications specified in paragraph (1) of this regulation.
 - (e) has been removed from the Register by the Director General

- (8) (i) Those who possess the qualifications required under Section 175 of the Act and regulations made thereunder shall be entitled to be registered as Agents in the Register of Agents subject to the payment of the fee specified in the second schedule hereto. The application for the registration shall be substantially set out in the Form A 01 of the Schedule hereto.
- (ii) The Director General shall maintain a Register of Agents for the registration of those qualified to act as Agents under Section 175 of the Act or these regulations.
- (iii) The full name and address of the Agent shall be placed in the Register together with the particulars of the registration as an Agent.
- (iv) Any Attorney-at-Law qualified to be registered under Section 175 of the Act may make an application for the registration of his name as an Agent to the Director General substantially set out in the Form A 01 of the first schedule hereto with the fee specified in the second schedule hereto. He shall forward the Attorney-at-Law Certificate to the Director General for examination and return together with a copy of the same.
- (v) Any corporate body of firm qualified to be registered under Section 175 of the Act may make an application for the registration of its name as an Agent to the Director General substantially set out in the Form A 01 of the first schedule hereto with the fee specified in the second schedule hereto. Such body or firm shall forward to the Director General necessary evidence to establish its qualifications to act as an Agent.
- (9) The Director General shall issue, upon the registration of the Agent in the Register of Agents certificate of registration to the Agent certifying the fact that his name is registered as an Agent and he is entitled to function as an Agent under the Intellectual Property Act.
- (10) (i) The Director General shall remove the name of any Agent from the Register if-
- (a) such Agent has made a written application for such removal ; or
- (b) such Agent is dead ; or
- (c) any Agent who has ceased to have the qualifications specified under Sections 175 of the Act or the regulations made thereunder.
- (d) the Director General considers that the name of such person should be removed from the Register for any act of negligence, dishonesty, misconduct or immoral act committed by such an Agent.
- (ii) An Agent who has not paid the renewal fee specified in the second schedule hereto within a period of two weeks from the expiry of his registration.
- (iii) Before making the decision under Regulations 10 (i) (d) the Director General shall call upon the person concerned to show cause why his registration should not be cancelled and shall make such inquiry as the Director General may consider necessary.
- (11) The Director General shall cause to be published a list of the registered Agents. He shall also cause to be published the removal of the Agents from the Register of Agent.
- (12) Any reference made to Agent in these regulations means the Agent duly registered under Section 175 of the Act.

Part VI

INTELLECTUAL PROPERTY FUND

- 59.(1) The monies from the Intellectual Property Fund established under Section 176 of the Act shall be used only for the purpose of the administration of the provisions of the Intellectual Property Act.
- (2) The Director General shall for the purpose of allocating funds from the Intellectual Property Fund first make a written request to the Secretary for approval giving the necessary information and figures with regard to the expenditure concerned.
- (3) Having satisfied that the allocation requested by the Director General is reasonable and for the purpose of the administration of the provisions of the Intellectual Property Act the Secretary shall give his approval.
- (4) Money shall not be allocated or spent from the Intellectual Property Fund in any manner or any purpose other than the manner and purpose provided above.

Part VII

FEES

- 60.(1) Where any person liable to pay any fee under these regulations is not resident in Sri Lanka and represented by a duly appointed agent, such person shall pay such fee by way of a bank draft drawn in favour of the Director General.
- (2) In the case of cheque the date of payment will be the date of realization of the cheque.

Part VIII

MISCELLANEOUS

- 61.(1) Any request under subsection (1) of Section 163 of the Act shall be made in writing signed by the owner or his duly appointed agent.
 - (2) An application under subsection (1) of Section 163 of the Act can also be made for the correction of any clerical error in any register maintained in the office.
62. All the regulations made under the Code of Intellectual Property Act No. 52 of 1979 (as amended) are hereby rescinded.

FIRST SCHEDULE

Form D 01

(Regulation 2(3))

<p>INTELLECTUAL PROPERTY ACT NO. 36 OF 2003</p> <p style="text-align: center;">INDUSTRIAL DESIGNS</p> <p>APPLICATION FOR REGISTRATION</p>	<p>For official use only</p> <p>Application No.</p> <p>Fees paid on</p> <p>Application received on</p>
<p>The applicant hereby requests the registration of the industrial design described below :</p>	
<p>I. Applicant</p>	
<p>Name</p>	
<p>Address</p>	
<p>II. Design</p>	
<p>Title</p>	
<p>The following are attached (Three copies not exceeding 10 cm x 15 cm)</p> <p>i. Two dimensional design</p> <p>ii. Three dimensional design</p>	<p>One or two photographic or graphic Representations <input type="checkbox"/></p> <p>One or two drawings or tracings. <input type="checkbox"/></p>
<p>III. Product</p>	
<p>The kind of products for which the industrial design to be used :</p>	
<p>Class :</p>	
<p>IV. Claim of Priority (if any)</p>	
<p>Country :</p>	
<p>Application No.</p>	
<p>Filing Date</p>	

V. Address for service in Sir Lanka	
VI. Agent	
Name	
Address	
Telephone Fax E-mail (if available)
VII. Creator of the Industrial Design	
Whether the applicant or not	
If not the applicant, the name and address of the creator	
Willingness of the creators (s) to forgo the name(s) being used in the registration (if applicable)	<p>I/We,..... of being the creator/creators of the industrial design which is the subject matter of this application herein indicate my/our willingness to forgo my/our name(s) being used in the registration.</p> <p>Signature(s)</p>
VIII. Declaration of Novelty	<p>I, being the applicant declare that to the best of my knowledge the industrial design is new as provided in Section 31 of the Act.</p> <p>..... Signature of the Applicant or Agent.</p>
Date :.....	

FORM D 02

(Regulation 6(i))

INTELLECTUAL PROPERTY ACT NO. 36 OF 2003 INDUSTRIAL DESIGNS NOTICE OF OPPOSITION TO REGISTRATION	For official use only Notice received on Fees paid on Application No.
The notice of opposition is hereby given to the registration of industrial designs as described below :	
Opponent	
Name	
Address	
Tel/fax/e-mail	
THE OPPOSED APPLICATION	
Application No.	
Date and No. of the Gazette Notification	
GROUND OF OPPOSITIONS AND REQUIRED EVIDENCE (Add extra papers where necessary)	
ADDRESS FOR SERVICE IN SRI LANKA (IF APPLICABLE)	
AGENT	
Name	
Address	
Tel./fax/e-mail(if any)	
Date Signature of the opponent/Agent.

FORM 'D 03'

(Regulation 8)

INTELLECTUAL PROPERTY ACT No. 36 OF 2003 INDUSTRIAL DESIGNS PUBLICATION OF REGISTRATION			
<i>Registered Number</i>	<i>Filing Date</i>	<i>Registered Owner</i>	<i>Product and Class</i>

FORM 'D 04'

(Regulation 9 (1))

INTELLECTUAL PROPERTY ACT NO. 36 OF 2003 INDUSTRIAL DESIGNS APPLICATION FOR RENEWAL OF REGISTRATION		For official use only Date of receipt : Fee received on :
Registered Number		
Registered Owner		
Date of application for registration		
Agent, if any		
The extension (first or second)		
Fees paid (including surcharge, if applicable)		
Date and Signature		

FORM 'D 05'

(Regulation 9(2))

INTELLECTUAL PROPERTY ACT No. 36 OF 2003

INDUSTRIAL DESIGNS

PUBLICATION OF RENEWAL

<i>Registered Number</i>	<i>Filing Date</i>	<i>Registered Owner</i>	<i>Product and Class</i>

FORM 'D 06'

(Regulation 10(I))

INTELLECTUAL PROPERTY ACT No. 36 OF 2003 INDUSTRIAL DESIGNS APPLICATION FOR RECORDING OF ASSIGNMENT, TRANSMISSION OR LICENCE CONTRACT		For official use only Date of Registration : Feed paid on :
IDENTIFICATION OF THE APPLICATION/DESIGN		
Application No. :	Filing Date :	
Applicant/owner of the Design		
Name :		
Address :		
APPLICATION FOR RECORDING ASSIGNMENT, TRANSMISSION OR LICENSEE CONTRACT		
The undersigned hereby applies for the recording of the assignment/transmission/licence contract (or the particulars of the licence contract) of the above-identified application/design		

NEW APPLICANT/OWNER/LICENSEE		
Name :		
Address :		
Postal Address for Service, if non-resident :		
Telephone No. (if any) :	Fax Number (if any) :	E-mail address (if any) :
<input type="checkbox"/> A copy of the deed of assignment/transmission accompanies this application.		
<input type="checkbox"/> A copy of the licence contract or the particulars to be recorded are annexed		
..... Signature of Applicant/Owner/or Agent	 Place and Date
..... Signature of New Owner/Licensee/Agent	 Place and Date
Agent :		
Name :		
Address :		
Telephone No. :	Fax Number :	E-mail address:

FORM 'M01'

(Regulation 11)

<p>INTELLECTUAL PROPERTY ACT No. 36 OF 2003</p> <p>MARKS</p> <p>APPLICATION FOR REGISTRATION</p>	<p>For official use only</p> <p>Application received on :</p> <p>Fees paid on :</p> <p>Application No. :</p> <p>Vienna Code, where applicable :</p>
<p>The applicant hereby requests that the accompanying mark be registered in respect of the particulars given herein below.</p>	
<p>1. APPLICANT :</p>	
<p>Name :</p>	
<p>Address :</p> <p>Tel No. : Fax No. : E-mail Address (if any) :</p>	
<p>II. REPRESENTATION OF THE MARK</p> <p>(Not more than 10cm x 10cm in size. Provide extra five copies. If representation of the mark is affixed to a separate sheet (A4) indicate accordingly)</p>	
<p>III. TRANSLATION OF THE MARK, IF APPLICABLE</p> <p>(certified by a sworn translator where the mark consists of a word or words not in Sinhala, Tamil or English)</p>	
<p>IV. CLAIM TO COLOURS OF THE MARK, IF APPLICABLE</p>	<p>The applicant claims for his mark the colours shown in the representation of the mark accompanying this application. The colours represented in the claim are</p>
<p>V. CLAIM TO THREE- DIMENSIONAL MARK-</p>	<p>The applicant claims for the mark the shape/ container shown in the representation of the mark accompanying this application. The shape/ container represented in the claim is</p>

<p>VI. CLASS AND LIST OF GOODS OR SERVICES IN RESPECT OF WHICH THE REGISTRATION OF THE MARK IS SOUGHT</p> <p>Class</p> <p>List of goods or services</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>VII. CLAIM OF PRIORITY - UNDER INTERNATIONAL CONVENTIONS</p>	<p>The applicant claims the priority of an earlier application filed onaccording to the attached declaration.</p>
<p>VIII. CLAIM FOR DATE OF APPLICATION ON THE BASIS OF AN INTERNATIONAL EXHIBITION</p>	<p>The applicant claims that this application be deemed to be filed onaccording to the attached request.</p>
<p>IX. Address for service in Sri Lanka, where applicable</p>	<p>.....</p> <p>.....</p>
<p>X. AGENT, IF ANY</p> <p>Name</p> <p>Address</p> <p>Tel./Fax/E-mail (if any)</p>	<p>.....</p> <p>.....</p> <p>.....</p>
<p>XI. Collective Mark/Certification Mark (if applicable)</p>	<p>The application is made for a collective/certification mark. A copy of the conditions governing the use of the mark duly certified is annexed.</p>
<p>XII. SIGNATURE OF THE APPLICANT (if the applicant is a company, the authorized signature and the company seal) OR THE AGENT AND THE DATE</p>	<p>.....</p> <p>.....</p>

FORM 'M 02'

(Regulation 20 (1))

INTELLECTUAL PROPERTY ACT No. 36 OF 2003 MARKS NOTICE OF OPPOSITION TO REGISTRATION	For official use only Notice received on :..... Fees paid on :..... Application No. :.....
The notice of opposition is hereby given to the registration of mark as described below	
OPPONENT	
Name	
Address	
Tel./Fax/E-mail
THE OPPOSED APPLICATION	
Application No.	
Date and No. of the <i>Gazette</i> Notification	
Grounds of Opposition and required evidence (Add extra papers where necessary)	
ADDRESS FOR SERVICE IN SRI LANKA (if applicable)	
AGENT	
Name	
Address	
Tel./Fax/E-mail
Date :..... SIGNATURE OF THE OPPONENT/AGENT

FORM 'M 03'

(Regulation 21)

<p>INTELLECTUAL PROPERTY ACT No. 36 OF 2003</p> <p>MARKS</p> <p>NOTICE OF NON-COMPLETION OF REGISTRATION UNDER SECTION 112</p>
<p style="text-align: right;">Date :</p> <p>Application No. :</p> <p>To :</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>NOTICE is hereby given under the provisions of Section 112 of the Intellectual Property Act No. 36 of 2003 that the registration of the mark/collective mark/certification mark applied for under the above-mentioned number on(date) has not been completed within twelve months from the date of receipt of such application by reason of default on the part of the applicant.</p> <p>Unless the required formalities are completed within three months from the date of this notice, the said application will be treated as abandoned.</p> <p>For Director General</p>

FORM 'M 04'

(Regulation 24)

<p>INTELLECTUAL PROPERTY ACT No. 36 OF 2003</p> <p>MARKS</p> <p>PUBLICATION OF REGISTRATION</p>			
<i>Registered Number</i>	<i>Date of application</i>	<i>Registered Owner</i>	<i>Class and goods or services</i>

FORM 'M 05'

(Regulation 25)

INTELLECTUAL PROPERTY ACT NO. 36 OF 2003 MARKS APPLICATION FOR RENEWAL OF REGISTRATION		For official use only Date of receipt :..... Fees paid on :.....
Registered number		
Class		
Registered owner		
Date of application for registration		
Agent, if any		
Removed goods or services from the list, if any		
Fees paid (including surcharge, if applicable)		
Date and Signature of the registered owner/agent		

FORM 'M 06'

(Regulation 26)

INTELLECTUAL PROPERTY ACT NO. 36 OF 2003 MARKS PUBLICATION OF RENEWAL				
Registered Number	Date of Registration	Registered Owner	Class	Removal of goods or Services

FORM 'M 07'

(Regulation 27)

<p>INTELLECTUAL PROPERTY ACT No. 36 OF 2003</p> <p>MARKS</p> <p>APPLICATION FOR ADDITION TO, OR ALTERATION OF, A MARK</p>	<p>For official use only</p> <p>Application received on :</p> <p>Fees paid on :.....</p> <p>Registration No. :.....</p>
<p>Request</p> <p>The registered owner of the mark registered under No.hereby requests the leave to add to/to alter said mark as given herein below</p>	
<p>Representation of mark as added to or altered</p>	
<p>Date :.....</p>	<p>..... Signature of the registered owner/agent.</p>

FORM 'M08'

(Regulation 29(1))

<p>INTELLECTUAL PROPERTY ACT No. 36 OF 2003</p> <p>MARKS</p> <p>APPLICATION FOR RECORDING OF ASSIGNMENT, TRANSMISSION OR LICENSCE CONTRACT</p>	<p>For official use only</p> <p>Date of Registration :.....</p> <p>Fees paid on :.....</p>	
IDENTIFICATION OF THE APPLICATION/MARK		
Application/Registration No.	Filing Date :	
Applicant/owner of the mark :		
Name :		
Address :		
APPLICATION FOR RECORDING ASSIGNMENT, TRANSMISSION OR LICENCE CONTRACT		
The undersigned hereby applies for the recording of the assignment/transmission/licence contract (or the particulars of the licence contract) of the above-identified application/mark.		
New Applicant/Owner/Licensee		
Name :		
Address :		
Postal Address for service, if applicable :		
Telephone number (if any)	Fax number (if any)	E-mail address (if any)
<input type="checkbox"/> A copy of the deed of assignment/transmission accompanies this application. <input type="checkbox"/> A copy of the license contract or the particulars to be recorded are annexed.		
Signature of Applicant/Owner/Agent.		(Place and Date)
Signature of New Owner/Licensee/Agent		(Place and Date)
Agent :		
Name :		
Address :		
Telephone Number :.....	Fax number :.....	E-mail address :.....

FORM 'P01'

(Regulation 32(1))

<p>INTELLECTUAL PROPERTY ACT NO. 36 OF 2003</p> <p>PATENTS</p> <p>APPLICATION FOR REGISTRATION</p>	<p>For office use only</p> <p>Application No. :.....</p> <p>Date of Filing :.....</p> <p>Fees paid on :.....</p>	
I. The registration of the patent as described below is hereby requested		
II. Title of Invention		
III. Applicant		
Name :		
Address :		
Postal address for service, if non-resident in Sri Lanka :		
Residence or principal place of business :		
Telephone Number (if any)	Fax (if any)	E-mail (if any)
IV. Inventor		
Name :		
Address :		
V. Agent (if any)		
Name :		
Address :		
Telephone Number (if any)	Fax (if any)	E-mail (if any)

VI. Basis of Applicant's Right to the Patent (Cross the appropriate box)

- Applicant is the Inventor
- Applicant is the legal representative of inventor
- Applicant is the assignee of the inventor
- Applicant is the owner of the invention which was made
 - while the inventor was in the employment of the applicant.
 - by the inventor in the performance of a contract for the execution of work
- Any other (specify)

A statement specifying in more detail basis of the Applicant's (who is not the inventor) right to the patent accompanies the application (Provide sufficient copies of the statement for all non-applicant inventors)

VII. The declaration of the inventor indicating the willingness to forgo his name being included in the patent is annexed (where applicable)

VIII. Divisional Application (cross the appropriate Box) :

- This Application is a Divisional Application
- The benefit of the filing date of the initial application is claimed in as much as the subject matter of the present application is contained in the initial application identified below :

Initial Application Number :

Date of filing of Initial Application :

IX. Disclosures to be disregarded for prior art purposes :
 (Cross the appropriate box)

- Disclosure was due to acts of applicant or his predecessor in title.
 Date of disclosure :
- Disclosure was due to abuse of rights of applicant or his predecessor in title.
 Date of disclosure :

(A statement specifying in more detail the disclosure should accompany the application)

X. Priority Claim (if any)

The priority of an earlier application is claimed as follows :

Country (if the earlier application is regional or international application indicate those countries for which it was filed)

Filing Date :

Application Number :

If a regional or international application, indicate the national office or inter-Governmental organization with which it was filed.		
Symbol of the International Patent Classification (IPC), if already allocated		
The priority document - Accompanies the application - Will be furnished by		
XI. Search Report (cross the appropriate box) :		
A. An International-type search report furnished by*..... is enclosed herewith <input type="checkbox"/>		
B. An International-type search report has been requested from*..... and will be filed with the Director General within three months from the date of its issue. <input type="checkbox"/>		
C. The Director General is requested to refer this application to a local examiner for a search report of relevant prior art. The prescribed fee is enclosed for this purpose <input type="checkbox"/>		
* Indicate the name of the national, regional or international organization appointed as an International Searching Authority under the Patent Co-operative Treaty (Two copies of the search report must be furnished)		
XII. Date and No. of any application for a patent filed by the applicant abroad, if any, relating to the same or essentially the same invention and the country/countries where the application has been made.		
XIII. The applicant declares that he or his predecessor in title has not obtained a patent abroad before this application was filed relevant to the same or essentially the same invention as that claimed in this application.		
XIV. SIGNATURE OF APPLICANT : DATE :		
XV. Check List (to be checked by the applicant)		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> (A) This application contains the following : 1. Request *..... 2. Description sheets *..... 3. Claims sheets *..... 4. abstract sheets *..... 5. Drawings sheets *..... Total *..... </td> <td style="width: 50%; vertical-align: top;"> (B) This application is accompanied by : 1. A Power of attorney 2. A declaration not to name the inventor in the patent 3. A statement justifying applicant's right to the patent 4. A statement that certain disclosures be disregarded 5. An international-type search report. 6. Priority documents 7. Cash, cheque, money order, bankers draft or postal order for the payment of application fee 8. Examination fee 9. Other documents (specify). </td> </tr> </table>	(A) This application contains the following : 1. Request *..... 2. Description sheets *..... 3. Claims sheets *..... 4. abstract sheets *..... 5. Drawings sheets *..... Total *.....	(B) This application is accompanied by : 1. A Power of attorney 2. A declaration not to name the inventor in the patent 3. A statement justifying applicant's right to the patent 4. A statement that certain disclosures be disregarded 5. An international-type search report. 6. Priority documents 7. Cash, cheque, money order, bankers draft or postal order for the payment of application fee 8. Examination fee 9. Other documents (specify).
(A) This application contains the following : 1. Request *..... 2. Description sheets *..... 3. Claims sheets *..... 4. abstract sheets *..... 5. Drawings sheets *..... Total *.....	(B) This application is accompanied by : 1. A Power of attorney 2. A declaration not to name the inventor in the patent 3. A statement justifying applicant's right to the patent 4. A statement that certain disclosures be disregarded 5. An international-type search report. 6. Priority documents 7. Cash, cheque, money order, bankers draft or postal order for the payment of application fee 8. Examination fee 9. Other documents (specify).	
* The sheets mentioned under 'A' above must be submitted in duplicate.		
XVI. The following is to be filled in by the Director General		
1. Date of actual receipt of the application.		
2. Corrected date of receipt due to later filed papers or drawings completing the application		
3. Date of receipt or time of the required corrections under Article II of the PCT		

FORM 'P 02'

(Regulation 52 (1))

<p>INTELLECTUAL PROPERTY ACT No. 36 OF 2003</p> <p>PATENTS</p> <p>APPLICATION FOR RECORDING OF ASSIGNMENT, TRANSMISSION OR LICENCE CONTRACT</p>	<p>For official use only</p> <p>Date of Registration</p> <p>Fees paid on</p>
--	--

IDENTIFICATION OF THE APPLICATION/PATENT

Application/Patent No. :	Filing Date :
Applicant/Owner of the Patent :	
Name :	
Address :	

APPLICATION FOR RECORDING ASSIGNMENT, TRANSMISSION OR LICENCE CONTRACT

The undersigned hereby applies for the recording of the assignment/transmission/licence contract (or the particulars of the licence contract) of the above-identified application /patent in the Register of Patent.

NEW APPLICANT/OWNER/LICENSEE

Name

Address

Postal Address for Service, if non-resident :

Telephone number (if any)	Fax number (if any)	E-mail address (if any)
---------------------------	---------------------	-------------------------

- A copy of the deed of assignment/transmission accompanies this application.
- A copy of the license contract or the particulars to be recorded are annexed.

..... Signature of Applicant/Owner/Agent (Place and Date)
..... (Signature of New Applicant/Owner/Licensee/Agent) (Place and Date)

Agent, if any :

Name :

Address :

Telephone Number :..... Fax number E-mail address :.....

FORM 'P03'

(Regulation 53)

INTELLECTUAL PROPERTY ACT NO. 36 OF 2003 PATENTS PUBLICATION OF GRANT			
Reg. No.	Filing Date	Regd. Owner	Title of the Invention

FORM 'P04'

(Regulation 54)

INTELLECTUAL PROPERTY ACT NO. 36 OF 2003 PATENTS APPLICATION FOR RENEWAL OF REGISTRATION	For official use only Date of receipt :..... Fees paid on :.....
Registered Number	
Registered Owner	
Date of Application for registration	
Agent, if any	
The extension	
Fees paid (including surcharge, if any)	
Date and signature	

FORM 'IC 01'

(Regulation 55)

<p>INTELLECTUAL PROPERTY ACT NO. 36 OF 2003</p> <p>LAYOUT DESIGN OF INTEGRATED CIRCUIT</p> <p>APPLICATION FOR REGISTRATION</p>	<p>For official use only</p> <p>Application No. :</p> <p>Date of filing :</p> <p>Fees paid on :</p>
<p>Request : The registration of the layout design of integrated circuit described herein below is hereby requested</p>	
<p>The applicant</p>	
<p>Name</p>	
<p>Address</p>	
<p>Postal address for service if resident outside Sri Lanka :</p>	
<p>Tel. No. Fax No. E-mail address..... (if any)</p>	
<p>Nationality of the Applicant</p>	
<p>A brief and precise description of the layout design or integrated circuit : (if the space is not sufficient, please attach extra papers duly numbered).</p>	
<p>Information as to whether the layout design of integrated circuit is commercially exploited in or outside Sri Lanka and the date of first Commercial exploitation, if any</p>	
<p>The particulars establishing the right to the protection</p> <p>(i) the creator (ii) employer (iii) Commissioned work (iv) Any other</p>	
<p>Name, address and tel. No. of the Agent, if any. (Please attach the power of attorney)</p>	
<p>I, being the applicant, declare that the layout design of integrated circuit of which the registration is sought is original in terms of Section 147 of the Act.</p>	
<p style="text-align: right;">..... Signature of the Applicant/Agent.</p> <p>Date :</p>	

FORM 'A 01'

(Regulation 58(8))

<p>INTELLECTUAL PROPERTY ACT NO. 36 OF 2003</p> <p>AGENTS</p> <p>APPLICATION FOR REGISTRATION</p>	<p>For official use only</p> <p>Date of receipt :.....</p> <p>Fees paid on :.....</p>
<p>Applicant</p>	
<p>Name</p>	
<p>Address</p>	
<p>Tel/Fax Nos. and e-mail address</p>	
<p>The qualifications relied on for registration (annex certified copies and other information)</p>	
<p>The applicant requests the registration as an agent and inclusion of his name in the Register of Agents.</p>	
<p>Date :</p>	<p>..... Signature</p>

SECOND SCHEDULE

FEES

<i>Industrial Designs</i>	<i>Rs.</i>
01. Application under Section 33(2)	1000.00
02. Counter statement under Section 33(3)	1000.00
03. Application for registration of a design- A student (schools, technical and other similar Colleges and University undergraduates)	500.00
An Individual	750.00
Others	1000.00
04. For grounds of decision	1000.00
05. With written submissions under Section 40(5)(a)	1000.00
06. Publication under Section 40(6) (per cm 1x cm 1)	500.00
07. Notice of objection under Section 40 (9)	1000.00
08. For inspection of application (To obtain a copy thereof by the creator or a person named as the creator (per page)	100.00
09. (i) For inspection of the register	100.00
(ii) For inspection of the relevant Industrial Design File	100.00
10. (i) For obtaining copies of documents relating to an industrial design- A4 size page or part thereof	100.00
Each additional page or part thereof	50.00
(ii) For a page of document not specified in paragraph (i) above (page or a part of thereof)	50.00
(iii) For obtaining the certified copies of documents referred to in paragraph (i) and (ii) one page	200.00
Every additional (page or a part thereof)	50.00
11. For publication in the Gazette of the registration of the Industrial Design (per 1cm x 1 cm)	100.00
12. For 01st renewal of registration	2000.00
13. for 2nd renewal of registration	4000.00
14. Payment of surcharge for late payment (of renewal fee)	10%
15. (i) For a certificate as to the current status of the registration of a design	500.00
(ii) For the preparation of priority documents	750.00
16. Request to enter name of a new owner by assignment or transmission	1000.00
17. Request to correct clerical error caused by an act of the owner or his agent	100.00
18. Request to enter change of name or address	500.00
19. Application for recording particulars of licence contract or sub-licence or assignment or transmission	1,000.00
20. Application for recording the renunciation, expiration or Termination of a licence contract or Sub-Licence	500.00

Marks

01. Application for registration of each -	
(a) Mark	
(i) individual applicant	1000.00
(ii) Others	3000.00
(b) Collective mark	5000.00
(c) Certification mark	5000.00

	Rs.
02. On application to Director General to state grounds of decision	1000.00
03. On notice of opposition for registration of a mark	2000.00
04. On observations of applicant in answer to notice of opposition	1000.00
05. On the hearing of opposition by applicant and opponent each	1000.00
06. For registration of a mark and issue of certificate	1000.00
07. Upon each entry in the register of a note that mark is associated with a newly registered mark	300.00
08. On application to register a subsequent proprietor/applicant in cases of assignment or transmission.	
(a) For a single mark	2000.00
(b) For every additional mark, the devolution being identical in each case and if made in one application	500.00
09. On application to change the name or address of proprietor/applicant where there has been no alteration of proprietorship ;	
(a) For a single mark	1000.00
(b) For every additional mark, the change being the same in each case and if made in one application	500.00
10. (a) Renewal of registration of a mark -	
(i) individual owner	3000.00
(ii) Others	4000.00
(b) Renewal of a collective and certification mark	5000.00
(c) Surcharge	10% of the fee
11. On application to alter the address of registered proprietor or the licensee -	
(a) For a single mark	1000.00
(b) For every additional mark, the alternation being the same in each case and if made in one application	500.00
12. For every entry in the register or a rectification thereof or an alteration therein not otherwise charged	500.00
13. For canceling the entry or part of the entry of a mark upon the register, on the application of the owner of such mark	500.00
14. On an application to the Director General for leave to add or to alter a mark or collective mark or certification mark	3000.00
and for publication in the Gazette of Mark if leave is granted (1cm x 1 cm)	200.00
15. For inspecting register, application, notice of opposition, observation or decisions or any other document related to documents enumerated above	100.00
16. For obtaining copies of documents relating to all kinds of marks-	
A4 size page or part thereof	100.00
Each additional page or part of thereof	50.00
17. For a page or part thereof of documents not specified in 16 above	50.00
18. For obtaining the certified copies of documents referred to in regulation 16 and 17 above one page	200.00
Every additional page or a part thereof	50.00
19. For publication of mark (per 1cm x 1cm)	100.00
20. Application on request for recording particulars of licence contract or sub licence or assignment or transmission	1000.00
21. Application for recording of expiration or termination of the licence contract	500.00
22. Application for renunciation of the registration of any goods or services for which a mark is registered either wholly or in respect of part of the goods or service and	500.00
For publication in the Gazette of that renunciation of registration (Per 1cm x 1cm)	100.00
23. Application of change in the conditions governing the use of a collective mark or certification mark and	2000.00

Rs.

	For publication in the Gazette of the notification of changes (Per 1cm x 1 cm)	-	100.00
24.	(i) For a certificate as to the current status of the registration of the mark	-	500.00
	(ii) For the preparation of priority documents	-	750.00
25.	(i) For correction of clerical error caused by the owner or his agent	-	500.00
	(ii) Deletion of a mark under Regulation No. 15(2)	-	250.00

Patents

01.	On application for the grant of a patent		
	(i) Students (School, technical and other similar Colleges and University undergraduates)	-	1000.00
	(ii) Individuals	-	2500.00
	(iii) Others	-	6000.00
02.	On request to refer an application to a local examiner	-	1000.00
03.	On inspection by the inventor of the application	-	100.00
04.	For the preparation of an abstract by the Director General	-	3000.00
05.	(i) For obtaining copies of documents relating to a patent- A4 size page or part thereof	-	100.00
	Each additional page or part of thereof	-	50.00
	(ii) For a page of documents not specified in paragraph (i) above (page or a part thereof)		50.00
06.	For obtaining the certified copies of documents referred to in regulation 5(i) and (ii) one page		200.00
	Every additional page or a part thereof	-	50.00
07.	On application for the assignment or transmission of a patent application or patent-		1500.00
08.	On request of recording particulars of -		
	(a) a licence contract or of any assignment, transmission, sub-licence, amendment, renewal	-	1000.00
	(b) Expiration or termination thereof	-	500.00
09.	(i) For an amendment in the application	-	1000.00
	(ii) For the entry of change of name or address	-	500.00
	(iii) For rectification of any clerical error caused by an act of the owner or his agent	-	500.00
	(iv) For a divisional application	-	2500.00
	(v) For any amendment thereof	-	1000.00
	(vi) Any correction as required by Director General under Section 78	-	500.00
10.	For inspection of the register of patents in respect of each patent	-	100.00
11.	For inspection of the file relating to the Patent after the grant of the patent or with the permission of the applicant before the grant	-	100.00
12.	for divulging permissible information before the grant of the patent by the Director-General	-	200.00

13. In order to keep the patent in force

(I)	Students (School, Technical and other Colleges and University Undergraduates)		
	(a) For the first extension	-	1500.00
	(b) For the second extension	-	1500.00
	(c) For the third extension	-	2000.00
	(d) For the fourth extension	-	2500.00
	(e) For the fifth extension	-	3000.00
	(f) For the sixth extension	-	3500.00
	(g) For the seventh extension	-	4000.00

	Rs.
(h) For the eighth extension	- 4500.00
(i) For the ninth extension	- 5000.00
(j) For the tenth extension	- 5500.00
(k) For the eleventh extension	- 6000.00
(l) For the twelfth extension	- 6500.00
(m) For the thirteenth extension	- 7000.00
(n) For the fourteen to eighteen extension (each)	- 7500.00
 (II) Individuals	
(a) For the first extension	- 3000.00
(b) For the second extension	- 3500.00
(c) For the third extension	- 4000.00
(d) For the fourth extension	- 5000.00
(e) For the fifth extension	- 6000.00
(f) For the sixth extension	- 7000.00
(g) For the seventh extension	- 8000.00
(h) For the eighth extension	- 10000.00
(i) For the ninth extension	- 11000.00
(j) For the tenth extension	- 12000.00
(k) For the eleventh extension	- 13000.00
(l) For the twelfth extension	- 14000.00
(m) For the thirteenth extension	- 15000.00
(n) For the fourteen to eighteen extension (each)	- 20000.00
 (III) Others	
(a) For the first extension	- 4000.00
(b) For the second extension	- 5000.00
(c) For the third extension	- 7000.00
(d) For the fourth extension	- 8000.00
(e) For the fifth extension	- 10000.00
(f) For the sixth extension	- 12000.00
(g) For the seventh extension	- 14000.00
(h) For the eighth extension	- 16000.00
(i) For the ninth extension	- 18000.00
(j) For the tenth extension	- 20000.00
(k) For the eleventh extension	- 22000.00
(l) For the twelfth extension	- 23000.00
(m) For the thirteenth extension	- 25000.00
(n) For the fourteen to eighteen extension (each)	- 35000.00
10. Surcharge on the application for extension 10% of the present fee	
11. (i) For a certificate as to the current status of the patent	- 500.00
(ii) For the preparation of priority documents	- 1000.00

Layout Designs of Integrated Circuit

1. Application for registration	- 3000.00
2. Examination of the Register or the related file	- 100.00

	Rs.
3. Application for transfer of application or registration of a layout designs under Section 152(1)	- 2000.00
4. For counter claim under Section 152(2)	- 1000.00
5. For obtaining the copies of documents relating to a layout design one page or part thereof	- 100.00
each additional page or part thereof	- 50.00
6. Certified copies of the documents referred to in regulation No. 5 each page or part thereof	- 200.00
Each additional page or part thereof	- 50.00
7. Registration of assignment, transmission or licence contract or sub licence under Section 153	- 1000.00

Agents

1. Registration of an agent	
(i) Individuals	- 5000.00
(ii) Others	- 10000.00
2. Renewal of registration	
(i) Individuals	- 7500.00
(ii) Others	- 15000.00

(Regulations 3)

THIRD SCHEDULE

INDUSTRIAL DESIGNS

List of Classes for the purpose of Registration of Industrial Designs

Class 01	Foodstuffs
Class 02	Articles of clothing and haberdashery.
Class 03	Travel goods, cases, parasols and personal belongings, not elsewhere specified
Class 04	Brushware
Class 05	Textile piece goods, artificial and natural sheet material
Class 06	Furnishing
Class 07	Household goods, not elsewhere specified
Class 08	Tools and hardware
Class 09	Packages and containers for the transport or handling of goods
Class 10	Clocks and watches and other measuring instruments, checking and signaling instruments.
Class 11	Articles of adornment
Class 12	Means of transport or hoisting
Class 13	Equipment for production, distribution or transformation of electricity
Class 14	Recording, communication or information retrieval equipment
Class 15	Machines, not elsewhere specified
Class 16	Photographic, cinematographic and optical apparatus
Class 17	Musical instruments
Class 18	Printing and office machinery
Class 19	Stationery and office equipment, artists, and teaching materials
Class 20	Sales and advertising equipment, signs
Class 21	Games, toys, tents and sports goods
Class 22	Arms, pyrotechnic articles, articles for hunting, fishing and pest killing
Class 23	Fluid distribution equipment, sanitary, heating, ventilation and air-conditioning equipment, solid fuel.
Class 24	Medical and laboratory equipment
Class 25	Building units and construction elements
Class 26	Lighting apparatus
Class 27	Tobacco and smoker's supplies
Class 28	Pharmaceutical and cosmetic product, toilet articles and apparatus
Class 29	Devices and equipment against fire hazards, for accident prevention and for rescue.
Class 30	Articles for the care and handling of animals
Class 31	Machines and appliances for preparing food or drink, not elsewhere specified
Class 99	Miscellaneous.

(Regulations 16)

FORTH SCHEDULE

CLASSES OF GOODS AND SERVICES FOR THE PURPOSE OF REGISTRATION OF MARKS/CERTIFICATION MARKS/COLLECTIVE MARKS

Goods

- Class 1 Chemical used in industry, science and photography, as well as in agriculture, horticulture and forestry ; unprocessed artificial resins, unprocessed plastics ; manures ; fire extinguishing compositions ; tempering and soldering preparations ; chemical substances for preserving foodstuffs ; tanning substances ; adhesives used in industry
- Class 2 Paints, varnishes, lacquers ; preservatives against rust and against deterioration of wood ; colorants ; mordants ; raw natural resins ; metals in foil and powder form for painters, decorators, printers and artists
- Class 3 Bleaching preparations and other substances for laundry use ; cleaning, polishing, scouring and abrasive preparations, soaps ; perfumery, essential oils, cosmetics, hair lotions, dentifrices
- Class 4 Industrial oils and greases ; lubricants ; dust absorbing, wetting and binding compositions ; fuels (including motor spirit) and illuminants ; candles and wicks for lighting
- Class 5 Pharmaceutical and veterinary preparations ; sanitary preparations for medical purposes ; dietetic substances adapted for medical use, food for babies ; plasters, materials for dressings ; material for stopping teeth, dental wax ; disinfectants ; preparations for destroying vermin ; fungicides, herbicides
- Class 6 Common metals and their alloys ; metal building materials ; transportable buildings of metal ; materials of metal for railway tracks ; non-electric cables and wires of common metal ; ironmongery, small items of metal hardware ; pipes and tubes of metal ; safes ; goods of common metal not included in other classes ; ores
- Class 7 Machines and machine tools ; motors and engines (except for land vehicles) ; machine coupling and transmission components (except for land vehicles) ; agriculture implements other than hand-operated ; incubators for eggs
- Class 8 Hand tools and implements (hand-operated) ; cutlery ; side arms ; razors
- Class 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments ; apparatus and instruments for sound, switching, transforming, accumulating, regulating or controlling electricity ; apparatus for recording, transmission or reproduction of sound or images ; magnetic data carriers, recording discs ; automatic vending machines and mechanisms for coin-operated apparatus ; cash registers, calculating machines, data processing equipment and computers ; fire-extinguishing apparatus
- Class 10 Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth ; orthopedic articles ; suture materials

Class 11	Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes
Class 12	Vehicles ; apparatus for locomotion by land, air or water
Class 13	Firearms ; ammunition and projectiles ; explosives, fireworks
Class 14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes ; jewelry, precious stones ; horological and chronometric instruments
Class 15	Musical instruments
Class 16	Paper, cardboard and goods made from these materials, not included in other classes ; printed mater, bookbinding material ; photographs ; stationery; adhesives for stationery or household purposes ; artists' materials ; paint brushes ; typewrites and office requisites (except furniture) ; instructional and teaching materials (except apparatus) ; plastic materials for packaging (not included in other classes) ; printer's type ; printing blocks
Class 17	Rubber, guuta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes ; plastics in extruded form for use in manufacture ; packing, stopping and insulating materials ; flexible pipes, not of metal
Class 18	Leather and imitations of leather, and goods made of these materials and not included in other classes ; animal skins, hides ; trunks and travelling bags ; umbrellas, parasols and walking sticks ; whips, harness and saddlery
Class 19	Building materials (non-metallic) ; non-metallic rigid pipes for building ; asphals, pitch and bitumen ; non-metallic transportable buildings ; monuments, not of metal
Class 20	Furniture, mirrors, picture frames ; goods (not included in other classes) of wood, cork, reed, cane, wicker, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics and substitutes for horn, bone, ivory and whalebone
Class 21	Household or kitchen utensils and containers (not of precious metal or coated therewith) ; combs and sponges ; brushes (except paint brushes) ; brush-making materials ; articles for cleaning purposes ; steelwool ; unworked or semi-worked glass (except glass used in building) ; glassware, porcelain and earthenware not included in other classes
Class 22	Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes) ; padding and stuffing materials (except of rubber or plastics) ; raw fibrous textile materials
Class 23	Yarns and threads, for textile use
Class 24	Textiles and textile goods, not included in other classes ; bed and table covers
Class 25	Clothing, footwear, headgear

- Class 26 Lace and embroidery, ribbons and braid ; buttons, hooks and eyes, pins and needles ; artificial flowers
- Class 27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors ; wall hangings (non-textile)
- Class 28 Games and playthings ; gymanstic and sporting articles not included in other classes ; decorations for Christmas trees
- Class 29 Meat, fish and poultry ; meat extracts ; preserved, dried and cooked fruits and vegetables ; jellies, jams, compotes ; eggs, milk and milk products ; edible oils and fats
- Class 30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparation made from cereals, bread, pastry and confectionery, ices ; honey, treacle; yeast, baking-powder ; salt, mustard ; vinegar ; sauces (condiments) ; spices ; ice
- Class 31 Agricultural, horticultural and forestry products and grains not included in other classes ; live animals ; fresh fruits and vegetables ; seeds, natural plants and flowers ; foodstuffs for animals ; malt
- Class 32 Beers; mineral and aerated waters and other non-alcoholic drinks ; fruit drinks and fruit juices ; syrups and other preparations for making beverages
- Class 33 Alcoholic beverages (except beers)
- Class 34 Tobacco ; smokers' articles ; matches

Services

- Class 35 Advertising ; business management ; business administration ; office functions
- Class 36 Insurance ; financial affairs ; monetary affairs ; real estate affairs
- Class 37 Building construction ; repair ; installation services
- Class 38 Telecommunications
- Class 39 Transport ; packaging and storage of goods ; travel arrangement
- Class 40 Treatment of materials
- Class 41 Education ; providing of training ; entertainment ; sporting and cultural activities
- Class 42 Scientific and technological services and research and design relating thereto ; industrial analysis and research services ; design and development of computer hardware and software ; legal services
- Class 43 Services for providing food and drink ; temporary accommodation
- Class 44 Medical services ; veterinary services ; hygienic and beauty care for human beings or animals ; agriculture, horticulture and forestry services
- Class 45 Personal and social services rendered by others to meet the needs of individuals ; security services for the protection of property and individuals