CHAPTER 324

INDUSTRIAL PROPERTY

INDUSTRIAL PROPERTY RULES

S.I. 33/1967
S.I. 96/1975
S.I. 70/1983
S.I. 34/2003
S.I. 54/2004

(SECTION 58)

[Commencement 8th June, 1967]

PART I
PRELIMINARY

Citation.

1. These Rules may be cited as the Industrial Property Rules.

Interpretation

Interpretation.

2. (1) In the construction of these Rules, any words herein used the meaning of which is defined by the Act or the Interpretation and General Clauses Act, as amended, shall have the mean-ings thereby assigned to them. Ch. 2.

(2) In these Rules —

"agent" means an agent duly authorised to the satisfaction of the Registrar General;

"Deposit List" means deposit list of designs;

"Office" means the Industrial Property Office of the Registrar General's Department; *S.I. 96/1975.*

"Register" means the register of patents.

(3) Any reference in these Rules to a section or subsection shall be read and construed as a reference to a section or subsection of the Industrial Property Act. *S.I. 96/1975.*

Fees.

3. The fees to be paid in pursuance of the Act shall be the fees specified in the First Schedule to these Rules.

Forms.

4. The forms herein referred to are the forms contained in the Second Schedule to these Rules and such forms shall be used in all cases to which they are applicable and shall be modified as directed by the Registrar General to meet other cases.

Documents

Size, etc., of documents.

5. Subject to any other directions that may be given by the Registrar General in any particular case, all applications, notices, papers having representations affixed, and other documents lodged under the Act or these Rules, other than drawings supplied in connection with applications for Letters Patent, shall be upon foolscap paper of a size approximately 13 inches by 8 inches, on one side only, and shall have on the left hand part thereof a margin of not less than one inch and a half.

Service of documents.

6. Any application, notice or other document sent to the Department by post shall be deemed to have been given, made or filed at the time when the letter containing the document would be delivered in the ordinary course of post.

Address.

7 (1) Every person concerned in any proceedings to which these Rules relate and every patentee and every proprietor of claim for design copyright shall furnish to the Registrar General an address for service in The Bahamas and that address may be treated for all purposes connected with such proceedings or patent or claim for design copyright as the address of the person concerned in the proceedings or the patentee or the proprietor of the claim for design copyright as the case may be.

(2) 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 or of residence (as the case may be) of the person whose address is given.

(3) When a person does not carry on business or reside in a town with streets, the Registrar General may require the address to include all indications which he thinks necessary for the purpose set out in paragraph (2) above.

(4) When a person carries on business or resides in a town where there are streets, the address given shall include the name of the street and the number in the street or name of premises, if any.

Agents

Agents.

8. (1) With the exception of documents mentioned in paragraph (2) and unless the Registrar General otherwise

directs in any particular case all notices, applications or other documents filed under the Act may be signed by and all attendances upon the Registrar General may be made by or through an agent duly authorised to the satisfaction of the Registrar General.

(2) The following documents are excepted from paragraph (1): the authorisation of an agent, an application for a patent or for the grant of a patent of addition in lieu of an independent patent; a claim for design copyright; and an application, request, notice, claim or declaration on any of the following forms, namely Forms numbers 3, 4, 9, 11, 12 and 20.

(3) Where an agent is authorised as aforesaid service upon such agent of any document relating to the matter in respect of which such agent has been authorised 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 matter may be addressed to such agent.

(4) The Registrar General shall not be bound to recognise as such agent any person who has been convicted criminally or struck off the Roll of Counsel and Attorneys or who is an undischarged bankrupt.

PART II
PATENTS

Applications for the Grant of Patents

Form of application. Form 1.

9. (1) An application for a patent shall be made on Form No. 1.

(2) In the case of an application by the assignee of the person claiming to be the true and first inventor there shall be furnished at the time of filing such application or within a period of three months thereafter the declaration required by section 6(2).

(3) An application for the grant of a Patent of Addition in lieu of an independent patent shall be made on Form No. 1 Add.

Form No. 1 Add.

Application by personal representatives.

10. In the case of an application by the personal representative of a deceased person who, immediately before his death, was entitled to make such an application the probate of the will of the deceased, or the letters of administration of his estate, or an official copy of the probate or letters of administration, shall be produced at the Department in proof of the applicant's title to act as personal representative.

Translation of documents.

11. If any specification or other document relating to an application for a patent is in a foreign language, it shall be accompanied by a translation thereof verified by affidavit or otherwise to the satisfaction of the Registrar General.

Application by firm or company.

12. (1) If an application for a patent is made by a firm or partnership it may be signed in the name of or for and on behalf of the firm or partnership by any one or more members thereof.

(2) If the application be made by a body corporate it may be signed by a Director or by the Secretary or other principal officer of such body corporate.

Drawings

To accompany specification.

13. Drawings when supplied shall be furnished in duplicate and shall accompany the specification to which they refer.

Material.

14. (1) Drawings shall be hand-made or reproduced on white, hot-pressed, rolled or calendered strong drawing 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 or, without any intermediary steps on a stereotype.

(2) Mounted drawings may not be used.

Size.

15. (1) Drawings shall be on sheets which measure 13 inches from top to bottom and are either from 8¼ inches to 84 inches or from 16 inches to 16¼ inches wide and a clear margin of half an inch shall be left at the edges of the sheet.

(2) If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets shall be used unless the larger size is required by the size of any one figure.

(3) An exceptionally large figure may be continued on subsequent sheets.

(4) No more sheets shall be employed than are necessary.

(5) The figures shall be numbered consecutively without regard to the number of sheets, and shall as far as possible be arranged in numerical order, separated by a sufficient space to keep them distinct.

(6) Where figures on a number of sheets form in effect a single complete figure, they shall be so arranged that the complete figure can be assembled without concealing any part of another figure.

Draughtsmanship requirements.

16. Drawings shall be prepared in accordance with the following requirements —

(a) they shall be executed in durable very dark markings;

(b) each line shall be firmly and evenly drawn, sharply defined, and of the same strength throughout;

(c) section lines, lines for effect, and shading lines shall be as few as possible and shall not be closely drawn;

(d) shading fines shall not contrast excessively in thickness with the general lines of the drawing;

(e) sections and shading shall not be represented by solid black or washes;

(f) they shall be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine or article may appear as effects this purpose;

(g) if the scale is given, it shall be drawn and not denoted by words, and no dimension may be marked on the drawings;

(h) the figures shall be drawn in an upright position in regard to the top and bottom of the sheet;

(i) reference letters and numerals, and index letters and numerals used in conjunction therewith, shall be bold, distinct and not less than one-eighth of an inch in height, the same letters or numerals shall be used in different views of the same parts, and where the reference letters or numerals are shown outside the parts referred to they shall be connected with the said parts by fine lines.

Marking of drawings.

17. (1) Drawings shall bear —

(a) in the left-hand top corner the name of the applicant;

(b) in the right-hand top corner the number of sheets of drawings sent and the consecutive number of each sheet and the words "original" or "duplicate" as the case may require;

(c) in the right-hand bottom corner the signature of the applicant or his agent.

(2) The title of the invention shall not appear on the drawings.

No descriptive matter on constructional drawings.

18. (1) No descriptive matter shall appear on constructional drawings, but drawings in the nature of flow sheets may bear descriptive matter to show the materials used and the chemical or other reactions or treatments effected in carrying out the invention.

(2) Drawings showing a number of instruments or units of apparatus and their interconnections, either mechanical or electrical, where each such instrument or unit is shown only symbolically, may bear such descriptive matter as is necessary to identify the instruments or units or their interconnections.

(3) No drawing or sketch other than a graphic chemical formula or a mathematical formula, symbol or equation, shall appear in the verbal part of the specification.

Drawings to be unmarked.

19. Drawings shall be delivered at the Department free from folds, breaks or creases which would render them unsuitable for reproduction by photography.

Examiner's fee. *S.I. 96/1975.*

First Schedule.

20. Where the Registrar General refers the application and specification to an examiner under section 10(1), there shall be paid by the applicant the examiner's fee specified at item 2 of the First Schedule.

Divisions and Ante-dating of Applications

Division under section 10(3).

21. (1) Subject to the approval of the Registrar General an applicant may on his own initiative divide his application by limiting the claims of the specification and filing a divisional application or applications in respect of

subject matter which has thus been excluded from the claims, and preserve as the date of each divisional application (and the specification filed in pursuance thereof) the date of the initial application and the benefit of the right of convention priority, if any, and the Registrar General may direct accordingly provided that —

(a) such division is made before the acceptance of the specification;

(b) the filing of the divisional application or applications takes place within two months of effecting the limitation of the claims of the first application;

(c) the application which is sought to be divided is not itself an application which has been divided from another application under section 10(3) of the Act or an application which has been ante-dated under section 10(7) of the Act.

(2) Each divisional application shall be examined in accordance with the provisions of section 10 of the Act, and shall otherwise be proceeded with as a substantive application in accordance with the Act and these Rules.

Ante-dating under section 10(7).

22. (1) Where an applicant has made an application for a patent, and before the acceptance of the specification, makes a fresh application for a patent for matter included in the first mentioned application or the specification filed in pursuance thereof the Registrar General may direct that the fresh application and specification filed in pursuance of that application shall be ante-dated to the date of filing of the first mentioned application if the applicant includes in the fresh application a request to that effect.

(2) The Registrar General may require such amendment of the specification filed in pursuance of either of the said applications as may be necessary to ensure that neither of the said specifications includes a claim for matter claimed in the other.

Request for Post-dating an Application

Post-dating of application.

23. Where an applicant for a patent desires that his application shall be post-dated in pursuance of the provisions of section 10(6) he shall make a request on Form No. 3.

Form 3.

Issue and Form of Patent

Request for issue.
Form 4.

24. A request for the issue of a patent on a application shall be made on Form No. 4.

Extension of time.
Form 5.

25. An application under section 12(2) for the extension of the period for making a request for the issue of a patent shall be made on Form No. 5.

Form of patent.

26. A patent shall be in the Form A or B (whichever is applicable) set out in Part II of the Second Schedule to these Rules or such modification of either of these forms as the Registrar General directs.

Renewal Fees

Payable as from end of 4th year.
Form 6.

27. The prescribed renewal fees shall be paid by filing Form No. 6 before the expiration of the fourth year from the date of a patent and thereafter before the expiration of each successive year during the term of the patent or before the expiration of such extended period as may be allowed upon an application under rule 29.

Payable in advance.

28. All or any of the prescribed annual renewal fees may be paid in advance.

Extension of time.
Form 7.

29. A request for extension of the period for payment of any renewal fee shall be made on Form No. 7.

Certificate of payment.
Form 8.

30. On due compliance with the terms of rule 27 the Registrar General shall issue a Certificate on Form No. 8 that the prescribed fee has been duly paid.

Reminder.

31. 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 General shall send to the patentee or patentees at this or their address for service and 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.

Restoration of Lapsed Patents and Lapsed Applications for Patents (Sections 15 and 16)

Application for restoration of patent. *S.I. 96/1975.* Form 25.

32. An application under section 15 for restoration of a patent shall be made on Form No. 25 and shall be accompanied by evidence in support of the statements made in the application.

Refusal of application. *S.I.. 96/1975.*

33. (1) If upon consideration of the evidence, the Registrar General is not satisfied that a *prima facie* case for an order under section 15 has been made out, he shall notify the applicant accordingly and, unless within one month the applicant requests to be heard in the matter, the Registrar General shall refuse the application.

(2) If the applicant requests a hearing within the time allowed, the Registrar General after giving the applicant an opportunity of being heard, shall determine whether the application may proceed to advertisement or whether it shall be refused.

Notice of opposition. *S.I. 96/1975.* Form 26.

34. (1) At any time within two months of the advertisement of the application under section 15(4), any person may give notice of opposition thereto on Form No. 26.

(2) Such notice shall be accompanied by a copy thereof and shall be supported by a statement (in duplicate) setting out fully the nature of the opponent's interests and the facts upon which he relies.

(3) A copy of the notice and of the statement shall be sent by the Registrar General to the applicant.

Applicant's counter-statement. *S.I. 96/1975*

35. If the applicant desires to proceed with his application, he shall, within three months of the receipt of such copies, file a counter-statement setting out fully the grounds upon which the opposition is contested and deliver to the opponent a copy thereof.

Opponent's filing of evidence. *S.I. 96/1975.*

36. The opponent may, within three months from the receipt of the copy of the counter-statement, file evidence in support of his case and shall deliver to the applicant a copy of the evidence.

Applicant's evidence and opponent's evidence in reply. *S.I 96/1975.*

37. Within three months from the receipt of the copy of the opponent's evidence, or, if the opponent does not file any evidence, within three months from the expiration of the time within which the opponent's evidence might have been filed, the applicant may file evidence in support of his case and shall deliver to the opponent a copy of the evidence; and within three months from the receipt of the copy of the applicant's evidence, the opponent may file evidence confined to matters strictly in reply and shall deliver to the applicant a copy of the evidence.

Further evidence. *S.I. 96/1975*

38. No further evidence shall be filed by either party except by leave or direction of the Registrar General.

Copies of documents to be supplied. *S.I 96/1975.*

39. (1) Copies of all documents referred to in the notice of opposition or in any statement or evidence filed in connection with the opposition, authenticated to the satisfaction of the Registrar General, shall be furnished (in duplicate) for the Registrar General's use unless he otherwise directs. Such copies shall accompany the notice, statement or evidence in which they are referred to.

(2) Where a specification or other document in a foreign language is referred to, a translation thereof, verified by statutory declaration or otherwise to the satisfaction of the Registrar General, and one additional copy of the translation, shall also be furnished.

Hearing. *S.I. 96/1975.*

40. (1) On completion of the evidence (if any) or at such time as he may see fit, the Registrar General shall appoint a time for the hearing of the case, and shall give the parties at least 14 days' notice of the appointment.

Form 10.

(2) If either party desires to be heard, he shall notify the Registrar General on Form No. 10 and the Registrar General may refuse to hear either party who has not filed the said form prior to the date of the hearing.

(3) If either party intends to refer at the hearing to any publication not already mentioned in the proceedings, he shall give to the other party and to the Registrar General at least ten days' notice of his intention, together with details of each publication to which he intends to refer.

(4) After hearing the party or parties desiring to be heard or if neither party desires to be heard, then, without a hearing, the Registrar General shall decide the case and notify his decision to the parties.

Decision favourable to applicant. *S.I. 96/1975.* Form 27. Form 6.

41. If the Registrar General decides in favour of the applicant, he shall notify him accordingly and require him to file Form No. 27 together with Form No. 6 accompanied by fees to the amount of the unpaid renewal fees.

Protection of other persons. *S.I. 96/1975.*

42. In every order of the Registrar General under section 16 restoring a patent the following provision shall be inserted for the protection of persons who have begun to avail themselves of the patented invention between the date when the patent ceased to have effect and the date of the application —

"(1) No action or other proceeding shall be commenced or prosecuted nor any damage recovered in respect of any manufacture use or sale of the invention the subject of the patent in the interim period as hereinafter defined by any person not being a licensee under the patent at the date when it ceased to have effect, the ..... who after such date and before the ..... the date of the application has made, used, exercised or sold the invention the subject of the patent or has manufactured or installed any plant, machinery or apparatus claimed in the specification of the patent or for carrying out a method or process so claimed. Any such person shall be deemed to have so acted with the licence of the patentee and shall thereafter be entitled to continue to make, use, exercise or sell the invention, without infringement of the patent to the extent hereinafter specified that is to say —

(a) In so far as the specification of the patent claims an article (other than plant, machinery or apparatus or part thereof as specified under head (b) hereof) and any article so claimed has been manufactured by him during the said interim period, that particular article may at all times be used or sold.

(b) In so far as the specification claims any plant, machinery or apparatus or part thereof for the production of an article, then any particular plant, machinery or apparatus or part thereof so claimed, which has been manufactured or installed by him during the said interim period, and the products thereof, may at all times be used or sold and so that in the event of any such plant, machinery, apparatus or part thereof

being impaired by wear or tear or accidentally destroyed a like licence shall extend to any replacement thereof and to the products of such replacement.

(c) In so far as the specification claims any process for the making or treating of any article or any method or process of testing, any particular plant, machinery or apparatus which during the said interim period has been manufactured or installed by him or exclusively or mainly used by him for carrying on such method or process may at all times be so used or continue to be so used and the products thereof may at all times be used or sold and so that in the event of any such plant, machinery or apparatus being impaired by wear and tear or accidentally destroyed a like licence shall extend to such method or process when carried on in any replacement of such plant, machinery or apparatus and to the products of the process so carried on.

(2) In paragraph (1) "the interim period" means the period between the date when the patent ceased to have effect and the date of the order."

Application for sealing of patent. *S.I. 96/1975* Form 28.

43. An application under section 18 for sealing of a patent shall be made on Form No. 28 and shall be accompanied by evidence in support of the statements made in the application.

Refusal of application. *S.I. 96/1975.*

44. (1) If upon consideration of the evidence, the Registrar General is not satisfied that a *prima facie* case for an order under section 16 has been made out, he shall notify the applicant accordingly and unless within one month from that notification the applicant requests to be heard in the matter, the Registrar General shall refuse the application.

(2) If the applicant requests a hearing within the time allowed, the Registrar General, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed to advertisement or whether it shall be refused.

Notice of opposition. *S.I. 96/1975.* Form 29.

45. (1) At any time within two months of the advertisement of an application under section 18(3) any person may give notice of opposition thereto on Form No. 29.

(2) Such notice shall be accompanied by a copy thereof and shall be supported by a statement (in duplicate), setting out fully the nature of the opponent's interest and the facts upon which he relies.

(3) A copy of the notice and statement shall be sent by the Registrar General to the applicant.

Procedure upon opposition. *S.I. 96/1975.*

46. Upon notice of opposition being given, rules 35 to 40 shall apply.

Decision for applicant. *S.I. 96/1975.*

47. If the Registrar General decides in favour of the applicant, he shall notify the applicant accordingly and require him to file Form No. 30 together with Form No. 4.

Protection of other persons. *S.I. 96/1975.*

48. In every order of the Registrar General under section 16 for the sealing of a patent the same provision shall be inserted for the protection of persons who have begun to avail themselves of the invention between the time allowed by or under section 12 for making the prescribed request for sealing expired and the date of the application for an order for sealing, as are specified in rule 42 for the protection of persons who have begun to avail themselves of a patented invention between the date when the patent ceased to have effect, and the date of the application for restoration, there being substituted for references to the date when the patent ceased to have effect references to the date when the time allowed by or under section 12 for making the request for sealing expired.

Revocation of Patent by the Registrar General

Application for revocation. Form 9.

49. (1) An application for the revocation of a patent under section 25 shall be made on Form No. 9 and shall be accompanied by a copy thereof, and a statement (in duplicate) setting out fully the facts upon which the applicant for revocation relies and the relief which he seeks.

(2) A copy of the application and of the statement shall be sent by the Registrar General to the patentee.

Counter-statement.

50. If the patentee desires to contest the application , he shall within three months of the receipt of such copies file a counter-statement setting out fully the grounds upon which the application is contested and deliver to the applicant for revocation a copy thereof.

Evidence in support of application.

51. The applicant for revocation may, within three months from the receipt of the copy of the counter-statement, file evidence in support of his case and shall deliver to the patentee a copy of the evidence.

Evidence in support of patentee's case and evidence in reply.

52. Within three months from the receipt of the copy of the evidence of the applicant for revocation or, if the applicant for revocation does not file any evidence, within three months from the expiration of the time within which such evidence might have been filed, the patentee may file evidence in support of his case and shall deliver to the applicant for revocation a copy of the evidence; and within three months from the receipt of the copy of the patentee's evidence, the applicant for revocation may file evidence confined to matters strictly in reply and shall deliver to the patentee a copy of the evidence.

Further evidence.

53. No further evidence shall be filed by either party except by leave or direction of the Registrar General.

Hearing.

54. (1) On completion of the evidence (if any) or at such other times as he may see fit, the Registrar General shall appoint a time for the hearing of the case and shall give the parties at least 14 days notice of the appointment.

(2) If either party desires to be heard, he shall notify the Registrar General on Form No. 10 and the Registrar General may refuse to hear either party who has not filed the said form prior to the date of hearing.

Form 10.

(3) After hearing the party or parties desiring to be heard or, if neither party desires to be heard, then without a hearing, the Registrar General shall decide the case and notify his decision to the parties.

Directions to Co-owners

Directions under section 24(5).

Form 11.

55. (1) An application for directions under section 24(5) by a co-grantee or co-proprietor of a patent shall be made on Form No. 11 and shall be accompanied by a statement setting out fully the facts upon which the applicant relies and the directions which he seeks.

(2) A copy of the application and of the statement shall be sent by the Registrar General to each other person registered as grantee or proprietor of the patent and the applicant shall supply a sufficient number of copies for that purpose.

(3) Thereafter the Registrar General may give such directions as he may think fit with regard to the subsequent procedure.

Directions under section 24(6).

Form 12.

56. (1) An application for directions under section 24(6) by a co-grantee or co-proprietor of a patent shall be made on Form No. 12, and shall be accompanied by a copy thereof, and a statement setting out fully the facts upon which the applicant relies, and the directions which he seeks.

(2) A copy of the application and of the statement shall be sent by the Registrar General to the person in default.

(3) Thereafter the Registrar General may give such directions as he may think fit with regard to the subsequent procedure.

Register of Patents

Entry on Register.

57. (1) Upon the making of an application for a patent, the Registrar General shall cause to be entered in the register the name, address and nationality of the applicant, the title of the invention, the date of the application together with the address for service, and subsequently the date of issue of a patent upon the application.

(2) The Registrar General may at any time enter in the Register such other particulars as he may deem necessary.

PART III
DESIGNS

Deposit of Claims for Design Copyright

Claim for design copyright.
Form 13.

58. (1) A claim for design copyright in a design shall be made on Form No. 13 and shall be signed by the person claiming to be proprietor thereof.

Translation of documents.

(2) If any document relating to a claim for design copyright is in a foreign language, it shall be accompanied by a translation thereof verified by affidavit or otherwise to the satisfaction of the Registrar General.

Separate claims for each article in respect of features of shape or configuration.

59. Where it is desired to claim design copyright for features of shape or configuration in respect of more than one article, a separate claim shall be made in respect of each article.

Deposit of representations or specimens.

60. There shall be deposited in connection with each claim for design copyright three identical representations of the design in a form satisfactory to the Registrar General or at the Registrar General's option three specimens.

Representation requirements.

61. Each representation of the design shall be upon paper of the size prescribed by rule 5 and not on cardboard, and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall where possible be on one and the same sheet, and each shall be designated perspective view, front view, side view, plan or otherwise as the case may be.

Drawings or tracings.

62. When the representations furnished are drawings or tracings, they shall be in ink, and if on tracing cloth or tracing paper shall be mounted on paper of the size prescribed by rule 5.

Words, letters or numerals.

63. Where words, letters or numerals appear in the design, the Registrar General may require the insertion in the claim for design copyright of a disclaimer of any right to their exclusive use.

Repeating patterns.

64. Each representation of a design which consists of a repeating surface pattern shall 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.

Royal and other arms, etc.

65. Where a portrait of Her Majesty or of any member of the Royal Family or a reproduction of the armorial bearings, insignia, orders of chivalry, decorations or flags of any country, city, borough, town, place, society, body corporate, institution or person appears on a design, the Registrar General, before entering a claim for design copyright in respect thereof in the Deposit List, shall, if he so requires, be furnished with a consent to the use of such portrait or reproduction from such official or other person as appears to the Registrar General to be entitled to give consent, and in default of such consent he may refuse to enter the claim for design copyright in the Deposit List.

Representations of living person or person recently dead.

66. Where the name of portrait of a living person appears on a design, the Registrar General shall be furnished, if he so requires, with consent from such person before entering a claim for design copyright in respect thereof in the Deposit List. In the case of a person recently dead the Registrar General may call for consent from his personal representative before entering in the Deposit List a claim for design copyright in a design on which the name or portrait of the deceased person appears.

Convention Claims

Claims based on applications in convention country.

67. (1) A claim for design copyright made under section 65 shall contain a declaration that the application for protection in a convention country upon which the applicant relies is the first application made in a convention country in respect of the design whether by the applicant or by any person of whom he claims to be the personal representative or assignee, and shall specify the convention country in which such foreign application was made, or is to be deemed under section 65(4) to have been made, the official date thereof and the number thereof.

(2) In addition to the representations or specimens deposited with every convention claim for design copyright, there shall be deposited with the claim or within three months thereafter, a copy of the representation of the design filed or deposited in respect of the first application for protection in a convention country, duly certified by the official chief or head of the appropriate office of the convention country or otherwise verified to the satisfaction of the Registrar General.

Certificate of Deposit

Certificate of deposit.
Form C.
Second Schedule.

68. The certificate of deposit of a claim for design copyright shall be in the Form C set out in Part II of the Second Schedule to these Rules and may be modified as directed by the Registrar General.

Extension of Period of Design Copyright

Extension.

Form 14.

69. An application for extension of the period of design copyright for a further period of five years shall be made on Form No. 14.

Reminder.

70. At any time not less than one month before the date when any fee payable for an extension of the period of design copyright will become due in respect of any design, the Registrar General shall send to the proprietor at his address for a service a notice reminding him of the date when such fee will become due and of the consequences of non-payment thereof.

Enlargement of time.

Form 15.

71. A request for an enlargement of time for payment of any fee payable for an extension of the period of design copyright shall be made on Form No. 15.

Cancellation of deposit.

Form 16.

72. Where the proprietor of claim for design copyright in a design desires to cancel the deposit of his claim, he shall make the application on Form No. 16.

PART IV
GENERAL RULES RELATING TO PATENTS AND DESIGNS

Register of Patents and Deposit List

Registration of Assignments.

73. An application for the registration of the title of any person becoming entitled by assignment transmission or operation of law to a patent or a share in a patent or to a claim for design copyright in a design or a share in such claim shall be made by the person becoming so entitled on Form No. 17.

Form 17.

Registration of mortgages, licences.

74. An application for the registration of the title of any person becoming entitled by virtue of a mortgage or licence to an interest in a patent or to an interest in a claim for design copyright in a design shall be made by the person becoming so entitled on Form No. 18.

Form 18.

Registration of other interests.

Form 19.

75. Application may be made on Form No. 19 for entry in the Register or Deposit List respectively of any other document purporting to affect the proprietorship of a patent or a claim for design copyright.

Request for alteration.

76. (1) A request by a patentee or a proprietor of a claim for design copyright for the alteration of name, nationality or address or address for service entered in the Register or the Deposit List in respect of a patent or a claim for design copyright shall be made on Form No. 20.

Form 20.

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

(3) If the Registrar General is satisfied that the request may be allowed, he shall cause the Register of Patents or the Deposit List, as the case may be, to be altered accordingly.

Documents to accompany applications under Rules 73, 74.

77. (1) An official or certified copy of a document which is referred to in an application under Rule 73 or Rule 74 and is a matter of record in The Bahamas shall be produced to the Registrar General with the application.

(2) Unless the Registrar General otherwise directs, the original of any other document so referred to shall be produced to him with the application and a certified copy of any such document shall be filed.

Payment of fees to be noted on Register.

78. Upon the issue of a certificate of payment under rule 30, the Registrar General shall enter in the Register of Patents the fact that the fee has been paid and the date of payment as stated on the certificate.

Correction of Clerical Errors

Request for correction.

79. A request for the correction of a clerical error in an application for a patent or in any document filed in pursuance of such an application or in any patent or in the Register of Patents or in any claim for design copyright or in any representation of a design or in the Deposit List of Designs shall be made on Form No. 21.

Form 21.

Advertisement.

80. Where the Registrar General requires notice of the nature of the proposed correction to be advertised, the advertisement shall be made by publication of the request and the nature of the proposed correction in the journal and in such other manner (if any) as the Registrar General may direct.

Opposition.

81. (1) Any person may, at any time within one month from the date of the advertisement in the journal, give notice to the Registrar General of opposition to the proposed correction on Form No. 22.

Form 22.

(2) Such notice shall be accompanied by a copy thereof and shall be supported by a statement (in duplicate) setting out fully the nature of the opponent's interest, the facts on which he relies, and the relief which he seeks.

(3) A copy of the notice and of the statement shall be sent by the Registrar General to the person making the request and thereafter the provisions of rules 49 to 54 shall apply.

Hearing.

82. Where in accordance with section 49 a hearing is appointed, at least fourteen days notice of the appointment shall be given to the patentee or the applicant for a patent and to any other person to whom notice of the proposed correction has been given by the Registrar General.

Certificates

Request for certificate.

83. A request for a certificate of the Registrar General for the purpose of Section 52(1) shall be made on Form No. 23.

Certified copies.

84. Certified copies of an entry in the Register of Patents or in the Deposit List or certified copies of or extracts from patents, specifications, claims for design copyright, and other public documents in the Department or of or from registers and other records kept there, may be furnished by the Registrar General on payment of the fees prescribed in the First Schedule to these Rules.

Evidence before Registrar General

Form of affidavit.

85. (1) The affidavits required by these Rules 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.

(2) Every affidavit shall state the description and true place of abode of the person making the same, and shall be written, typed, lithographed or printed.

Swearing of affidavit.

86. The affidavits shall be made and subscribed as follows —

(a) In The Bahamas, before any justice of the peace, magistrate, notary public, the Registrar General or other officer by law authorised to administer an oath for the purposes of any legal proceeding;

(b) In the United Kingdom and other Realms and Territories of Her Majesty, before any court, judge, justice of the peace or any commissioner or other officer authorised by law to administer an oath for the purpose of any legal proceeding;

(c) If made out of Her Majesty's Realms and Territories, before a British minister, or person exercising the functions of a British minister or a consul, vice-consul or other person exercising the functions of a British consul, or a notary public, or before a judge or magistrate.

Proof of attestation.

87. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by the last foregoing rule to take an affidavit, in testimony that the affidavit was made and subscribed before him, may be admitted by the Registrar General without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the affidavit.

Further documents, etc

88. At any stage of any proceedings before the Registrar General, he may direct that such further documents, information or evidence as he may require shall be furnished within such period as he may fix.

Hours of Business and Excluded Days

Excluded days.

89. (1) The following shall be excluded days for purposes of the transaction by the public of business of all classes under the Act: all public holidays, all Saturdays and all Sundays.

(2) Days which may, from time to time, be notified by a notice posted in a conspicuous place in the Department shall he excluded days for purposes of the transaction of business of all classes or such class or classes as may be specified in the notice.

Closing time. *S.I. 96/1975.*

90. The Department shall be deemed to be closed at 4:30 p.m. for the filing of applications, forms and other documents and for all other business.

Applications to and Orders of Court

Applications to Court.

91. Where an application to the Court under section 51 for rectification of the Register or the Deposit List has

been made, the applicant shall forthwith serve an office copy of the application on the Registrar General, who shall enter a notice of the application on the Register or Deposit List as the case may be.

Order of Court.

92. Where any order has been made by the Court under the Act revoking a patent or cancelling the deposit of a claim for design copyright or allowing a patentee to mend his specification or affecting the validity or proprietorship of a patent or a claim for design copyright or any rights thereunder, the person in whose favour such order has been made shall file Form No. 24 accompanied by an office copy of such order and thereupon the specification shall be amended or the Register or Deposit List rectified or altered as the case may be.

General

Discretion.

93. Except as otherwise provided in these Rules before exercising any discretionary power given to him by the Act or these Rules adversely to any person, the Registrar General shall give at least ten days' notice to that person of the time when he may be heard.

Power to cure irregularities.

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

Extension of time.

95. Except as otherwise provided by these Rules, the times prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be extended by the Registrar General if he thinks fit, upon such notice to the parties and upon such terms, as he may direct, and such extension may be granted although the time has expired for doing such act or taking such proceeding.

Power of dispensation.

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

FIRST SCHEDULE (Rule 3)

LIST OF FEES PAYABLE

S.I. 70/1983
S.I. 34/2003
S.I. 54/2004

		$	Corresponding Form
1.	On application for a patent.	90.00	1
2.	On examination pursuant to Section 10(1).	75.00	
3.	On application for grant of patent of addition in lieu of an independent patent.	27.00	1 Add
4.	On request for the post-dating of an application under Section 10(6).	15.75	3
5.	On a request for the issue of a patent.	40.00	4
6.	On application for extension of the period for requesting the issue of a patent under Section 12(2):		
	Not exceeding one month	10.75	5
	Not exceeding two months	22.50	5
	Not exceeding three months	33.75	5
7.	On application for certificate of payment of renewal fee:		
	Before the expiration of the 4th year from the date of the patent and in respect of the 5th year	50.00	6
	Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	60.00	6
	Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	80.00	6
	Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	90.00	6
	Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	100.00	6
	Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	120.00	6
	Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	140.00	6

		$	Corresponding Form
	Before the expiration of the 11th year from the date of the patent and in respect of the 12th year	150.00	6
	Before the expiration of the 12th year from the date of the patent and in respect of the 13th year	160.00	6
	Before the expiration of the 13th year from the date of the patent and in respect of the 14th year	170.00	6
	Before the expiration of the 14th year from the date of the patent and in respect of the 15th year	190.00	6
	Before the expiration of the 15th year from the date of the patent and in respect of the remainder of the terms of the patent.	200.00	6
8.	On extension of the period for payment of renewal fees:		
	Not exceeding one month	10.75	7
	Not exceeding two months	22.50	7
	Not exceeding three months	33.75	7
	Not exceeding four months	45.00	7
	Not exceeding five months	56.25	7
	Not exceeding six months	67.50	7
9.	Certificate of Payment of Renewal Fee.	—	8
10.	On application for revocation of a patent under Section 23.	15.75	9
11.	On hearing by Registrar-General by each party.	10.75	10
12.	On application under Section 24(5) for directions of Registrar-General.	27.00	11
13.	On application under Section 24(6) for directions of Registrar-General.	27.00	12
14.	On deposit of claim for Design Copyright per article.	14.00	13
15.	On application for extension of copyright under Section 36(2) for second period.	27.00	14

		$	Corresponding Form
16.	On application for extension of copyright under Section 36(2) for third period.	45.00	14
17.	On request for enlargement of time for payment of fee for extension of copyright:		
	Not exceeding one month	2.25	15
	Not exceeding two months	4.50	15
	Not exceeding three months	6.75	15
	Not exceeding four months	9.00	15
	Not exceeding five months	13.50	15
	Not exceeding six months.	18.00	15
18.	On application by proprietor for cancellation of design of claim for design copyright.	1.50	16
19.	On application for entry of name of subsequent proprietor in the Register or Deposit List if made within six months from date of acquisition of proprietorship:	6.00	17
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship.	13.50	17
	If made after the expiration of twelve months from date of acquisition of proprietorship.	15.75	17
	On each application covering more than one patent or claim for design copyright the devolution of title being the same as in the first. For each additional patent or claim for design copyright.	0.75	17
20.	On application for entry of notice of a mortgage or licence in the Register or Deposit List if made within six months from date of acquisition of interest, or in the case of a patent, the sealing of the patent (whichever is the later).	6.00	18
	If made after expiration of six months but within twelve months from date of acquisition of interest or, in the case of a patent, the sealing of the patent (whichever is the later).	13.50	18

		$	Corresponding Form
	If made after expiration of twelve months from the date of acquisition of interest or, in the case of a patent, of the sealing of the patent (whichever is the later).	15.75	18
	On each application concerning more than one patent or claim for design copyright the devolution of title being the same as in the first. For each additional patent or claim for design copyright.	0.75	18
21.	On application for entry of notification of a document in the Register or Deposit List if made within six months from the date of document, or, in the case of a patent, the sealing of the patent (whichever is the later).	6.00	19
	If made after expiration of six months but within twelve months from date of document or, in the case of a patent, the sealing of the patent (whichever is the later).	13.50	19
	If made after expiration of twelve months from date of document or, in the case of a patent, the sealing of the patent (whichever is the later).	15.75	19
	On each application covering more than one patent or claim for design copyright, for each additional patent or claim for design copyright referred to in the same document as the first patent or claim for design copyright.	0.75	19
22.	For altering name or nationality or address or address for service in Register or Deposit List. For each patent or claim for design copyright.	4.50	20
23.	On request to Registrar General to correct a clerical error.	6.00	21
24.	On notice of opposition to the correction of a clerical error.	12.00	22

		$	Corresponding Form
25.	For Certificate of Registrar General under Section 2(1).	6.00	23
26.	For office copy of patent or claim for design copyright.	3.00	—
27.	For certifying office copies, Mss., printed or photographic, each per page.	3.00	—
28.	On notice of Order of Court.	3.00	24
29.	On application under Section 15 for restoration of patent.	90.00	25
30.	On notice of opposition to application for restoration of a patent.	60.00	26
31.	Additional fee on restoration of a patent.	90.00	27
32.	On application under Section 16 for sealing of patent.	90.00	28
33.	On opposition to application under Section 16.	60.00	29
34.	Additional fee for sealing under Section 16.	90.00	30

SECOND SCHEDULE (Rule 4)

PART I

FORM 1

APPLICATION FOR PATENT

/Fee Stamp Item 1/ INDUSTRIAL PROPERTY ACT (*To be accompanied by two copies of Form 2*)

1. I/We [1] ..... hereby make application for a patent for the invention described in the accompanying specification (and drawings) and entitled [2]... .....

[1] Insert in full, name, address and nationality of applicant(s).
[2] Insert title of invention.

2. I/We claim to be entitled to make this application on the ground that I am/we are (I am/we are the personal representative(s) of) [3] —

(i) the true and first inventor(s) of the invention.

(ii) the Assignee(s) of [4] ..... who claim(s) to be the true and first inventor(s) in respect of the right to make this application(s) by virtue of [5]..... .....

(iii) the person(s) by whom an application for protection of the invention in a convention country has been made as stated in paragraph 3 of this application.

(iv) the assignee(s) of the person(s) by whom an application for protection of the invention in a convention country has been made as stated in paragraph 3 of this application.

3. I/We hereby declare that (an) application(s) for protection for the said invention or a part thereof has(ve) been made in the following country(ies) on the following date(s) namely —

in [6]		on [7](h)
by [8]	under number [9]	
in [10]		on.[11](h)
by [12]	under number [13]	

and that the said application or each of the said applications was the first application in a convention country.

4. I/We request that the patent may be granted with such priority of claims as is stated in the accompanying specification as an independent patent /a patent of addition to Patent No. ..... / the patent to be granted on Application No .....

5. And I/we request that all notices, requisitions and communications relating to this application may be sent to ..... at (r) ..... who is/are hereby appointed to act for me/us.

Dated this ..... day of ..... 19 .....

Signature(s) [14] .....

[3] Delete what is inapplicable.

[4] Here state the name.

[5] Insert particulars of assignment or other document.

[6] Insert the name of the Convention country in which the first application was made.

[7] Insert the official date of the first application in a Convention country.

[8] Insert name of applicant(s) and/if not included at (a)/ address and nationality.

[9] Insert number of application in the Convention country.

[10] Insert the name of the Convention country in which the first application was made.

[11] Insert the official date of the first application in a Convention country.

[12] Insert name of applicant(s) and/if not included at (a)/ address and nationality.

[13] Insert number of application in the Convention country.

[14] The form of consent set out below must be signed or a consent in similar terms filed within three months /Rule 9(2)/.

Declaration to be signed by any person named as inventor who is not an applicant.

I/We assent to the making of this application.

List of documents accompanying this application.

N.B. Delete where not applicable or required.

FORM 1 Add

APPLICATION FOR THE GRANT OF A PATENT OF ADDITION IN LIEU OF AN INDEPENDENT PATENT

/Fee Stamp Item 2/ INDUSTRIAL PROPERTY ACT

[15](a) I/We ..... hereby request that patent No. ..... of which I am/we are the patentee(s) be revoked and that in lieu thereof a patent of addition to Patent No. ..... of which I am/we are also the patentee(s) be granted to me/us, such patent of addition to bear the same date as the patent so revoked.

[16] .....

.....

.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 2

SPECIFICATION

INDUSTRIAL PROPERTY ACT

(To be furnished in duplicate)

[17] .....

[18] I/We .....do hereby declare the invention for which I/we request that a patent may be granted to me/us, and the method by which it is to be performed to be particularly described in and by the following statement:

[15] State full name, address and nationality of patentee or patentees.
[16] To be signed by patentee(s).
[17] Insert title of invention.
[18] State if full name, address and nationality of applicant or applicants as in application form.

[19] .....

What I/we claim is [20] [21] .....

.....

Signed: .....

NOTE: The claims must relate to a single invention, must be clear and succinct and must be fairly based on the matter disclosed in the specification.

FORM 3

REQUEST FOR THE POST-DATING OF AN APPLICATION UNDER SECTION 10(6)

/Fee Stamp Item 3/ INDUSTRIAL PROPERTY ACT

I/We hereby request that application No .... filed on the ....day of ..... 19 ..... be deemed to have been made on the following date, namely the ..... day of ..... 19 .....

[22] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 4

REQUEST FOR THE ISSUE OF A PATENT

/Fee Stamp Item 4/ INDUSTRIAL PROPERTY ACT

I/We [23] .... request that a patent may be sealed on my/our Application No. ..... and that the following ..... may be entered on the Register as my/our address for service —

[19] Here begin full description of invention. The continuation of the specification should be upon paper of the same size as this Form on one side only with lines well spaced and with a margin of 1½ inches on the left hand part of the paper.

[20] Hereafter should be written the claim or claims numbered consecutively.

[21] Set out in parenthesis after each claim the priority date which is claimed in respect of such claim.

[22] To be signed by the applicant(s).

[23] State name(s) of applicant(s).

[24] .....

[25] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 5

APPLICATION UNDER SECTION 12(2) FOR EXTENSION OF THE PERIOD FOR MAKING A REQUEST FOR ISSUE OF A PATENT

/Fee Stamp Item 5/ INDUSTRIAL PROPERTY ACT

I/We hereby apply for ..... month extension of the period for making a request for the issue of a patent upon Application No. .....

[26] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 6

PAYMENT OF RENEWAL FEE

/Fee Stamp Item 6/ INDUSTRIAL PROPERTY ACT

I/We [27] ..... hereby transmit the fee prescribed for the continuation in force of .....

[28] .....

Patent No ..... for a further period of ..... and request that the Certificate of Payment may be sent to me/us at

[29] .....

.....

[24] The address must be within The Bahamas.
[25] Signature(s) of applicant(s).
[26] Signature(s).
[27] State name and address of person(s) tendering fee.
[28] Here insert name of patentee(s).
[29] Here insert full address.

NOTE: If the address given above is not that entered in the Register of Patents as the Patentee's address for service and it is desired to amend the entry in the Register application therefor must be made on Form No. 20.

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 7

REQUEST FOR EXTENSION OF THE PERIOD FOR PAYMENT OF RENEWAL FEE

/Fee Stamp Item 7/ INDUSTRIAL PROPERTY ACT

I/We hereby apply for an extension of ..... month(s)of the period prescribed for payment of the renewal fee of ..... upon Patent No. .....

[30] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 8

CERTIFICATE OF PAYMENT OF RENEWAL FEE

INDUSTRIAL PROPERTY ACT

Letters Payment No. .....

This is to certify that ..... did this day of ..... 19 ..... make the prescribed payment of $ ..... in respect of a period of ..... from .....

The Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

[30] State name and full address to which reply is to be sent.

FORM 9

APPLICATION UNDER SECTION 23 FOR THE REVOCATION OF A PATENT

/Fee Stamp Item 9/ INDUSTRIAL PROPERTY ACT

(*To be accompanied by a copy and a statement of ease in duplicate*)

I/We [31] ..... hereby apply for an Order for the revocation of Patent No . ..... on the ground that the invention, the subject of the application for the said patent, or a part thereof was obtained from me/us.

Communications should be sent to .... at [32] ..... [33] who is/are hereby appointed to act for me/us.

[34] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Office,
Nassau,
Bahamas.

FORM 10

NOTICE THAT HEARING BEFORE THE REGISTRAR GENERAL WILL BE ATTENDED

/Fee Stamp Item 10/ INDUSTRIAL PROPERTY ACT

I/We [35] ..... hereby give notice that the Hearing fixed for the [36] ..... in reference to [37] ..... will be attended by myself/ourselves or by some person on my/our behalf.

[31] State full name and address.
[32] The address must be within The Bahamas.
[33] Delete if not applicable.
[34] To be signed by applicant(s).
[35] State name and address.
[36] Insert date of hearing.
[37] Give particulars (i.e. number of patent names of parties and nature of proceedings).

[38] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 11

APPLICATION FOR DIRECTIONS UNDER SECTION 24(5)

/Fee Stamp Item 11/ INDUSTRIAL PROPERTY ACT

(*To be accompanied by a statement of case and by copies of the application and statement as required by rule 55*)

I/We [39] .....
.....hereby apply far the following directions in respect of Patent No. ..... [40] .....

Communications should be sent to .....
at [41] .....
who is/are hereby appointed to act for me/us.

[42] .....

To the Registrar General,
Industrial Property Office,
Registrar General Office,
Nassau,
Bahamas.

FORM 12

APPLICATION FOR DIRECTIONS UNDER SECTION 24(6)

/Fee Stamp Item 12/ INDUSTRIAL PROPERTY ACT

(*To be accompanied by a copy and a statement of case in duplicate*)

I/We [43] .....hereby apply for directions in respect of the failure of [44] .....
.....to comply with the Directions of the Registrar General

[38] Signature.
[39] State name and address.
[40] State the directions sought.
[41] The address must be within The Bahamas.
[42] To be signed by the patentee seeking directions.
[43] State name and address of patentee or joint patentee.
[44] State name of person in default.

given under section 24(5) on the ..... in the following matter [45] .....

Communications should be sent to ....at [46] ..... who is/are hereby appointed to act for me/us.

[47] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 13

CLAIM FOR DESIGN COPYRIGHT

/Fee Stamp Item 13/ INDUSTRIAL PROPERTY ACT

I/We [48] ..... hereby claim to be the proprietor(s) of the copyright in the design shown in the accompanying representations and to be entitled to design copyright therein [49].

The article which is the subject of the design (the article/ articles to which the design is to be applied) [50] is/are: .....

The features of the design for which originality is claimed are [51] [52] Application for protection of the design has been made in [53] .....under number [54] ..... on the following date, *viz*. [55] .....

[45] State the Directions sought.
[46] The address must be within The Bahamas.
[47] To be signed by the patentee.
[48] Here insert in full the name and address of the claimant or claimants.
[49] If the application is based upon an application in a Convention country and the applicant is not the person who made the application in that country, the words "by virtue of" followed by particulars of the instrument under which he claims should be inserted here.
[50] Delete whichever is inapplicable.
[51] Here set out a statement of the original features of the design referring to the representation and indicating whether copyright is claimed in the whole or part of the design shown in the representation and if in part, indicating which part or parts and whether copyright is claimed in shape, configuration, pattern or ornament.
[52] Delete whichever is inapplicable.
[53] Here insert the name of the Convention country in which the first application was made.
54 Insert number of application in the Convention country.
55 Insert the official date of the first application in a Convention country.

Such application is the first application in a Convention country in respect of the design, whether by the applicant(s) or by any person of whom he/they claim(s) to be the legal representative(s) or assignee(s) and I/We request that this deposit shall take effect as of the date [56] .....

My/Our address for service in The Bahamas is .....
.....
[57]
.....

Dated this ..... day of ..... 19 .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

N.B. Three identical representatives of the design should accompany this form.

FORM 14

APPLICATION FOR EXTENSION OF DESIGN
COPYRIGHT IN A DESIGN
FOR A FURTHER PERIOD OF FIVE YEARS

/Fee Stamp Item 14 or 15/ INDUSTRIAL PROPERTY ACT

I/We hereby apply for the extension of the period of copyright under Claim for Design Copyright No ..... for a second/ third period of five years [58] .....
.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

.....

/This part of the Form to be filled in at the Industrial Property Office/

CERTIFICATE OF EXTENSION OF DESIGN COPYRIGHT IN A DESIGN FOR A FURTHER PERIOD OF FIVE YEARS

This is to certify that ..... did this ..... day of ..... make application and

[56] Insert the official date of the first application in a Convention country.
[57] Signature(s) of proprietor(s).
[58] Here insert name and full address to which certificate is to be sent.

pay the prescribed fee for the extension of copyright in Claim for Design Copyright No. ..... and that the copyright is hereby extended for a second/third period of five years until the ..... day of ..... 19 .....

(Seal) ..... Industrial Property Office, Nassau.

FORM 15

REQUEST FOR ENLARGEMENT OF TIME FOR PAYMENT OF FEE FOR EXTENSION OF DESIGN COPYRIGHT IN A DESIGN

/Fee Stamp Item 16/ INDUSTRIAL PROPERTY ACT

I/We hereby request ..... month(s) enlargement of time within which payment of the fee of $ ..... for the extension of the period of copyright in Claim for Design Copyright No. ..... may be made. [59] .....
.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 16

APPLICATION BY PROPRIETOR OF CLAIM FOR DESIGN COPYRIGHT TO CANCEL DEPOSIT

/Fee Stamp Item 17/ INDUSTRIAL PROPERTY ACT

Claim for Design Copyright No. .....

Name of Proprietor(s) .....

Address(es) .....

I/We the undersigned hereby apply that the deposit of Claim for Design Copyright No. ..... may be cancelled.

...../Signature(s)/

Dated this ..... day of ..... 19 .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

[59] Here insert name and full address to which receipt is to be sent.

FORM 17

APPLICATION FOR ENTRY OF NAME OF PROPRIETOR OR CO-PROPRIETOR IN THE REGISTER OF PATENTS/ THE DEPOSIT LIST OF DESIGNS

/Fee Stamp Item 18/ INDUSTRIAL PROPERTY ACT

I/We [60] .... hereby apply that you will enter my/our name(s) in the Register of Patents/Deposit.

List of Designs as proprietor/co-proprietor(s) of Patent/Claim for Design Copyright No. ..... at present registered/entered in the name of [61] [62] .....

I/We claim to be so entitled by virtue of [63] .....

And in proof whereof I/We transmit the accompanying [64] ..... with a certified copy thereof.

My/Our address for service in The Bahamas is .....

[65] .....

[66] .....

DELETE WHICHEVER IS INAPPLICABLE

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

[60] Insert full name, address and nationality.

[61] Give name of Registered Proprietor/Proprietors of Design.

[62] If the application is in respect of more than one patent, or claim for design copyright, the numbers thereof as well as the particulars required at (b) above, should be given in a separate schedule which should be attached to this form.

[63] Specify the particulars of such document giving its date and the parties to the same and showing how the claim here made is substantiated.

[64] Insert the nature of the document. The certified copy should be written, typewritten or printed on foolscap paper on one side only.

[65] Signature(s).

[66] State in what capacity the signatory(ies) is/are acting.

FORM 18

APPLICATION UNDER SECTION 50(2) BY MORTGAGOR OR LICENSOR FOR ENTRY OF NOTICE OF A MORTGAGE OR LICENCE IN THE REGISTER OF PATENTS/THE DEPOSIT LIST OF DESIGNS

/Fee Stamp Item 19/ INDUSTRIAL PROPERTY ACT

I/We [67] ..... hereby apply that you will enter in the Register of Patents/Deposit List of Designs a notice of the following interest in a patent(s) claims) for design copyright.

I/We claim to be entitled [68] ..... to any interest in patent/claim for design copyright No.[69] ..... at present registered/entered in the name(s) of [70] ..... by ..... virtue of [71] .....

And in proof whereof I/we transmit the accompanying [72] with a certified copy thereof.

My/Our address for service in The Bahamas is .....
.....

[73].....

DELETE WHICHEVER IS INAPPLICABLE

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

[67] Insert full name, address and nationality of the party benefiting under the document.

[68] Specify the particulars of the document, giving its nature, date and the parties to the same.

[69] If the application is in respect of more than one patent, or claim for design copyright, the numbers thereof as well as the particulars required at (b) above, should be given in a separate schedule which should be attached to this form.

[70] The certified copy should be written, typewritten or printed on foolscap paper on one side only.

[71] State name(s) of registered proprietor(s).

[72] Signature(s).

[73] State in what capacity the signatory(ies) is/are acting.

FORM 19

APPLICATION FOR ENTRY OF NOTIFICATION OF DOCUMENT IN REGISTER OF PATENTS/DEPOSIT LIST OF DESIGNS

/Fee Stamp Item 20/ INDUSTRIAL PROPERTY ACT

I/We [74] ..... Transmit the accompanying [75] (together with a certified copy thereof) [76] affecting the proprietorship of Patent/Claim for Design Copyright No.[77] ..... at present registered in the name(s) of [78] and request that a notification thereof may be entered in the Register of Patents/Deposit List.

[79] .....

[80] .....

DELETE WHICHEVER IS INAPPLICABLE.

To the Registrar General,

Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 20

REQUEST FOR ALTERATION OF A NAME OR NATIONALITY OR AN ADDRESS OR AN ADDRESS FOR SERVICE IN THE REGISTER OF PATENTS/DEPOSIT LIST OF DESIGNS

/Fee Stamp Item 21/ INDUSTRIAL PROPERTY ACT

In the matter of Patent/Claim for Design Copyright No. .....

[74] Insert full name, address and nationality of the party benefiting under the document.

[75] Specify the particulars of the document, giving its nature, date and the parties to the same.

[76] The certified copy should be written, typewritten or printed on foolscap paper on one side only.

[77] If the application is in respect of more than one patent, or claim for design copyright, the numbers thereof as well as the particulars required at (b) above, should be given in a separate schedule which should be attached to this form.

[78] State name(s) of registered proprietor(s).

[79] Signature(s).

[80] State in what capacity the signatory(ies) is/are acting.

I/We [81] ..... hereby request that the name/nationality /address/address for service now upon the Register of Patents/ Deposit List of Designs may be altered to [82] .....

[83] .....

DELETE WHICHEVER IS INAPPLICABLE

NOTE: Where the request is for alteration in a name or nationality, evidence of the alteration may be required.

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 21 (Section 49)

REQUEST FOR CORRECTION OF CLERICAL ERROR

/Fee Stamp Item 22/ INDUSTRIAL PROPERTY ACT

I/We [84] ..... hereby request that the clerical error(s) in the [85] ..... relating to application for patent/specification/claim for design copyright No .....

indicated in red ink in the annexed copy of the said [86] ..... or shown as follows —..... may be corrected.

Communications should be sent to .... at [87] ..... [88] who is/are hereby appointed to act for me/us.

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

[81] State full name and address of applicant(s).
[82] Insert name, nationality, address or address for service as the case may be.
[83] Signature(s) of applicant(s).
[84] State full name(s) and address(es).
[85] State whether in application for patent, specification, entry in register, claim for design copyright, representation of a design, entry in deposit list or the particular relevant document.
[86] State whether in application for patent, specification, entry in register, claim for design copyright, representation of a design, entry in deposit list or the particular relevant document.
[87] The address must be within The Bahamas.
[88] Delete if not applicable.

FORM 22

NOTICE OF OPPOSITION TO THE CORRECTION OF A CLERICAL ERROR

/Fee Stamp Item 23/ INDUSTRIAL PROPERTY ACT

(*To be accompanied by a copy, and a statement of case in duplicate*)

I/We [89]..... 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 —

Communications should be sent to .... at [90] ..... [91] who is/are hereby appointed to act for me/us.

[92] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 23

REQUEST FOR CERTIFICATE OF REGISTRAR GENERAL

/Fee Stamp Item 24/ INDUSTRIAL PROPERTY ACT

Patent/Application for Patent/Claim for Design Copyright No. ..... of 19 .....

I/We..... ..... of ..... hereby request you to furnish me/us with your Certificate to the effect that [93] .... [94] ....

[89] State full name and address.
[90] The address must be within The Bahamas.
[91] Delete if not applicable.
[92] Signature(s).
[93] Here set out the Particulars which the Registrar General 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.
[94] Name and full address to which Certificate is to be sent.

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 24

APPLICATION FOR ENTRY OF ORDER OF COURT IN THE REGISTER OR DEPOSIT LIST

/Fee Stamp Item 27/ INDUSTRIAL PROPERTY ACT

I/We [95] ..... hereby transmit an office copy of an order of the Court with reference to [96] ..... [97] .....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 25

APPLICATION UNDER SECTION 15 FOR THE RESTORATION OF A PATENT

/Fee Stamp Item 28/ INDUSTRIAL PROPERTY ACT

(*To be accompanied by evidence verifying the statements in this application*)

I/We [98] .....
.....
.....
.....
hereby apply for an order for restoration of Patent No .....

The circumstances which led to the failure to pay the renewal fee of [99] ..... on or before [100].....

[95] State full name and address of applicant or applicants.
[96] State the purport of the Order.
[97] Signature(s).
[98] State name and address of applicant(s).
[99] State the amount of fee.
[100] State date when fee due.

are as follows [101] .....
.....
.....
Communications should be sent to .....
.....
.....
at [102] .....
.....
[103] who is/are hereby appointed to act for me/us.
[104] .....
.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 26

NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 15 FOR THE RESTORATION OF A PATENT

/Fee Stamp Item 29/ INDUSTRIAL PROPERTY ACT

(To be accompanied by a copy, and a statement of case in duplicate)

I/We [105] .....
.....
hereby give notice of opposition to the application for restoration of Patent No. .....
for the following reason: .....
Communications should be sent to .....
.....
at [106] .....
[107](c) who is/are hereby appointed to act for me/us.
[108] .....

To the Registrar General,
Industrial Property Office.
Registrar General's Department.
Nassau,
Bahamas.

[101] The circumstances must be stated in detail.
[102] The address must be in The Bahamas.
[103] Delete if not applicable.
[104] To be signed by the applicant(s).
[105] State name and address of opponent(s).
[106] The address must be within The Bahamas.
[107] Delete if not applicable.
[108] Signature(s) of opponent(s).

FORM 27

ADDITIONAL FEE ON AN APPLICATION UNDER SECTION 15 FOR THE RESTORATION OF A PATENT

/Fee Stamp Item 30/ INDUSTRIAL PROPERTY ACT

I/We .....
.....
.....
the applicant(s) for the restoration of Patent No ..... hereby transmit the prescribed additional fee together with FORM NO. 6 in respect of the unpaid renewal fee(s).

[109] .....
.....
.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 28

APPLICATION UNDER SECTION 18 FOR THE SEALING OF A PATENT

/Fee Stamp Item 31/ INDUSTRIAL PROPERTY ACT

(*To be accompanied by evidence verifying the statements made in this application*)

I/We [110].....
.....
.....
the applicant(s) for a patent numbered ..... hereby apply for an order for a patent to be sealed thereon. The circumstances which lead to the failure to make the prescribed request for sealing on or before the [111] ..... are as follows [112] .....
.....
.....

[109] Signature(s) of applicant(s).
[110] State name and address of applicant(s).
[111] State date when request was due.
[112] The circumstances must be stated in detail.

Communications should be sent to .....
.....
..... at [113] .....
.....
[114](e) who is/are hereby appointed to act for me/us.

[115] .....

.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

FORM 29

NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 18 FOR SEALING OF A PATENT

/Fee Stamp Item 32/ INDUSTRIAL PROPERTY ACT

(*To be accompanied by a copy and a statement of case in duplicate*)

I/We [116] .....
.....
hereby give notice of opposition to the application for the sealing of a patent on Application No. ..... for the following reasons —

.....
.....

Communications should be sent to .....
.....
.....at [117] .....
.....
[118](c) who is/are hereby appointed to act for me/us.

[119] .....

.....

.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

[113] The address must be within The Bahamas.
[114] Delete if not applicable.
[115] Signature(s) of applicant(s).
[116] State name and address of opponent(s).
[117] The address must be within The Bahamas.
[118] Delete if not applicable.
[119] Signature(s) of opponent(s).

FORM 30

ADDITIONAL FEE ON AN APPLICATION UNDER SECTION 18 FOR THE SEALING OF A PATENT

/Fee Stamp Item 33/ INDUSTRIAL PROPERTY ACT

I/We [120] ..... the applicant(s) for the sealing of a patent on Application No. ..... hereby transmit the prescribed fee, together with Form No. 4 bearing the fee prescribed in respect of the making of the request for sealing.

[121] .....

.....

.....

To the Registrar General,
Industrial Property Office,
Registrar General's Department,
Nassau,
Bahamas.

PART II

FORM A

FORM OF PATENT

ELIZABETH the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith: To all to whom these presents shall come, greeting:

WHEREAS ..... (hereinafter referred to as the patentee) has made a request to the Registrar General of our Bahama Islands that a patent may be granted to the patentee in respect of an invention for.....

AND WHEREAS the patentee has declared the true and first inventor thereof to be.....

AND WHEREAS the specification has particularly described the invention.

AND WHEREAS We, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request.

[120] State name and address of applicant(s).
[121] Signature(s) of applicant(s).

KNOW YE THEREFORE, that We, of our special grace, certain knowledge, and mere motion do by these presents, for Us, our heirs and successors, give and grant unto the patentee our especial licence, full power, sole privilege and authority, that the patentee may subject to the conditions and provisions prescribed by any statute or order for the time being in force have the sole and exclusive right to make, use, exercise and vend the said invention within our Bahamas Islands, and to authorise others so to do during the term of sixteen years from the date hereunder written of these presents: AND to the end that the patentee may have and enjoy the sole and exclusive right as aforesaid. We do by these presents for Us, our Heirs and successors, strictly command all our subjects whatsoever within our Bahamas islands that they do not at any time during the continuance of the said term either directly make use of or put in practice the said invention nor in anywise imitate the same in infringement of the sole and exclusive right hereby granted to the patentee on pain of being answerable according to law for such infringement:

PROVIDED ALWAYS that these letters patent shall be revocable on any of the grounds from time to time by law prescribed as grounds for revoking letters patent granted by US, and the same may be revoked and made void accordingly: 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, We do by these presents for Us, our heirs and successors, grant unto the patentee that these Our letters patent shall be construed in the most beneficial sense for the advantage of the patentee.

IN WITNESS whereof We have caused these Our letters to be made patent as of the ..... day of ..... One thousand nine hundred and ..... and to be sealed.

X X

Here is to be inserted the name of the Registrar General.

.....

Registrar General.

Seal of

Industrial Property Office.

FORM B

FORM OF PATENT ADDITION

ELIZABETH the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other

Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith: To all to whom these presents shall come, greeting:

WHEREAS ..... (hereinafter referred to as the patentee) has made a request to the Registrar General of our Bahama Islands that a patent may be granted to the patentee in respect of an invention for .....

AND WHEREAS the patentee has declared the true and first inventor thereof to be .....

AND WHEREAS the patentee has requested that the patent may be granted as a patent of addition to patent No ..... dated the..... day of ..... 19 .....

(hereinafter referred to as the main patent):

AND WHEREAS the specification has particularly described the invention:

AND WHEREAS We, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request:

KNOW YE THEREFORE, that We, of our especial grace, certain knowledge, and mere motion do by these presents, for Us, our heirs and successors, give and grant unto the patentee our especial licence, full power, sole privilege and authority, that the patentee may subject to the conditions and provisions prescribed by any statute or order for the time being in force have the sole and exclusive right to make, use, exercise and vend the said invention within our Bahamas Islands, and to authorise others so to do during the term beginning on the date hereunder written of these presents and ending at the expiration of sixteen years from the .....day of ..... One thousand nine hundred and ..... , the date of the main patent: AND to the end that the patentee may have and enjoy the sole and exclusive right as aforesaid; We do by these presents for Us, our heirs and successors, strictly command all our subjects whatsoever within our Bahama Islands 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 nor in anywise imitate the same in infringement of the sole and exclusive right hereby granted to the patentee on pain of being answerable according to law for such infringement:

PROVIDED ALWAYS that these letters patent shall be revocable on any of the grounds from time to time by law prescribed as grounds for revoking letters patent granted by Us, and the same may be revoked and made void accordingly: 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, We do by these presents for Us, our heirs and successors, grant unto the patentee that these Our letters patent shall be construed in the most beneficial sense for the advantage of the patentee.

IN WITNESS whereof We have caused these Our letters to be made patent as of the ..... day of ..... One thousand nine hundred and ..... and to be sealed.

X X

Here is to be inserted the name of the Registrar General.

.....

Registrar General.

Seal of

Industrial Property Office.

FORM C

FORM OF CERTIFICATE OF DEPOSIT

Claim for Design Copyright No

THIS IS TO CERTIFY THAT on the ..... day of ..... 19 ....., in pursuance of and subject to the provisions of the Industrial Property Act a claim for design copyright in the design, of which a representation/specimen is annexed was deposited by ..... in respect of the application of such Design to ..... (Under the provisions of Section 65(1) of the Act the said deposit has been accorded the date the ..... day of ..... 19 .....).

X X

Here is to be inserted the name of the Registrar General.

.....

Registrar General.

Seal of

Industrial Property Office.