

**SUBSIDIARY LEGISLATION
APPOINTMENT NOTICE**

Under Section 4

The Minister has appointed –

- (i) the Registrar General to be Registrar of Patents;
- (ii) the Assistant Registrar General to be Deputy Registrar of Patents.

PATENTS TRIBUNAL RULES

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PATENTS TRIBUNAL RULES

Under Section 81

PRELIMINARY

G.N.
252/1957(F)
5/1964(M)
232/1965
166/1967

1. These Rules may be cited as the Patents Tribunal Rules.

2. In these Rules, unless inconsistent with the context:-

Citation.

“Office” means the Patent Office

Interpretation.

“Chairman” means the Chairman of the Patents Tribunal;

“Tribunal” means the Patents Tribunal

**PART I
APPEALS**

3. (1) Any person who desires to appeal to the Tribunal from a decision of the Registrar of Patents in any matter in which a right of appeal is given under the Act shall, within three months after the date of the decision, file with the registrar of the Tribunal a notice in form PT No. 1.

Entry of appeal.

(2.) A notice of appeal shall state the nature of the decision appealed against and whether the appeal is from the whole or part only and, if so, what part of the decision, and shall be accompanied by a statement in writing of the appellant’s grounds of appeal.

(3.) The appellant shall send a copy of the notice of appeal to the Registrar of Patents and to any person or persons who appeared or gave notice of opposition in the proceedings before the said Registrar.

(4.) The appellant shall be responsible for the preparation of the record which shall be certified by the Registrar of Patents as correct in terms of sub-rule (7).

(5.) The Registrar of Patents as well as the parties or their legal practitioners shall endeavour to exclude from the record all documents (more particularly such as are purely formal) that are not relevant to the subject matter of the appeal, and generally to reduce the bulk of the record as far as practicable, and to avoid the production of unnecessary exhibits, taking special care to avoid the duplication of documents and the unnecessary repetition of headings, and furnish merely the formal particulars of documents, but the documents omitted to be copied shall be enumerated in a list to be placed after the index or at the end of the record.

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- (6.) The Registrar of Patents, after consultation with the register of the Tribunal, shall direct the number of copies of the record to be prepared, having regard to whether or not one or more assessors are likely to sit upon the hearing of the appeal.
- (7.) After the completion of the preparation of the record the Registrar of Patents shall certify the record to be correct and forward it to the registrar of the Tribunal together with such copies thereof as he has directed to be prepared in terms of sub-rule (6).
- 4.** (1) Any application for an extension of time in which to appeal shall be in form PT No. 2 and shall state briefly the grounds upon which the application is based and where facts are alleged such facts shall be verified by affidavit. **Application for an extension of time in which to appeal.**
- (2) The application accompanied by supporting documents shall be delivered to the registrar of the Tribunal and copies shall forthwith be served by the appellant on the Registrar of Patents and on any person or persons who appeared or gave notice of opposition in the proceedings before the said Registrar.
- (3) The respondent shall be entitled to file an affidavit in reply within fourteen days from the date of service or within such longer period as may be ordered by the Tribunal, and the Tribunal may permit further affidavits to be filed. Copies of such affidavits shall be served on the Registrar of Patents and on the appellant or the respondent, as the case may be, immediately after the affidavits are filed.
- 5.** (1) The registrar of the Tribunal shall, after obtaining directions from the Chairman, give to the Registrar of Patents, to the appellant and to any opposing party not less than fourteen days' notice of the time and place appointed for the hearing of the appeal, unless the Chairman directs that shorter notice shall be given. **Notice of hearing**
- (2) In any case where the setting down of the hearing of an appeal has been delayed any party may apply to the registrar of the Tribunal to fix a date for the hearing, and thereupon the registrar of the Tribunal, after consulting any other party and the Chairman, shall set down the appeal for hearing after having given to the Registrar of Patents and to any other party not less than fourteen days' notice or such shorter notice of the time and place appointed for the hearing of the appeal as directed by the Chairman.
- (3) If in the opinion of the registrar of the Tribunal an appeal is not being prosecuted timeously he may lay the matter before the Chairman for directions and, if the Chairman is satisfied that the parties do not intend or are unable to proceed with the appeal, he may direct that the parties attend before him to show cause why the appeal should not be dismissed.

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- 6.** Subject to section 75(4) of the Act the evidence used on appeal to the Tribunal shall be the same as that used before the Registrar of Patents and no further evidence shall be given, except with the leave of the Tribunal. **Evidence.**
- 7.** The Tribunal may, at the request of any party, order the attendance at the hearing for the purpose of cross-examination of any person who has given evidence in the matter to which the appeal relates. **Attendance of witnesses.**
- 8.** (1) Subject to section 77 of the Act any party may, at any time before the hearing of an appeal, apply to the Tribunal for an order that any opposing party shall, within such time, in such amount and in such manner as the Tribunal directs, give security for the payment of any costs which such opposing party may be ordered to pay. **Security on appeal.**
- (2) The party applying for an order for security for costs shall serve upon the opposing party a copy of the notice of the application for security at least seven days before the date of the hearing thereof.
- (3) Any party ordered to give security for costs in terms of this rule may apply to the Tribunal for an order extending the time within which any security is to be given, and shall give not less than four days' notice of such application to the other party.
- (4) In the event of the security not being given or being only partly given within the time directed by the Tribunal or any extension thereof, all proceedings in the appeal shall be deemed to be stayed, unless the Tribunal otherwise orders, and the appeal shall be set down for such order, whether of dismissal or otherwise, as the Tribunal may think fit.
- 9.** (1) An appellant may at any time abandon his appeal by giving notice of abandonment in form PT No. 3 to the registrar of the Tribunal and upon such notice being given the appeal shall be deemed to have been dismissed by the Tribunal. **Abandonment or failure to prosecute appeal.**
- (2) The appellant shall serve a copy of the notice of abandonment on the respondent and on the Registrar of Patents.
- (3) The respondent may, upon receipt of such notice, apply to the Tribunal for an order in respect of any costs incurred by him.
- 10.** If it appears to the Tribunal that any notice of appeal against a decision of the Registrar of Patents discloses grounds of appeal which are frivolous or vexatious and that the appeal can be determined without a hearing, the Tribunal may dismiss the appeal summarily without calling on any person to attend the hearing of such appeal. **Frivolous or vexatious appeals.**

PART II
APPLICATIONS AND OPPOSITIONS

- 11.** (1) Subject to section 64 of the Act an application to the Tribunal under section 30 of the Act for an order extending the term of a patent shall be made in form PT No. 4 and shall be filed with the Registrar of Patents after the applicant has duly advertised his application in two consecutive issues of the *Gazette* and notified in writing the registered licensee or patentee, as the case may be, of the advertisement.
- (2) The application shall state the period of the extension which is sought and shall be supported by evidence setting out fully the facts upon, such evidence being filed either with the application or at any time within three months from the date thereof.
- (3) At any time within two months from the date of the second advertisement of the application in the *Gazette* any person may give notice of opposition.
- (4) Such notice shall be in form PT No. 5 and shall be accompanied by a statement setting out fully the nature of the objector's interest, the grounds of opposition and the relief which he seeks and evidence of the facts upon which he relies.
- (5) Within two months from the receipt of the notice of opposition the applicant may file evidence confined to matters strictly in reply and shall serve on the objector a copy of the evidence. Proof of service must be furnished to the satisfaction of the Registrar of Patents.
- (6) An objector shall be entitled at his own expense to be supplied with a copy of the application and of any evidence filed in support thereof.
- (7) When this rule has been complied with to the extent herein required, the Registrar of Patents shall hand all relevant papers to the registrar of the Tribunal.
- 12.** (1) An application under section 38 of the Act for a licence under a patent shall be made in form PT No. 6 and shall be filed with the Registrar of Patents.
- (2) The application shall set out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief he seeks and shall be accompanied by an affidavit verifying the facts set out therein.
- (3) The applicant shall serve copies of the application and of the relevant affidavit upon the patentee and upon any other person appearing from the register to be interested in the patent, and he shall advertise the application in one issue of the *Gazette* in such form as may be approved by the Registrar of Patents.

Application for extension of patent.

Application for compulsory licence in respect of patents relating to food or certain other commodities.

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- (4) At any time within two months from the date of the advertisement the patentee or any other person who wishes to oppose the application shall deliver to the Registrar of Patents a counterstatement, verified by affidavit, setting out fully the grounds upon which the application is opposed, and shall at the same time serve upon the applicant a copy of the counterstatement and of such affidavit. Proof of service shall be furnished to the satisfaction of the said Registrar.
- (5) When this rule has been complied with to the extent herein required, the Registrar of Patents shall hand all relevant papers to the registrar of the Tribunal.

13. (1) Any reference to the Tribunal under section 42 of the Act by a party to a dispute (hereinafter referred to as “the Claimant”) shall be made in form PT No. 7 and shall be filed with the Registrar of Patents.

**Dispute as to
Government use.**

- (2) The claimant shall by affidavit verifying the facts upon which he relies and shall state fully the nature of his interest in the matter in dispute and the relief which he seeks.
- (3) The claimant shall serve a copy of his claim and of the relevant affidavit upon the other party to the dispute.
- (4) The other party shall within two months from the date of receipt of such copy deliver to the Registrar of Patents a counterstatement, verified by affidavit, setting out fully the nature of his interest and the facts upon which he relies, and shall at the same time serve upon the claimant a copy of the counterstatement and of such affidavit.
- (5) Proof of service shall be furnished to the satisfaction of the Registrar of Patents.
- (6) When this rule has been complied with to the extent herein required, the Registrar of Patents shall hand al relevant papers to the registrar of the Tribunal.
- (7) Any party to the dispute may at any time during the proceedings under this rule make application to the Tribunal for an order for the hearing of oral evidence, and the Tribunal shall make such order as it deems fit.

14. (1) An application for the revocation of a patent under section 50 of the Act shall be made in form PT No. 8 and shall be filed with the Registrar of Patents.

**Revocation of
patent.**

- (2) The applicant shall serve copies of the application upon the patentee and shall advertise the application in one issue of the *Gazette* in such form as may be approved by the Registrar of Patents.

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- (3) The period within which a counterstatement may be lodged by the patentee shall be two months from the date of receipt by him of the application. If such counterstatement is not lodged within the said period, opposition to the application shall be deemed to be abandoned.
 - (4) The applicant may within two months from the receipt of the copy of the counterstatement file evidence in support of his case and shall serve on the patentee a copy thereof.
 - (5) Within two months from the receipt of the copy of the applicant's evidence or, if the applicant does not file any evidence, within two months from the expiration of the time within which the applicant's evidence might have been filed, the patentee may file evidence in support of his case and shall serve on the applicant a copy of the evidence; and within two months from the receipt of the copy of the patentee's evidence the applicant may file evidence confined to matters strictly in reply and shall serve on the patentee a copy of the evidence.
 - (6) No further evidence shall be filed by either party except by leave or direction of the Tribunal.
 - (7) Proof of service of all notices, statements or other documents referred to in this rule shall be furnished to the satisfaction of the Registrar of Patents.
 - (8) When this rule has been complied with to the extent herein required, the Registrar of Patents shall hand all relevant papers to the registrar of the Tribunal.
- 15.** An application for the rectification of the register under section 60 of the Act shall be made to the Tribunal in form PT No. 9 and a copy thereof shall be served on the Registrar of Patents and on any other person appearing from the register to be interested in the patent. **Rectification of register.**
- 16.** (1) When the registrar of the Tribunal has received from the Registrar of Patents the papers or written proceedings in relation to any application or other matter made to the Tribunal under the Act or in matters where applications to the Tribunal are not required to be transmitted through the said Registrar, he shall, after taking directions from the Chairman, appoint a time and place for the hearing of the case, and shall give the parties at least fourteen days' notice of the appointment. **Hearing applications.**
- (2) After hearing the party or parties desiring to be heard or, if none of the parties desires to be heard, then without a hearing, the Tribunal shall decide the case and notify its decision to the parties.

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- 17.** (1) All evidence shall be by affidavit unless otherwise directed by the Tribunal. **Evidence affidavit.** by
- (2) Whenever a time is specified in this Part within which any act or thing is to be done, the Registrar of Patents, may, on application made to him in writing, extend the time either before or after its expiration or within any extended period.
- 18.** If the applicant notifies the Tribunal that he does not desire to proceed with an application, the Tribunal in deciding whether costs should be awarded to the other party shall consider whether proceedings might have been avoided if such other party had given reasonable notice to the applicant before the application to the Tribunal was filed. **Costs.**

PART III
PATENT AGENTS

- 19.** (1) Every person applying under section 69(2) of the Act for an order to remove the name of any patent agent from the register of patent agents or to suspend any patent from practicing as such shall make application in that behalf to the Tribunal, and such application, accompanied by affidavits of the facts upon which it is based, shall be filed with the registrar of the Tribunal. **Procedure under section 69 (2).**
- (2) A copy of the application and of the accompanying affidavits shall be served upon the patent agent concerned, who within one month after receipt thereof shall notify the registrar of the Tribunal in writing whether he wishes to adduce evidence and to be heard by the Tribunal.
- (3) Thereafter the registrar of the Tribunal, after consultation with the Chairman, shall appoint a time for the hearing of the application and shall give the parties and the Registrar of Patents at least fourteen days' notice of the appointment.
- (4) If, after due inquiry into the allegations made, the Tribunal is satisfied that the patent agent concerned has been guilty of conduct discreditable to a patent agent or has been guilty of a breach of any regulation prescribed for the conduct of patent agents, the Tribunal shall make such order therein as it considers just.

PART IV
TAXATION OF COSTS

- 20.** The registrar of the Tribunal shall be the Taxing Officer for the purpose of taxing a bill of costs of a legal practitioner, and in the taxation of costs shall comply with such instructions as may from time to time be given to him by the Tribunal for that purpose. **Registrar of Patents Tribunal to be Taxing Officer.**

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- 21.** (1) With a view to affording the party who has been awarded an order for costs a full indemnity for all costs reasonably incurred by him in relation to his application or opposition, and to ensure that all such costs shall be borne by the party against whom such order has been awarded by the Tribunal, the Taxing Officer shall on every taxation allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but, save as against the party who incurred the same, no costs shall be allowed which appear to the Taxing Officer to have been incurred or increased through over-caution, negligence or mistake, or by payment of a special fee to counsel, unless the Tribunal otherwise, or special charges and expenses to witnesses or other persons or by other unusual expenses.
- (2) Upon the taxation of costs the Taxing Officer may, in determining the remuneration to be allowed, have regard to the skill, labour and responsibility involved. If, on having regard to the said matters, the Taxing officer considers that there are special reasons why costs in excess of those prescribed in these Rules should be allowed, he may, in respect of any particular application made or business done, allow such costs as seem to him reasonable and shall certify his decision in writing.
- (3) Any person aggrieved by the charges made by any legal practitioner in respect of work performed by him under the Act may refer such charges to the Taxing Officer for taxation.
- 22.** In the taxation of costs the Taxing Officer shall be guided as far as the circumstances of each particular case will permit, by the scale of fees prescribed in rule 35. In addition to these charges all disbursements shall be separately charged and shall be allowed by the Taxing Officer when reasonable.
- 23.** (1) Witnesses requiring payment shall be paid for their attendance and traveling in accordance with rule 34.
- (2) The charges for witnesses as fixed by rule 34 are to be considered as payable to the witness by the party who summoned or produced him, and in the event of any such party being awarded his costs against any other party the said charges shall be allowed against such other party in the taxation of costs.
- (3) Any person applying to the registrar of the Tribunal for the issue of a subpoena to compel the attendance of any witness shall by endorsement of such subpoena give an undertaking that all expenses due to the witness shall be tendered to such witness upon service of the subpoena, failing which no subpoena shall issue. If upon service of the subpoena all expenses due to such witness have not been paid the subpoena shall have no force and effect.

Necessary and proper costs to be allowed.

Scale of fees to be followed.

Witnesses' charges and allowance.

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- (4) In the taxation of costs between party and party no amount shall be allowed for any witness whether for attendance or traveling expenses unless there is produced to the Taxing Officer proof that such amount has already been paid or tendered to or claimed by such witness.
- (5) In the taxation of costs between party and party nothing shall be allowed for any witness not examined unless upon proof that his evidence might reasonably have been believed to be material and necessary.
- (6) If the number of witnesses summoned, or if the number of affidavits filed, is manifestly greater than is reasonably necessary, there shall only be allowed against the other party the charges for such witnesses or affidavits as were reasonably necessary.
- (7) In the taxation of costs between party and party no amount shall be allowed for any witness in respect of personal attendance or traveling expenses if the fact or facts which such witness is subpoenaed to prove have before the issue of such subpoena, been admitted to the party taking out the subpoena by the opposite party:

Provided that such admission shall be in writing, signed by the party making it or his legal practitioner acting on his behalf.

- (8) When the same person is a witness in more cases than one heard on the same day, he shall be entitled to no more than one fee for personal attendance and one allowance for traveling expenses, which shall be equally divided between such cases.

24. (1) In all cases where a notice of taxation is necessary seven days' notice together with a copy of the bill of costs shall be given by the legal practitioner on behalf of the party whose costs are to be taxed to the other party or to the legal practitioner of such other party.

Taxation of costs.

- (2) When the dwelling house or place of business of the party against whom costs are to be taxed is more than thirty-six miles from the seat of the Tribunal, the time for the service of such notice shall be extended to fourteen days.

- (3) In the taxation of costs, the notice of taxation with a copy of the bill of costs may be transmitted by registered post to the party appearing in person.

25. Any party aggrieved by the decision of the Taxing Officer may apply to the Tribunal within four weeks after the taxation to review such taxation. Copies of the application shall be served on the Taxing Officer and on the opposite party. The application shall specify the items forming the subject of the grievance but the grounds upon which such items are sought to be reviewed shall not require to be verified by affidavit.

**Review of decision
of Taxing Officer.**

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26. The Taxing Officer may, without filing any formal documents, submit any point arising at a taxation for decision by the Chairman in chambers, and it shall be competent for the Taxing Officer and for the legal practitioners who appears at the taxation to appear before the Chairman respecting such point.

Reference to Chairman in chambers.

PART V
GENERAL

27. The hearing of any application or other matter before the Tribunal may from time to time be adjourned upon such terms as the Tribunal thinks fit.

Adjournment of proceedings.

28. (1) Except as provided in sub-rule (2) every hearing before the Tribunal shall be in Blantyre.

Place of hearing.

(2) One or more of the parties may, not later than fourteen days before the date approved for the hearing, apply to the Tribunal to conduct the hearing at some other place in Malawi. The Tribunal may, in its discretion and subject to such conditions as to notice and costs as it thinks fit, conduct the hearing at the place named in the application.

(3) Where an application under subrule (2) is not made by all the parties to the proceedings, the Tribunal shall not decide the application without giving the parties an opportunity to be heard.

29. The forms referred to in these Rules are those set out in the First Schedule and such forms shall be used in all cases to which they are applicable and may be modified as directed by the Chairman.

Forms.

30. The Tribunal fees prescribed in the Second Schedule shall be paid to the Registrar at the Office.

Fees.

31. (1) Upon receipt of any document chargeable with any fees payable in terms of these Rules the Registrar of Patents shall endorse upon the original of such document the amount of the fees paid and the date of payment.

Endorsement of fee on document chargeable.

(2) The Registrar of Patents shall refuse to accept any document in respect of which a fee is payable under these Rules, unless the appropriate fee accompanied such document.

32. The form of oath to be taken by assessors shall be as follows:-

Oath to be taken by assessors appointed under section 79.

I, Hereby declare that I will to the best of my ability faithfully and diligently discharge any duties as assessor without favour, fear or prejudice.

33. The remuneration of assessors attending the Tribunal shall be that payable to assessors attending the High Court in criminal matters.

Remuneration of assessors.

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- 34.** The subsistence and traveling allowances payable to witnesses attending the Tribunal shall be the same allowances as are payable to witnesses attending the High Court in civil matters.
- 35.** Legal practitioners' fees in any appeal, application, opposition or other matter heard by the Tribunal shall be in accordance with the fees prescribed for legal practitioners in civil matters in the High Court.

Witnesses' allowances.

Legal practitioners' fees.

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Patents Tribunal Rules

FIRST SCHEDULE
FORMS

r.29.

<u>Form</u>	<u>Matter</u>	<u>Rule</u>
1	Notice of appeal to Patents Tribunal	3(1)
2.	Application for an extension of time in which to appeal	4(1)
3	Notice of abandonment of appeal	9(1)
4.	Application under section 30 of the Act for extension of term of patent	11(1)
5	Notice of opposition to application for extension of term of patent	11(4)
6	Application for licence under section 38 of the Act	12(1)
7	Reference to the Patents Tribunal under section 42 of the Act	13(1)
8	Application under section 50 of the Act for the revocation of a patent	14(1)
9	Application for rectification of register of patents	15

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Patents Tribunal Rules

Form P.T. No. 1

Sections 73 and 80
Rule 3(1)

THE PATENTS ACT
CAP. 49:02

Fee:£2.10s

Notice of Appeal to Patent Tribunal

IN THE MATTER of an application (1)

(1) State nature of application or proceedings, the name of the applicant and the number of the application for Letters Patent

IN THE MATTER of an opposition by (2)

(2) State the name of the objection(s) if the application is opposed.

I/We (3)

(3) State full name and address of appellant(s).

Hereby give notice of appeal to the Tribunal from (4)

(4) Here insert "the decision" or "that part of the decision", as the case may be.

of the Registrar of Patents, dated the day of 200...
whereby

he.....

(5)

(5) Here insert "refused application for Letters Patent" or "refused (or allowed) application for leave to amend specification" or otherwise, as the case may be.

Dated this day of 200...

(6).....
.....

(6) To be signed by the appellant(s) or his/their legal practitioner.

The Registrar of the Patents Tribunal
P.O. Box 100
BLANTYRE

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Patents Tribunal Rules

Form P.T. No. 2

Section 80
Rule 4(1)

THE PATENTS ACT
CAP. 49:02

Fee: Nil.

Application for an Extension of Time in which to Appeal

IN THE MATTER of an application (1)
.....
.....
..... - and -

(1) State nature of application or proceedings, the name of the applicant and the number of the application for Letters Patent.

IN THE MATTER of an opposition by (2)
.....
.....

(2) State the name of the objector(s) if the application is opposed.

I/We (3)

(3) State full name and address of appellant(s).

hereby make application for an order of the Tribunal extending the time in which to appeal (4)
.....
.....

(4) Here insert "the decision" or "that part of the decision as the case may be.

of the Registrar of Patents on the following grounds (5)
.....
.....

(5) Here state briefly the grounds upon which the application is based and where facts are alleged such facts shall be verified by affidavit.

Dated this day of 200...

(6)
.....

(6) To be signed by the appellant(s) or his/their legal practitioner.

The Registrar of the Patents Tribunal,
P.O. Box 100
BLANTYRE

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Patents Tribunal Rules

Form P.T. No. 3

Rule 9(1)

THE PATENTS ACT
CAP. 49:02

Fee: Nil.

Notice of Abandonment of Appeal

IN THE MATTER of an application (1)

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

- and -

IN THE MATTER of an opposition by (2)

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

you are hereby notified that the above-named appellant(s) hereby abandon(s) all further proceedings in the above matter.

Dated this Day of 200...

(3)
.....

(1) State nature of application or proceedings, the name of the applicant(s) and the number of the application for Letters Patent.

(2) State the name of the objector(s) if the application is opposed.

(3) To be signed by the appellant(s) or his/their legal practitioner.

The Registrar of the Patents Tribunal,
P.O. Box 100
BLANTYRE

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Form D.T. No. 4

Section 30(1)
Rule 11(1)

THE PATENTS ACT
CAP. 49:05

Fee :£3.

Application under section 30 of the Act for Extension of Term of Patent

I/We (1)

(1) State full name and address of applicant(s).

Hereby apply for an extension of the term of Patent No..... for a period of (2) year(s), on the following ground

(2) Insert period for which extension is sought.

(3)

(3) Here state briefly the nature of the grounds

Dated this Day of 200...

(4)

(4) To be signed by the applicant(s) or his/their legal practitioner.

My/Our address for service in Malawi:-

.....
.....

NOTE: The application must be accompanied by evidence setting out fully the facts relied upon.

The Registrar of the Patents Tribunal,
P.O. Box 100
BLANTYRE

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Form D.T. No. 5

Section 30(3)
Rule 11(4)

THE PATENTS ACT
CAP. 49:05

Fee :£2.

Notice of Opposition to Application for extension of Term of Patent

I/We (1)
.....
.....

(1) State full name and address of objector(s).

hereby give notice of opposition to the application for extension of the term of Patent No. upon the following grounds (2)

(2) Insert period for which extension is sought.

Dated this Day of 200...

(3) Here state briefly the nature of the grounds

(3)
.....

My/Our address for service in Malawi:-

.....
.....

(4) To be signed by the objector(s) or his/their legal practitioner.

NOTE: The application must be accompanied by evidence in support of the opposition.

The Registrar
Patent Office
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Patents
(Subsidiary)

Cap. 49:02

Patents Tribunal Rules

Form D.T. No. 6

Section 38
Rule 12(1)

THE PATENTS ACT
CAP. 49:05

Fee :£2.10s

Application for Licence under section 38 of the Act.

I/We (1)
.....
.....

1) State full name
and address of
applicant(s).

hereby apply for a licence under Patent No. for making, using and
exercising the invention

(a), (b) and (c)
Delete whichever is
not applicable.

- (a) as food medicine;
- (b) for the purpose of the production of food or medicine;
- (c) as or as part of a surgical or curative device.

For the following reasons (2)
.....
.....

(2) Here state
nature of
applicant(s)
interest and the
facts relied upon.

Dated this Day of 200...

(3)
.....

(3) To be signed by
the applicant(s) or
his/their legal
practitioner.

My/Our address for service in Malawi:-

.....
.....

NOTE: The application must be accompanied by evidence verifying the statements set out in the application.

The Registrar
Patent Office
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Patents
(Subsidiary)

Cap. 49:02

Patents Tribunal Rules

Form P.T. No. 7

Section 42
Rule 13(1)

THE PATENTS ACT
CAP. 49:02

Fee :£2.10s

Reference to the Patents Tribunal under section 42 of the Act

IN THE MATTER of a reference by (1)
.....
.....

- against -

(2)
.....

I/We (3)
.....

hereby refer for the determination of the Tribunal my/our claim against (4)

The following are the grounds on which I/We base my/our claim (5).
.....
.....

Dated this Day of 200...

(6)
.....

My/Our address for service in Malawi:-

.....
.....

(1) State name of claimant(s) and nature of matter in dispute.

(2) State name of other party to dispute.

(3) State full name and address of claimant(s).

(4) State full name of respondent

(5) Here state briefly the nature of the grounds.

(6) To be signed by the claimant(s) or his/their legal practitioner.

NOTE: The claim must be accompanied by an affidavit verifying the facts and stating fully the nature of the interest in the matter in dispute and the relief sought.

The Registrar
Patent Office
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Patents
(Subsidiary)

Cap. 49:02

Patents Tribunal Rules

Form D.T. No. 8

Section 50
Rule 14(1)

THE PATENTS ACT
CAP. 49:05

Fee :£2

Application under section 50 of the Act for the Revocation of a Patent

I/We (1)
.....
.....

(1) State full name and address of applicant(s).

hereby apply for an order for the revocation of Patent No. on the following grounds:-

(2)
.....

(2) The grounds of the application can only be one or more of the grounds on which grant of the patent could have been opposed under section 22.

(3) I/We declare that no action for infringement or proceedings in any Court for the revocation of the Letters Patent are pending
.....

(3) If such action or proceedings are pending in any Court the application cannot be made without the leave of the Court.

Dated this Day of 200...

(4)
.....

(4) To be signed by the applicant(s) or his/their legal practitioner.

My/Our address for service in Malawi:-

.....
.....

NOTE: The application must be accompanied by a statement setting out fully the nature of the applicant's interest, the facts, relied upon and the relief sought.

The Registrar
Patent Office
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Patents
(Subsidiary)

Cap. 49:02

Patents Tribunal Rules

Form D.T. No. 9

Section 60
Rule 15)

THE PATENTS ACT
CAP. 49:05

Fee :£1

Application for Rectification of Register of Patents

I/We (1)
.....
.....

(1) State name and
address of
applicant(s).

hereby apply in respect of Patent No. that the register may be
rectified in the following manner (2)

(2) State manner in
which register is to
be rectified.

(3) The grounds upon which I/we base this application are as follows:-

(3) State briefly the
grounds.

Dated this Day of 200...

(4)
.....

(4) To be signed by
the applicant(s) or
his/their legal
practitioner.

My/Our address for service in Malawi:-

.....
.....

The Registrar
Patent Office
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Patents
(Subsidiary)

Cap. 49:02

Patents Tribunal Rules

SECOND SCHEDULE
TRIBUNAL FEES

Rules 32 and 35.

<u>Item</u>	<u>Matter</u>	<u>Amount</u> £ s. d.
1	On every appeal to the Tribunal from decision or order of the Registrar of Patents – inclusive	2 10 0
2	On application under section 30 of the Act for extension of term of patent	3 00 0
3	On notice of opposition to application for extension of term of patent	2 00 0
4	On application for licence under section 38 of the Act	2 10 0
5	On a reference to the Tribunal under section 42 of the Act.	2 10 0
6	On application under section 50 of the Act for the revocation of a patent	2 00 0
7	On application for rectification of register of patents	1 00 0
8	On any other application or matter made direct to the Tribunal under the Act	The fees as prescribed in the First Schedule to Patents Regulations.
9	On every search	0 02 6
10.	For typewritten copies of judgments or records, for additional copies of orders or for copies of documents or proceedings furnished upon direction of the registrar of the Tribunal.	1 00 0
	The first copy for each folio of 100 words or part thereof	0 1 6
	Additional copies for each folio of 100 words or part thereof	0 0 6
11.	On certifying any document as an office copy	0 5 0
12	Transcript of shorthand writers' notes	Such fee as may be determined by the Minister.