

BELIZE:

ADMINISTRATIVE INSTRUCTIONS

No. 2 of 2005

ADMINISTRATIVE INSTRUCTIONS made by the Registrar of Intellectual Property in exercise of the powers conferred upon him by section 69 of the Patents Act, Chapter 253 of the Substantive Laws of Belize, Revised Edition 2000.

PART I

PRELIMINARY

Short title.

1. These Administrative Instructions may be cited as the **PATENTS (GENERAL PROCEDURES) ADMINISTRATIVE INSTRUCTIONS, 2005.**

PART II

RESTORATION

Restoration.

2.(1) An application for the restoration of a patent which has lapsed through non-payment of renewal fees shall be made by way of a petition to the Registrar in the form set out as Form No. 11.

(2) If the Registrar is satisfied that a *prima facie* case has been made out, he shall restore the patent and advertise the patent once in the Journal.

(3) At any time within two months of the date of the advertisement of the application, any person may oppose the restoration of the patent by submitting a notice of opposition in

Form No. 12, together with the prescribed fee, and the notice must indicate the grounds on which the opponent relies.

(4) The patentee's answer to a notice of opposition under sub-paragraph (3) must be submitted in Form No. 13, together with the prescribed fee, and the answer must indicate the grounds on which the patentee relies and any facts alleged in the notice of opposition that the patentee admits.

PART III
OPPOSITION

Evidence in support of opposition.

3. Upon receipt of an answer to opposition and duplicate, the Registrar shall forthwith send the duplicate to the opponent and within one month from the receipt of the duplicate the opponent shall leave with the Registrar such evidence by way of affidavit as he may desire to adduce in support of his opposition and shall deliver to the patentee a copy of the affidavit.

Evidence in support of restoration or surrender.

4. If an opponent leaves no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition but, if he does leave evidence, then, within one month from the receipt of the copy of the affidavit the patentee shall leave with the Registrar such evidence by way of affidavit as he desires to adduce in support of the restoration or surrender and shall deliver to the opponent a copy of the affidavit.

Evidence in reply by opponent.

5. Within one month from the receipt by the opponent of the copy of the patentee's affidavit, the opponent may leave with the Registrar evidence by affidavit in reply, and shall deliver to the patentee a copy of the affidavit. This evidence shall be confined to matters strictly in reply.

Further evidence.

6. No further evidence shall be left on either side but, in any proceedings before the Registrar, he may at any time if he thinks fit give leave to either the patentee or the

opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

Exhibits.

7.(1) Where there are exhibits to affidavits filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the originals shall be left with the Registrar in order that they may be open to inspection.

(2) The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

Hearing.

8.(1) Upon completion of the evidence, the Registrar shall give notice to the parties of a date when he will hear the arguments in the case.

(2) Such appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice.

(3) Within seven days from the receipt of the notice any party who intends to appear shall so notify the Registrar on Form No. 14.

(4) A party who receives notice as mentioned above and who does not, within seven days from the receipt of such notice, so notify the Registrar on Form No. 14, may be treated as not desiring to be heard and the Registrar may act accordingly.

Extension of time.

9. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, without giving the said party a hearing, grant any reasonable extension of time to any other party in which to take any subsequent step.

Security for costs.

10. Where an opponent giving notice of opposition or a patentee sending an answer to opposition after receipt of a copy of such notice neither resides nor carries on business in Belize, the Registrar may require him to give security, in such form as the Registrar may

deem sufficient, for the costs of the proceedings before the Registrar, for such amount as the Registrar may deem fit, and at any stage in the proceedings may require further security to be given at any time before giving his decision in the case.

Costs in
uncontested
case.

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

PART IV
FEEES AND FORMS

Fees and
payment.
Schedule I.

12. The fees to be paid in relation to the relevant applications are those prescribed in Schedule I.

Forms
required.
Schedule II.

13. The forms required for the relevant applications are those prescribed in Schedule II.

MADE by the Registrar of Intellectual Property this 7th day of March, 2005.

(ELSON KASEKE)
Registrar of Intellectual Property

SCHEDULE I

FEES

	\$
For all other publications	100.00
For restoration of a patent.....	600.00
	(plus any outstanding annuities and late fees)
On submitting a notice of opposition to an application for restoration of a patent	100.00
On submitting an answer to a notice of opposition	100.00
For recording a change of name or address in the Register.....	100.00
For recording any other change in the Register.....	100.00
Rebate on withdrawal of application	relevant registration/recordal fee (plus publication fee if application is unpublished)
For cancellation of a licence-contract.....	200.00
For recording a sub-licence-contract	200.00
For cancellation of a sub-licence-contract.....	200.00
For recording the transfer of a sub-licence-contract.....	200.00
For a replacement of a patent certificate.....	50.00
For transferring application for a patent	50.00
On application for approval of the transfer of an application for a patent	50.00
For an electronic search of the Register.....	20.00

SCHEDULE II

FORM NO. 2A

APPLICATION FOR AN ADDRESS FOR SERVICE

I/WE¹

.....

the patentee/licensee(s) of Patent No.²

hereby apply for an entry of the following as my/our address for service in Belize³.

.....

.....

.....

DATED thisday of, 20.....

4

The Registrar
Intellectual Property Office
BELIZE

-
1. Name of patentee or registered licensee(s).
 2. Identify Patent.
 3. State address.
 4. Signature.

FORM No. 2B

POWER OF ATTORNEY

I (We)

(Name and address)

do hereby authorize

to represent me(us) as applicant(s)
in all proceedings related to the processing

of all my(our) patent applications

of international application No.

(check the applicable box)

before the Belize Intellectual Property Office and to make or receive payments on my(our) behalf.

Place:

Date:

Signature:

FORM No. 2C

WITHDRAWAL

I/We¹.....

.....
the owner(s) of the Patent Application No.....hereby withdraws such
application.

Dated this day of 20.....

²
.....

The Registrar
Intellectual Property Office
BELIZE.

1. Name of applicant.
2. Signature.

FORM No. 2D

APPLICATION TO AMEND APPLICATION
FOR REGISTRATION OF A PATENT

I/We¹

.....
the owner of the Patent Application No. hereby apply to have the
following change made to this application:²

.....
Dated this day of, 20

3

The Registrar
Intellectual Property Office
BELIZE.

-
- 1. Name of applicant.
 - 2. State amendment.
 - 3. Signature.

FORM No. 6A

APPLICATION TO CANCEL RECORD IN REGISTER
OF A LICENCE-CONTRACT

I/We¹

.....
hereby apply for cancellation of the record in the register of the particulars of²
.....
.....

Evidence is hereto attached that the Licence-Contract has terminated.

Dated this day of 20
3

To the Registrar
Intellectual Property Office
BELIZE.

-
1. Name of patentee or licensee under a Licence-Contract.
 2. Name of licensee under Licence-Contract the record on the register of which is to be cancelled.
 3. Signature.

FORM No. 6B

APPLICATION TO RECORD TRANSFER OF LICENCE-CONTRACT

I/We¹

.....
a registered licensee in respect of the Patent registered under No.
..... hereby apply to transfer the Licence-Contract
to².....

.....
by virtue of the authority vested in me pursuant to³

.....
and to have such person entered in the record in the registration in my/our stead.

Dated this day of 20

4

-
- 1. Name of licensee recorded in the register.
 - 2. Name and address of person to whom Licence-Contract transferred and if he resides outside Belize, an address for service within Belize.
 - 3. Here identify authority.
 - 4. Signature.

FORM No. 6C

APPLICATION TO RECORD A
SUB-LICENCE – CONTRACT

I/We¹

being the registered licensee(s) of Patent No.² hereby
apply to register a sub- licence-contract, (a copy of which is attached).

Jointly submitted by the parties to the said sub-licence-contract, being
..... of and
..... of

Dated this day of 20

The Registrar
Intellectual Property Office

1. Name of registered licensee.
2. Identify Patent.

FORM No. 6D

APPLICATION TO CANCEL RECORD IN REGISTER
OF A SUB-LICENCE-CONTRACT

I/We¹

.....
hereby apply for cancellation of the record in the register of the particulars of²
.....
.....

Evidence is hereto attached that the Sub-Licence-Contract has terminated.

Dated this day of 20

3

To the Registrar
Intellectual Property Office
BELIZE.

-
1. Name of registered licensee or sub-licensee under a Sub-Licence-Contract.
 2. Name of sub-licensee under Sub-Licence-Contract the record on the register of which is to be cancelled.
 3. Signature.

FORM No. 6E

APPLICATION TO RECORD TRANSFER OF
SUB-LICENCE-CONTRACT

I/We¹

.....
a registered sub-licensee in respect of the Patent registered under No.
..... hereby apply to transfer the Sub-Licence-
Contract to².....

by virtue of the authority vested in me pursuant to³

.....
and to have such person entered in the record in the registration in my/our stead.

Dated this day of 20

4

-
1. Name of sub-licensee recorded in the register.
 2. Name and address of person to whom Sub-Licence-Contract transferred and if he resides outside Belize, an address for service within Belize.
 3. Here identify authority.
 4. Signature.

FORM No. 7A

NOTICE OF OPPOSITION TO APPLICATION
FOR SURRENDER OF A PATENT

(To be submitted in duplicate)

IN THE MATTER OF an opposition by
.....to Application for Surrender of Patent No.....
of

I/We¹ hereby
give notice of my/our opposition to the Surrender advertised under the above
number in the Journal of the.....day of, 20.....
The grounds of opposition are as follows:

.....
.....

Address for service in Belize in these proceedings:

.....
.....

DATED theday of, 20.....

2

To the Registrar
Intellectual Property Office
BELIZE.

-
1. Here state full name and address of the person who opposes the application.
 2. Signature.

FORM No. 7B

FORM OF ANSWER TO OPPOSITION
(SURRENDER OF PATENT)

(To be submitted in duplicate)

IN THE MATTER of an opposition by
To the Surrender of Patent No.

I/We
the owner of the above Patent, hereby give notice that the following are the
grounds on which I/we rely in answer to the above opposition:

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

I/We admit the following allegations in the Notice of Opposition:
.....
.....

Address for service in Belize in these proceedings:
.....
.....

Dated thisday of, 20.....

Signature

To the Registrar
Intellectual Property Office
BELIZE.

FORM No. 9

APPLICATION TO RECORD CHANGE
IN REGISTER

I/We¹

the patentee/licensee(s) of the patent entitled ²
registered under No.(s) hereby apply to record the following change in
the register in respect of such registration(s)³

Dated this day of 20.....
⁴

The Registrar
Intellectual Property Office
BELIZE.

-
1. Name of patentee or registered licensee.
 2. Insert title of patent.
 3. State change in patentee’s name, address or his address for service in Belize, or other change.
 4. Signature.

Note: In change of name, evidence of the change should be attached hereto.

FORM No. 10

APPLICATION TO RECORD TRANSFER OF PATENT

I/We¹.....
of²..... hereby
apply to have my/our recorded in
the register as the registered owner of Patent No. by virtue of
³
.....
a copy of which is enclosed.

The address for service in respect of this Patent is as follows:
⁴
.....

Dated this day of 20

⁵

The Registrar
Intellectual Property Office
BELIZE.

-
1. Name of transferee.
 2. Full trade or business address of transferee.
 3. Full particulars of documents by which Patent transferred.
 4. This paragraph should be completed by providing the address for service in Belize, if the trade or business address of the transferee is outside Belize.
 5. Signature.

FORM No. 11

PETITION FOR RESTORATION OF PATENT

IN THE MATTER OF an application by
For restoration of Patent No.....

The restoration of a patent is requested for the above patent.

The grounds for restoration are as follows:

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

Address for service in Belize in these proceedings:

.....
.....

Dated the day of, 20

*

To the Registrar
Intellectual Property Office
BELIZE.

* Signature.

FORM No. 12

NOTICE OF OPPOSITION TO PETITION
FOR RESTORATION OF A PATENT

(To be submitted in duplicate)

IN THE MATTER OF an opposition by
..... to the Petition for Restoration of Patent No.
of

I/We¹ hereby
give notice of my/our opposition to the Restoration advertised under the above number
in the Journal of the day of, 20

The grounds of opposition are as follows:

.....
.....

Address for service in Belize in these proceedings:

.....
.....

Dated the day of, 20
2

To the Registrar
Intellectual Property Office
BELIZE.

-
1. Here state full name and address of the person who opposes the restoration.
 2. Signature.

FORM No. 13

FORM OF ANSWER TO OPPOSITION
(RESTORATION OF PATENT)

(To be submitted in duplicate)

IN THE MATTER OF an opposition by
To the Restoration of Patent No.

I/We
the owner of the above Patent, hereby give notice that the following are the grounds
on which I/we rely in answer to the above opposition:

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

I/We admit the following allegations in the Notice of Opposition:

.....
.....

Address for service in Belize in these proceedings:

.....
.....

Dated this day of 20

Signature

To the Registrar
Intellectual Property Office
BELIZE.

FORM No. 14

NOTICE TO THE REGISTRAR OF ATTENDANCE OF HEARING

I/We¹of
.....hereby give notice that the Hearing of the
arguments in the matter of

.....
Which, by the Registrar's Notice to me (or us) dated theday
of....., 20..... is fixed fora.m. or p.m. at the
Registrar's Office on theday of, 20....., will be
attended by me (or us) or by some person on my (or our) behalf.

DATED thisday of....., 20.....

²
.....

To the Registrar
Intellectual Property Office
BELIZE.

-
1. Here insert name and address.
 2. Signature.