



www.belipo.bz

“Protect Your Creation”

Trademarks · Patents · Designs · Copyright

FREQUENTLY ASKED QUESTIONS

September 13th, 2007

BELIPO'S MISSION STATEMENT

“Our mission is to create an efficient and modern intellectual property system leading to the emergence of a vibrant intellectual property culture in Belize.”

CONTENTS

<u>WHAT IS A PATENT?</u>	5
<u>WHAT ARE THE BENEFITS OF A PATENT?</u>	5
<u>ARE THERE ANY SPECIAL CONDITIONS THAT AN INVENTION MUST FULFILL?</u>	5
<u>HOW DO I APPLY FOR A GRANT OF A PATENT (INCLUDING DIVISIONAL PATENT)?</u>	6
<u>HOW ARE PRODUCTS OR PROCESSES CLASSIFIED IN A PATENT APPLICATION?</u>	7
<u>HOW DO I APPLY FOR WITHDRAWAL OF A PATENT APPLICATION?</u>	7
<u>WHAT IS THE DATE OF GRANT OF A PATENT?</u>	8
<u>WHAT IS THE DURATION OF PROTECTION OF A PATENT?</u>	8
<u>HOW DO I SURRENDER A PATENT?</u>	8
<u>HOW DO I APPLY FOR RESTORATION OR RE-REGISTRATION OF A PATENT?</u>	9
<u>HOW DO I OPPOSE THE SURRENDER OR RESTORATION OF A PATENT?</u>	10
<u>WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF A NOTICE OF OPPOSITION TO A SURRENDER OR RESTORATION OF A PATENT?</u>	11
<u>HOW DO I ANSWER A NOTICE OF OPPOSITION TO A SURRENDER OR RESTORATION OF A PATENT?</u>	11
<u>WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF AN ANSWER TO A NOTICE OF OPPOSITION?</u>	12
<u>HOW DO I MAINTAIN MY PATENT?</u>	12
<u>WHAT HAPPENS TO MY PATENT IF I FAIL TO PAY THE LATE PAYMENT FEE WITHIN SIX MONTHS AFTER THE ANNIVERSARY OF FILING?</u>	13
<u>CAN AN APPLICANT FOR REGISTRATION OF A PATENT CLAIM PRIORITY FROM AN EARLIER APPLICATION MADE IN A COUNTRY WHICH IS A PARTY TO THE PARIS CONVENTION?</u>	13
<u>HOW DO I APPLY FOR RECORDAL OF A TRANSFER OR ASSIGNMENT OF A PATENT APPLICATION OR PATENT REGISTRATION?</u>	13

<u>HOW DO I APPLY FOR AMENDMENT TO A PATENT APPLICATION OR REGISTRATION OR RECORDAL OF A CHANGE OF NAME/ ADDRESS/OTHER CHANGE IN THE REGISTER OF PATENTS?</u>	14
<u>HOW DO I APPLY FOR RECORDAL OF A LICENCE-CONTRACT OR CANCELLATION OF A RECORD OF A LICENCE-CONTRACT OR RECORDAL OF A TRANSFER OF A LICENCE-CONTRACT?</u>	16
<u>HOW DO I APPLY FOR RECORDAL OF A SUB-LICENCE- CONTRACT OR CANCELLATION OF A RECORD OF A SUB- LICENCE-CONTRACT OR RECORDAL OF A TRANSFER OF A SUB-LICENCE-CONTRACT?</u>	17
<u>WHAT IS A UTILITY MODEL CERTIFICATE?</u>	18
<u>HOW DO I CHANGE AN AGENT?</u>	19
<u>HOW DO I APPLY FOR AN EXTENSION OF TIME?</u>	19
<u>WHAT IS THE STATUS OF PATENTS REGISTERED UNDER THE REPEALED PATENTS AND DESIGNS ACT AND THE REGISTRATION OF UNITED KINGDOM PATENTS ACT?</u>	20
<u>WHAT IS THE PATENT COOPERATION TREATY (PCT) AND WHAT ROLE DOES THE INTELLECTUAL PROPERTY OFFICE PLAY IN THE PCT SYSTEM?</u>	20
<u>WHAT ARE THE ELEMENTS MAKING UP A PCT INTERNATIONAL APPLICATION?</u>	21
<u>WHAT ARE THE ELEMENTS WHICH MAY ACCOMPANY A PCT INTERNATIONAL APPLICATION?</u>	22
<u>WHAT ARE THE PHYSICAL REQUIREMENTS OF A PCT INTERNATIONAL APPLICATION?</u>	23
<u>CAN I APPLY ONLINE FOR PATENT REGISTRATION?</u>	23
<u>WHAT ARE THE PHYSICAL REQUIREMENTS FOR NATIONAL PATENT APPLICATIONS?</u>	24
<u>HOW IS A PATENT AMENDED?</u>	26
<u>LANGUAGE/FILING BY FAX/FEE DEADLINE</u>	28
<u>WHAT ARE THE TIMELINES FOR PROCESSING PATENT APPLICATIONS?</u>	29
<u>HOW CAN I CONTACT BELIPO?</u>	29
<u>DISCLAIMER</u>	30

WHAT IS A PATENT?

A patent is the exclusive right to make, use, or sell an invention for a specified period of time. It is the legal title granted to protect an invention. An invention is a product or process that provides a new way of doing a particular thing, or provides a new technical solution to a problem. The following are examples of patents –



Medical drugs



Fertilizer

[BACK TO CONTENTS](#)

WHAT ARE THE BENEFITS OF A PATENT?

The main benefit of a patent is that it gives the owner of the patent the exclusive right to the patent. The patent protects a patent owner from the commercial exploitation of his or her invention without the patent owner's consent. The patent owner may authorize others to exploit his or her invention by granting a patent licence. The patent owner can also enforce his or her patent rights in the Supreme Court of Belize. Another benefit of a patent lies in the fact that it facilitates the exchange of technical information contained in patent documents between the countries concerned and also within the scientific community concerned, that is, the inventors and industry working in the relevant field.

[BACK TO CONTENTS](#)

ARE THERE ANY SPECIAL CONDITIONS THAT AN INVENTION MUST FULFILL?

A patent may be granted only for an invention which satisfies the following conditions –

- (a) The invention must be new – it must never have been made public in any way, anywhere in the world, before the date on which the patent application is filed. It must not be known to the body of existing knowledge (prior art) in its relevant technical field.
- (b) The invention must involve an inventive step – it must not be obvious to a person with a good knowledge and experience of the subject, when compared with what is already known.

- (c) The invention must be capable of industrial application – it must be capable of being made or used in some kind of industry.
- (d) An invention is not patentable if it is –
 - (i) a discovery;
 - (ii) a scientific theory or mathematical method;
 - (iii) an aesthetic creation such as a literary, dramatic or artistic work;
 - (iv) a scheme or method for performing a mental act, playing a game or doing business;
 - (v) the presentation of information, or a computer program;
 - (vi) a method of treatment for the human or animal body by surgery or therapy, as well as diagnostic methods practiced on the human or animal body;
 - (vii) a new animal or plant variety.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR A GRANT OF A PATENT (INCLUDING DIVISIONAL PATENT)?

You apply for a grant of a patent (including divisional patent) –

- (a) by filing the following forms and documents –
 - (i) Petition for a Patent ([Form No. 1](#) of Schedule II to the Patents Regulations, CAP. 253S) (A Patent Cooperation Treaty (PCT) national phase applicant may file the application without submitting a petition). The petition shall contain a request for the invention and shall also contain the name of and other prescribed information relating to the applicant, the inventor, and agent (if any), and the title of the invention;
 - (ii) Specification (description, claims and abstract) and Drawings (if necessary) (A PCT national phase applicant may file the application without submitting copies of the relevant specification, drawings (if necessary), international search report, and international preliminary report on patentability – A.I. No. 2 of 2004/Arts. 20, 36 and Rule 47 of PCT).

- (iii) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is not required by an applicant for a divisional patent. The instructions for completing this form are listed in the footnotes to the form;
 - (iv) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. This form is not required by an applicant for a divisional patent; AND
- (b) by paying the following patent application fees –
- (i) BZ\$300.00 - fee for filing an application for a patent;
 - (ii) BZ\$300.00 – fee for the grant of a patent;
 - (iii) BZ\$250.00 – fee for publication of a grant of a patent;
 - (iv) BZ\$50.00 – fee for recording an address for service of a patent. This fee does not apply to an applicant for a divisional patent.

[BACK TO CONTENTS](#)

HOW ARE PRODUCTS OR PROCESSES CLASSIFIED IN A PATENT APPLICATION?

Products or processes are classified in accordance with the 7th Edition of the Strasbourg Agreement Concerning the International Patent Classification (IPC). The link to the “List of Sections of the IPC” can be found on the weblink www.wipo.int/classifications/en/index.html located on www.belipo.bz/e_library.html.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR WITHDRAWAL OF A PATENT APPLICATION?

You apply for withdrawal of a patent application –

- (a) by filing the following form –

Withdrawal ([Form No. 2C](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form; AND

- (b) by paying the following fees -
 - (i) BZ\$50.00 – fee for withdrawal of application;
 - (ii) BZ\$100.00 – fee for publication of the notice of withdrawal of application in the Intellectual Property Journal.

[BACK TO CONTENTS](#)

WHAT IS THE DATE OF GRANT OF A PATENT?

The date of grant of a patent is the date of publication of a notice of the grant of the patent in the Intellectual Property Journal.

[BACK TO CONTENTS](#)

WHAT IS THE DURATION OF PROTECTION OF A PATENT?

A patent shall expire twenty years after the filing date of the application. The duration of protection of an international application filed under the Patent Cooperation Treaty (PCT), is twenty years from the international filing date.

[BACK TO CONTENTS](#)

HOW DO I SURRENDER A PATENT?

You surrender a patent –

- (a) by filing the following forms –
 - (i) Surrender ([Form No. 7](#) of Schedule II to the Patents Regulations, CAP. 253S);
 - (ii) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form;
 - (iii) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions,

2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND

- (b) by paying the following fees -
 - (i) BZ\$50.00 – fee for surrender of patent registration;
 - (ii) BZ\$100.00 – fee for publication of the notice of surrender of patent registration in the Intellectual Property Journal;
 - (iii) BZ\$50.00 – fee for application for address for service.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR RESTORATION OR RE-REGISTRATION OF A PATENT?

You apply for restoration or re-registration of a patent –

- (a) by filing the following forms -
 - (i) Petition for Restoration of Patent ([Form No. 11](#) of Schedule II to the Patents Regulations, CAP. 253S);
 - (ii) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form;
 - (iii) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney.; AND
- (b) by paying the following patent fees –
 - (i) BZ\$600.00 - fee for restoration of patent (plus any outstanding annuities and late fees);
 - (ii) BZ\$100.00 – fee for publication of the notice of restoration in the Intellectual Property Journal;

- (iii) BZ\$50.00 – fee for recording an address for service of a patent.

[BACK TO CONTENTS](#)

HOW DO I OPPOSE THE SURRENDER OR RESTORATION OF A PATENT?

You oppose the surrender or restoration of a patent –

- (a) by filing the following forms –
 - (i) Notice of Opposition to Application for Surrender of a Patent ([Form No. 7A](#) of Schedule to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an opponent to an application for surrender of a patent. The instructions for completing this form are listed in the footnotes to the form. This form shall be submitted in duplicate; OR
 - (ii) Notice of Opposition to Petition for Restoration of a Patent ([Form No. 12](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an opponent to a petition for restoration of a patent. The instructions for completing this form are listed in the footnotes to the form. This form shall be submitted in duplicate; AND
 - (iii) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form; AND
 - (iv) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney; AND
- (b) by paying the following fees -
 - (i) BZ\$100.00 – fee for submitting a notice of opposition to an application for surrender or restoration of a patent;
 - (ii) BZ\$100.00 – fee for publication of the notice of opposition in the Intellectual Property Journal;

- (iii) BZ\$50.00 – fee for application for address for service.

[BACK TO CONTENTS](#)

WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF A NOTICE OF OPPOSITION TO A SURRENDER OR RESTORATION OF A PATENT?

The prescribed time for submitting a notice of opposition to the surrender or restoration of a patent is thirty days from the date of publication of the notice of application for surrender or restoration of a patent. The notice of application for surrender or restoration of a patent is published in one issue of the Intellectual Property Journal.

[BACK TO CONTENTS](#)

HOW DO I ANSWER A NOTICE OF OPPOSITION TO A SURRENDER OR RESTORATION OF A PATENT?

You answer a notice of opposition for surrender or restoration of a patent –

- (a) by filing the following forms –
 - (i) Form of Answer to Opposition (Surrender of Patent) ([Form No. 7B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for surrender of a patent. This form shall be submitted in duplicate; OR
 - (ii) Form of Answer to Opposition (Restoration of Patent) (Form No. 13 of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for restoration of a patent. This form shall be submitted in duplicate; AND
- (b) by paying the following fees -
 - (i) BZ\$100.00 – fee for submitting an answer to a notice of opposition;
 - (ii) BZ\$100.00 – fee for publication of an answer to a notice of opposition in the Intellectual Property Journal.

[BACK TO CONTENTS](#)

WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF AN ANSWER TO A NOTICE OF OPPOSITION?

The prescribed time for submitting an answer to a notice of opposition is thirty days from the date of publication of the notice of opposition to the surrender or restoration of a patent. The notice of opposition to the surrender or restoration of a patent is published in one issue of the Intellectual Property Journal.

[BACK TO CONTENTS](#)

HOW DO I MAINTAIN MY PATENT?

You maintain your patent by paying, in advance to the Office for each year, the following prescribed annual fees –

	BZ\$	¢
before the 1 st anniversary of filing	-	100.00
before the 2 nd anniversary of filing	-	200.00
before the 3 rd anniversary of filing	-	300.00
before the 4 th anniversary of filing	-	400.00
before the 5 th anniversary of filing	-	500.00
before the 6 th anniversary of filing	-	600.00
before the 7 th anniversary of filing	-	700.00
before the 8 th anniversary of filing	-	800.00
before the 9 th anniversary of filing	-	900.00
before the 10 th anniversary of filing	-	1,000.00
before the 11 th anniversary of filing	-	1,100.00
before the 12 th anniversary of filing	-	1,200.00
before the 13 th anniversary of filing	-	1,300.00
before the 14 th anniversary of filing	-	1,400.00
before the 15 th anniversary of filing	-	1,500.00
before the 16 th anniversary of filing	-	1,600.00
before the 17 th anniversary of filing	-	1,700.00
before the 18 th anniversary of filing	-	1,800.00
before the 19 th anniversary of filing	-	1,900.00

The fee for late payment (within six months after anniversary of filing) of the annual fee is BZ\$100.00.

The renewal fee must be accompanied by a renewal application letter or email.

[BACK TO CONTENTS](#)

WHAT HAPPENS TO MY PATENT IF I FAIL TO PAY THE LATE PAYMENT FEE WITHIN SIX MONTHS AFTER THE ANNIVERSARY OF FILING?

Your patent will lapse if you fail to pay the late payment fee within six months after the anniversary of filing. A lapsed patent can be restored by re-registration. The prescribed time for submitting a restoration or re-registration application is twelve months from the date of expiry of registration.

[BACK TO CONTENTS](#)

CAN AN APPLICANT FOR REGISTRATION OF A PATENT CLAIM PRIORITY FROM AN EARLIER APPLICATION MADE IN A COUNTRY WHICH IS A PARTY TO THE PARIS CONVENTION?

Yes. An applicant for registration of a patent can claim priority from an earlier application filed in or for a country which is party to the Paris Convention for the Protection of Industrial Property or any member of the World Trade Organization. The priority claim must be made within one year of the earlier application. The date of filing of such an application for the purposes of the Belize registration shall be the date of filing of the Belize application.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR RECORDAL OF A TRANSFER OR ASSIGNMENT OF A PATENT APPLICATION OR PATENT REGISTRATION?

You can apply for recordal of a transfer or assignment of a patent application or patent registration –

- (a) by filing the following forms –
 - (i) Application to Record Transfer of Patent ([Form No. 10](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a recordal of a transfer of a **patent application or patent registration** in the Register. The instructions for completing this form are listed in the footnotes to the form. Attach copy of document, Deed of Assignment or Articles of Merger, by which the patent application or patent was transferred;
 - (ii) Application for an Address for Service ([Form. No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form;
 - (iii) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or

for a local applicant who is applying through an attorney;
AND

- (b) by paying the following fees –
 - (i) BZ\$50.00 – fee for recording a transfer of a **patent registration**;
 - (ii) BZ\$50.00 – fee for application for approval of the transfer of a **patent registration**; OR
 - (iii) BZ\$25.00 – fee for recognizing the transfer of a **patent application**;
 - (iv) BZ\$50.00 – fee for approval of the transfer of a **patent application**; AND
 - (v) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal;
 - (vi) BZ\$50.00 – fee for application for address for service or change of address for service.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR AMENDMENT TO A PATENT APPLICATION OR REGISTRATION OR RECORDAL OF A CHANGE OF NAME/ADDRESS/ OTHER CHANGE IN THE REGISTER OF PATENTS?

You can apply for recordal of a change of name/ address/other change in the Register of Patents or amendment to a patent –

- (a) by filing the following forms –
 - (i) Application to Amend Application for Registration of a Patent ([Form No. 2D](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form; OR
 - (ii) Application to Record Change in Register ([Form No. 9](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a recordal of a change of name/address/other change in the Register or for amendment to a patent registration. The instructions for completing this form are listed in the footnotes to the form.

In case of change of name, attach copy of document evidencing such change; OR

- (iii) Application for Amendment to Application for Recordal ([Form No. 16](#) of Schedule to the Patents (General Procedures) (Amendment) Administrative Instructions, 2006). This form shall only be completed by an applicant for an amendment to a recordal application. The instructions for completing this form are listed in the footnotes to the form; AND
 - (iv) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is not required by an applicant for recordal of an amendment to an application for registration of a patent or any amendment to any other application. The instructions for completing this form are listed in the footnotes to the form; AND
 - (v) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. This form is not required by an applicant for recordal of an amendment to an application for registration of a patent or any amendment to any other application; AND
- (b) by paying the following fees –
- (i) BZ\$50.00 – fee for recording a change to a patent application form; OR
 - (ii) BZ\$50.00 – fee for amending an application for recordal; OR
 - (iii) BZ\$100.00 – fee for recording a change in the Register of Patents or amendment of the text or drawing of a patent; AND
 - (iv) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal; AND
 - (v) BZ\$50.00 – fee for application for address for service or change of address for service. This fee does not apply to an applicant for a recordal of any amendment to an application for patent registration or any amendment to any other application.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR RECORDAL OF A LICENCE-CONTRACT OR CANCELLATION OF A RECORD OF A LICENCE-CONTRACT OR RECORDAL OF A TRANSFER OF A LICENCE-CONTRACT?

You can apply for recordal of a licence-contract or cancellation of a record of a licence-contract or recordal of a transfer of a licence-contract –

- (a) by filing the following forms –
 - (i) Application for Registration of a Licence-Contract ([Form No. 4](#) of Schedule II to the Patents Regulations, CAP. 253S). This form shall only be completed by an applicant for a recordal of a licence-contract. The instructions for completing this form are listed in the footnotes to the form. Attach copy of Licence-Contract; OR
 - (ii) Application to Cancel Record in Register of a Licence-Contract ([Form No. 6A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a cancellation of a record of a licence-contract. The instructions for completing this form are listed in the footnotes to the form; OR
 - (iii) Application to Record Transfer of Licence-Contract ([Form No. 6B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a recordal of a transfer of a licence-contract. The instructions for completing this form are listed in the footnotes to the form. Attach copy of document, Deed of Assignment or Transfer, by which licence-contract was transferred; AND
 - (iv) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form; AND
 - (v) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –

- (i) BZ\$200.00 – fee for recording a licence-contract; OR
- (ii) BZ\$200.00 – fee for cancellation of a licence-contract; OR
- (iii) BZ\$200.00 – fee for recording the transfer of a licence-contract; AND
- (iv) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal; AND
- (v) BZ\$50.00 – fee for application for address for service.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR RECORDAL OF A SUB-LICENCE-CONTRACT OR CANCELLATION OF A RECORD OF A SUB-LICENCE-CONTRACT OR RECORDAL OF A TRANSFER OF A SUB-LICENCE-CONTRACT?

You can apply for recordal of a sub-licence-contract or cancellation of a record of a sub-licence-contract or recordal of a transfer of a sub-licence-contract –

- (a) by filing the following forms –
 - (i) Application to Record a Sub-Licence-Contract ([Form No. 6C](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a recordal of a sub-licence-contract. The instructions for completing this form are listed in the footnotes to the form. Attach copy of Sub-Licence-Contract; OR
 - (ii) Application to Cancel Record in Register of a Sub-Licence-Contract ([Form No. 6D](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a cancellation of a record of a sub-licence-contract. The instructions for completing this form are listed in the footnotes to the form; OR
 - (iii) Application to Record Transfer of Sub-Licence-Contract ([Form No. 6E](#) of Schedule to the Patents (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a recordal of a transfer of a sub-licence-contract. The instructions for completing this form are listed in the footnotes to the form.

Attach copy of document, Deed of Assignment or Transfer, by which sub-licence-contract was transferred; AND

- (iv) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form; AND
 - (v) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –
- (i) BZ\$200.00 – fee for recording a sub-licence-contract; OR
 - (ii) BZ\$200.00 – fee for cancellation of a sub-licence-contract; OR
 - (iii) BZ\$200.00 – fee for recording the transfer of a sub-licence-contract; AND
 - (iv) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal; AND
 - (v) BZ\$50.00 – fee for application for address for service.

[BACK TO CONTENTS](#)

WHAT IS A UTILITY MODEL CERTIFICATE?

A utility model certificate is the legal title granted to protect an invention that is new and industrially applicable. Unlike a patent, a utility model does not require an inventive step. A utility model certificate shall expire seven years after the filing date of the application and shall not be renewed.

A utility model certificate can be obtained by filing the same forms required for a grant of a patent. The fees for obtaining a utility model certificate are BZ\$300 (application/grant fee), BZ\$250 (publication fee) and BZ\$50 (address for service fee for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney). The small entity fee is BZ\$300 (filing/grant fees). The registered owner of a utility model

certificate is not required to pay any annual renewal fees in order to maintain the grant.

An applicant for a utility model certificate may convert his or her application into an application for a patent (or vice versa), at any time before the grant or refusal of a utility model certificate.

[BACK TO CONTENTS](#)

HOW DO I CHANGE AN AGENT?

You can change an agent –

- (a) by filing the following forms -
 - (i) Power of Attorney ([Form No. 2B](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
 - (ii) Application for an Address for Service ([Form No. 2A](#) of Schedule II to the Patents (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form;
AND
- (b) by paying the following fees –
 - (i) BZ\$50.00 – fee for application for address for service;
 - (ii) BZ\$100.00 – fee for publication of notice of change of agent.

[BACK TO CONTENTS](#)

HOW DO I APPLY FOR AN EXTENSION OF TIME?

You can apply for an extension of time –

- (a) by filing the following document -
 - Affidavit setting forth the relevant facts that caused the delay; AND
- (b) by paying the following fee -

BZ\$50.00 – fee for requesting that the Registrar extend the time limit for doing anything.

[BACK TO CONTENTS](#)

WHAT IS THE STATUS OF PATENTS REGISTERED UNDER THE REPEALED PATENTS AND DESIGNS ACT AND THE REGISTRATION OF UNITED KINGDOM PATENTS ACT?

The Patents and Designs Act and the Registration of United Kingdom Patents Act were repealed by the present Patents Act. However, patents registered under the repealed Acts are now regarded as being registered under the present Act. The transitional period, for filing an application for a patent granted in the United Kingdom or a European patent designating the United Kingdom or for filing an application originally filed in the United Kingdom or at the European Patent Office designating the United Kingdom, has expired.

[BACK TO CONTENTS](#)

WHAT IS THE PATENT COOPERATION TREATY (PCT) AND WHAT ROLE DOES THE INTELLECTUAL PROPERTY OFFICE PLAY IN THE PCT SYSTEM?

The PCT is a World Intellectual Property Organisation administered treaty that provides for the filing of international applications with a view to obtaining patent protection in a large number of countries. The PCT provides a simplified procedure for an inventor or applicant to apply for and eventually to obtain patents.

The application is processed through several stages. The first stage is the general stage and it is known as the international phase. There are four main steps in the international phase. The first step is the filing of the international application, designating countries of interest (designated offices); the second step is the international search; the third step is the international publication; and the fourth step is the international preliminary examination.

If the applicant wishes to go ahead with his application, he then proceeds to the second stage of the PCT process, which is known as the national or regional phase. This national or regional phase involves the filing of patent applications in the intellectual property offices of the different designated countries, which are still of interest to the applicant.

The Intellectual Property Office acts as a Receiving Office in respect of any international application filed with it by a resident or national of Belize. The Intellectual Property Office also acts as a Designated Office in respect of an

international application in which Belize is designated, and as an Elected Office in respect of an international application in which Belize is designated if the applicant elects Belize for the purposes of an international preliminary examination.

[BACK TO CONTENTS](#)

WHAT ARE THE ELEMENTS MAKING UP A PCT INTERNATIONAL APPLICATION?

The elements making up a PCT international application are –

- (a) request ([Form PCT/RO/101](#) or computer-generated request);
- (b) description;
- (c) one or more claims;
- (d) abstract (may be filed later without affecting the international filing date);
- (e) drawings (where applicable) – later submission will, subject to certain conditions, generally result in a later international filing date;
- (f) sequence listing part of description (where applicable);
- (g) indications containing references to deposited microorganisms or other biological material (some designated Offices (e.g. Japan) require that they be in the description or in the international application on the international filing date); AND

The fees for a PCT international application originating from Belize are –

- (a) Transmittal fee;
- (b) International filing fee;
- (c) Fee per sheet over 30; AND
- (d) International search fee (European Patent Office);

OR

- (e) CA\$1,600.00 – International search fee (Canadian Intellectual Property Office).

Source: www.wipo.int

[BACK TO CONTENTS](#)

WHAT ARE THE ELEMENTS WHICH MAY ACCOMPANY A PCT INTERNATIONAL APPLICATION?

The elements which may accompany a PCT international application are –

- (a) translation of the international application for the purposes of international search or international publication (where applicable) – may be furnished later without affecting the international filing date;
- (b) separate power of attorney or copy of general power of attorney (where an agent or common representative is appointed) – may be filed later without affecting the international filing date;
- (c) priority document(s) where the priority of an earlier application (national, regional or international) is claimed – may be furnished until the date of international publication;
- (d) sequence listing complying with the Standard set out in Annex C of the Administrative Instructions (where applicable) (generally in electronic form (diskette, CD-R)) – may be furnished later without affecting the international filing date but subject to a late furnishing fee.

Source: www.wipo.int

[BACK TO CONTENTS](#)

WHAT ARE THE PHYSICAL REQUIREMENTS OF A PCT INTERNATIONAL APPLICATION?

The physical requirements of a PCT international application are –

- (a) A4 size paper for all the sheets;

States concerned are those in Part 1 of the table on the PCT website at:
www.wipo.int/pct/en/fees/fee_reduction.pdf.

- (b) Line spacing: 1 ½ for pages of text in description, claims and abstract;
- (c) minimum and maximum margins for the sheets of text and drawings;
- (d) indication of the applicant's or agent's file reference –
 - (i) 12 characters maximum;
 - (ii) in the upper left-hand corner of the sheet;
 - (iii) within 1.5 cm of the top of the sheet;
- (e) numbering of the sheets –
 - (i) centered at the top or bottom of the sheets, not in the margin;
 - (ii) 4 series: request
 - description, claims, abstract
 - drawings (if any)
 - sequence listing part of the description (if any);
- (f) special requirements for drawings (recommendation: no text matter in the drawings (avoid problems with translations for national phase)).

The full lists of PCT forms and fees for the international phase can be found on www.belipo.bz/e_library.html (under the 'Intellectual Property Research Links' Section).

Source: www.wipo.int

[BACK TO CONTENTS](#)

CAN I APPLY ONLINE FOR PATENT REGISTRATION?

Yes. You can apply online for patent registration by clicking on the QUICKPAT link on www.belipo.bz. This webpage contains electronic forms for a petition for a patent, application for an address for service and power of attorney.

The electronic forms may be signed by using any combination of letters, numbers, spaces or punctuation marks placed between two forward slash ("/") symbols. Examples of acceptable signatures for electronic application forms include /ramses/, /drl/, and /577-34567/. The electronic forms may also be signed by printing, completing and faxing or emailing the Facsimile Signature Form. An applicant must notify the Office of his particular method of electronic signature.

An applicant may file the electronic forms without submitting copies of the relevant PCT international application, specification, international search report, and international preliminary examination report.

[BACK TO CONTENTS](#)

WHAT ARE THE PHYSICAL REQUIREMENTS FOR NATIONAL PATENT APPLICATIONS?

(a) FORMS -

- In submitting a document to the Office for any purpose, the person submitting the document must use the form set out in *Schedule II* to the Patents Regulations that is appropriate for the purpose, but the form may be modified in such manner as is necessary in the circumstances.
- In submitting a document to the Office, one copy only of the document need be submitted.
- If a document that is submitted to the Office differs significantly from the form in *Schedule II* to the Patents Regulations intended to be used for the purpose of the submission, the Registrar may require that the document be replaced, within a time fixed by the Registrar, by one that conforms to the document required by *Schedule II* to the Patents Regulations to be used for the purpose.
- All applications, notices, statements, papers having representations affixed, or other documents authorized or required by the Patents Act or the Patents Regulations to be made, left with or sent to the Registrar must be on strong, durable white paper and, except in the case of statutory documents and affidavits, must be written on one side of the paper only.
- Each sheet of paper, other than drawings, must have its short sides at the top and bottom of the sheet.
- Each sheet of paper must be of the same size and on A-4 paper or such other size as the Registrar may permit.
- The pages of documents, other than drawings, must be numbered consecutively, preferably at the top of the page.
- Page margins must be at least 2 centimetres.
- Except for drawings, pages must be typed or printed, preferably with one and a half spacing or double spacing.

- An application must be in English.

(b) DRAWINGS -

All drawings in an application must satisfy the following requirements-

- the drawings are to be on white paper or other material suitable for reproduction;
- the sheets of drawings are to be the same size as those used for the description in the application;
- the drawings are to be prepared with durable dark lines suitable for reproduction;
- the drawings are to be on a scale sufficiently large to show the invention clearly;
- the drawings are to appear on only one side of the sheet;
- figures in the drawings are to be numbered consecutively without regard to the number of sheets in the drawings and so far as possible the figures are to be arranged in numerical order;
- the figures are to be identified and explained in the description;
- figures in the drawings can be continued on subsequent sheets if necessary or several figures can appear on the same page;
- the drawings are to be identified with the name of the applicant or inventor; and
- the drawings are not to contain textual matter other than that needed to identify parts;
- photographs may be used instead of drawings in an application if the photographs clearly illustrate the invention and can be readily reproduced;
- no drawings or sketches shall be placed in the textual part of a disclosure in an application except to show graphic chemical formulae, mathematical formulae, symbols or equations;
- drawings in an application must be free of such folds, breaks or creases as render them unsuitable for reproduction;

- the description in the application shall briefly explain the drawings in the application.

(c) CLAIMS -

- No more claims shall be permitted in an application than are necessary to adequately protect the invention disclosed in the application.
- Claims must be numbered consecutively.
- Claims may be made dependent upon preceding claims in order to add features to what is claimed in the preceding claims.
- A dependent claim must refer by number to the claim upon which it depends.
- A dependent claim may refer by number to not more than three preceding claims and any claim so referred to must not itself refer by number to more than one other claim.

[BACK TO CONTENTS](#)

HOW IS A PATENT AMENDED?

(a) Amendment to specification (description and claims) -

- An amendment to the specification (excluding the claims) must be made by adding, deleting or replacing a paragraph, by replacing a section, or by submitting a substitute specification.
- A replacement paragraph shall include markings (e.g. underlining and strikethrough) to show all changes relative to the previous version of the paragraph.
- A new paragraph shall be submitted without any underlining.
- Except as otherwise provided, a particular claim may be amended only by rewriting such claim with underlining below the word added and strikethrough across the word deleted.
- The rewriting of a claim shall be construed as directing the cancellation of the original claim; however, the original claim number followed by the parenthetical word “amended” must be used for the rewritten claim.

- If a previously rewritten claim is rewritten, underlining and strikethrough shall be applied in reference to the previously rewritten claim with the parenthetical expression “twice amended,” “three times amended,” as appropriate, following the original claim number.
- Any pending claim not being currently amended must be presented in the claims listing in clean version without any markings.
- Amendments to the specification must be accompanied by a paper directing or requesting that the specified amendments be made, and by a clean version without markings.

(b) Amendments to the drawing -

- A change in the construction shown in any drawing may be made only by the submission of a substitute drawing by applicant.
- Each substitute drawing must be labeled “Replacement Sheet” in its top margin if it replaces an existing drawing sheet.
- Any replacement sheet of drawings must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended.
- Each new sheet of drawings containing an additional figure must be labeled in the top margin as “New Sheet”.
- Any change to the drawings must be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(c) Amendment of amendments -

- When an amending clause is to be amended, it shall be wholly rewritten and the original insertion canceled so that no further interlineations or deletions shall appear in the clause as finally presented.
- Any matter canceled by amendment may be reinstated only by a subsequent amendment presenting the canceled matter as a new insertion.

(d) Substitute specification -

- If the number or nature of the amendments shall render it difficult to consider the case, or to arrange the papers for printing or copying, the examiner may require the entire specification, including the claims, or any part of the claims, to be rewritten.
 - A substitute specification may not be accepted unless it has been required by the examiner or unless it is clear to the examiner that acceptance of a substitute specification shall facilitate processing of the application.
 - Any substitute specification filed must be accompanied by a statement that the substitute specification includes no new matter.
- (e) Numbering of claims -
- The original numbering of the claims must be preserved throughout the prosecution.
 - When claims are canceled, the remaining claims must not be renumbered.
 - When claims are added, except when presented in amended form, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not).
 - When the application is ready for allowance, the examiner, if necessary, must renumber the claims consecutively in the order in which they appear or in such order as may have been requested by applicant.

[BACK TO CONTENTS](#)

LANGUAGE/FILING BY FAX/FEE DEADLINE

- All documents for filing shall be in English. Where a different language is used the documents shall be accompanied by an English translation.
- Filing by fax is acceptable on condition that the original copies are received within 30 days of filing date.
- Time limit for payment of national application fees – within 30 days of filing date. In the case of a Patent Cooperation Treaty (PCT) international

application entering national phase in Belize, the applicant shall pay the patent application fees before the expiration of thirty months from the priority date.

[BACK TO CONTENTS](#)

WHAT ARE THE TIMELINES FOR PROCESSING PATENT APPLICATIONS?

<ul style="list-style-type: none"> • issue filing date stamp for patent applications meeting filing requirements 	within 1 week from date of receipt of application
<ul style="list-style-type: none"> • issue confirmation of national entry for PCT applications meeting entry requirements 	within 1 week from date of receipt of application
<ul style="list-style-type: none"> • first substantive examination action (including all known objections to patentability)/notice of patent grant 	<p>within 30 months from date of receipt of application</p> <p>within 2 months for patent applications that satisfy patentability requirements</p>
<ul style="list-style-type: none"> • issue a patent registration certificate 	<p>within 30 months from date of receipt of application</p> <p>within 2 months for patent applications that satisfy patentability requirements</p>

[BACK TO CONTENTS](#)

HOW CAN I CONTACT BELIPO?

You can contact BELIPO through the following -

Belize Intellectual Property Office (BELIPO)
 Habet Building (2nd Floor)
 P.O. Box 592
 Constitution Drive
 Belmopan, Belize
 Phone: 501-822-1381/822-2073
 Fax: 501-822-1382
 E-mail: belipo@btl.net / belipobz@lycos.com / info@belipo.bz
 Website: www.belipo.bz

[BACK TO CONTENTS](#)

DISCLAIMER

Whilst BELIPO takes all reasonable care in the provision of its services, it does not guarantee the accuracy of its publications, data records or advice, nor accept any responsibility for errors or omissions or their consequences.

The information available in this publication should not be regarded as being a complete and authoritative source of intellectual property information, and readers are advised to consult the relevant legislation before acting on anything contained in this publication.

[BACK TO CONTENTS](#)