

# Patents Regulations (Amendment) 1992 No. 148

## EXPLANATORY STATEMENT

### STATUTORY RULES 1992 No. 148

Issued by the Authority of the Minister of State for Science and Technology

Patents Act 1990

Patents Regulations (Amendment)

The Statutory Rules amend the Patents Regulations (the Regulations) to update the English text of the Patent Cooperation Treaty (the PCT) in Schedule 2 to the Regulations; to declare Gambia to be a Convention country; to vary certain fees payable under the Regulations; and align the allowances for witnesses in proceedings before the Commissioner of Patents (the Commissioner) to those prescribed in the Administrative Appeals Tribunal Regulations. Details of the amendments are as follows:

Regulation 1 sets 1 July 1992 as the commencement day for regulations 1, 2, 3, 4, 6, 7 and 8.

Regulation 2 identifies the Patents Regulations as those to be amended.

Regulation 3 amends subregulation 1.4(2) of the Regulations to reflect the day an which regulation 4, which amends the English text of the PCT in Schedule 2 to the Regulations, comes into force.

Regulation 4 replaces the English text of the PCT in Schedule 2 to the Regulations with the revised text that was agreed to by the Assembly of the International Patent Cooperation Union (the PCT Assembly) which administers the PCT.

Regulation 5 includes Gambia in the list of Convention countries in Schedule 4 to the Regulations.

Regulation 6 substitutes a revised Schedule 7. The items differ from existing items in the level of fees except for items 3 and 4 of Part 1; items 3(a), 3(b), 6(a), 11, 13, 15, 19, 21(a), 23, 24, 25(a), 26(a), 31, 33 to 36, 38, 39(a), 40 and 41 of Part 2; and items 1 and 6 of Part 3 which remain unchanged. The overall effect of the revised fees is an increase of 3.5 per cent on average in fee levels. This increase will enable the Patent, Trade Marks and Designs Offices to meet their cost recovery obligations.

In addition, new item 7 has been included in Part 3 and the fee items in Part 4 have been restructured consequential to changes to the PCT that were agreed to by the PCT Assembly.

Regulation 7 is a transitional provision which ensures that the amending regulations do not affect continuation or renewal fees paid before 1 July 1992 or the sealing fee for an application that was accepted before 1 July 1992.

Regulation 8 amends Schedule 8 to the Regulations to revise the level of allowances for witnesses that can be awarded in proceedings before the Commissioner.

In addition, this regulation corrects a minor typographical error in Schedule 8.