

## **THE PATENTS ACT.**

Statutory Instrument 216—1.

### **The Patents Regulations.**

#### **Arrangement of Regulations.**

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## **THE PATENTS ACT.**

Statutory Instrument 216—1.

### **The Patents Regulations.** *(Under section 46 of the Act.)*

#### **1. Citation.**

These Regulations may be cited as the Patents Regulations.

#### **2. Interpretation.**

In these Regulations, unless the context otherwise requires, “Act” means the Patents Act.

#### **3. Forms.**

(1) The forms for use under the Act and these Regulations shall be those set out in the First Schedule to these Regulations, and the forms shall be used in all cases to which they are applicable and may be modified as directed by the registrar to meet other cases.

(2) The registrar may waive the use of the prescribed form in respect of any application if he or she receives from the applicant in writing all the particulars which would have been supplied if the prescribed form had been used.

#### **4. Fees.**

The fees payable in respect of applications, registrations and other matters authorised by the Act and by these Regulations shall be those specified in the Second Schedule to these Regulations.

#### **5. Language of documents and translations.**

(1) All applications shall be in the English language, and any document forming part of an application or submitted to the registrar under the Act or these Regulations which is in a language other than English shall be accompanied by an English translation, verified to the satisfaction of the

registrar as corresponding to the original text.

(2) Any application, document or part of an application shall be deemed not to have been filed until any required translation is also filed.

## **6. Indication of name, address, nationality and residence.**

(1) The names of natural persons shall be indicated by the person's family name and given name, the family name being indicated before the given name.

(2) The names of legal entities shall be indicated by full, official designations.

(3) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any.

(4) Addresses shall also indicate telegraphic addresses, telex addresses and telephone numbers, if any.

(5) Nationality shall be indicated by the name of the State of which the person is a national.

(6) Legal entities shall indicate the name of the State under whose laws they are constituted and their registered office.

(7) Residence shall be indicated by the name of the State of which a person is a resident.

## **7. Signatures by partnerships, companies and associations.**

(1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or any partner qualified to sign, stating that he or she signs on behalf of the partnership, or by any other person who satisfies the registrar that he or she is authorised to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal

officer of the body corporate, or by any other person who satisfies the registrar that he or she is authorised to sign the document, and the document shall bear the seal of the body corporate.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the registrar that he or she is authorised to do so.

(4) The registrar may, whenever he or she deems it necessary, request evidence of authorisation to sign.

## **8. Measures, terminology and signs.**

(1) Units of weight and measures shall be expressed in terms of the metric system.

(2) Temperatures shall be expressed in degrees centigrade (Celsius).

(3) Density shall be expressed in metric units.

(4) For indications of heat, energy, light, sound and magnetism, as well as for mathematical formulae and electrical units, rules in general use shall be observed; and for chemical formulae the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(5) In general, only technical terms, signs and symbols generally accepted in the art should be used.

(6) The terminology and the signs used shall be consistent throughout the application.

## **9. Number of copies and physical requirements.**

(1) The application and any accompanying statements or documents shall be filed in triplicate, but the registrar may require the applicant to supply additional copies.

(2) All elements of the application shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming.

(3) Only one side of each sheet contained in the application shall be used.

(4) All elements of the application shall be on paper which is flexible, strong, white, smooth, nonshiny and durable.

(5) The size of the sheets shall be A4 (29.7 cm. x 21 cm.), but the registrar may accept sheets of other sizes.

(6) Subject to regulation 21(3) of these Regulations, the minimum margins of sheets shall be as follows—

- (a) upper margin of each page, except the first page: 20 mm.;
- (b) upper margin of the first page: 30 mm.;
- (c) side margin adjacent to the bindings: 25 mm.;
- (d) other side margin: 20 mm.; and
- (e) bottom margin: 20 mm.

(7) All sheets shall be numbered at the top of the sheet and in the middle, in consecutive Arabic numerals.

(8) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order—

- (a) the request;
- (b) the description;
- (c) the claims;
- (d) the abstract; and
- (e) the drawings.

(9) The sequential numbering of the sheets shall be effected by using three separate series of numbering as follows—

- (a) the first series shall apply to the request only and shall commence with the first sheet of the request;
- (b) the second series shall commence with the first sheet of the description and continue through the claims until the last sheet of the abstract; and
- (c) the third series shall apply to the sheets of the drawings only and shall commence with the first sheet of the drawings.

(10) In the application, every fifth line of each sheet of the description and the claims shall be numbered in Arabic numerals placed to the left of the relevant lines but to the right of the margin.

(11) The text matter of the application shall be typed, but graphic symbols, chemical or mathematical formulae and certain characters may be handwritten or drawn.

#### **10. Leaving and serving documents.**

(1) Any application, notice or other document authorised or required to be left, made or given at the registry, or to the registrar or to any other person under the Act or these Regulations may be sent by prepaid or official paid letter through the post, and if so sent, shall be deemed to have been left, made or given at the time when the letter containing the application, notice or other document would be delivered in the ordinary course of post.

(2) In proving the sending of any application, notice or other document under subregulation (1) of this regulation, it shall be sufficient to prove that the letter was properly addressed and put into the post.

(3) A letter addressed to the owner of a patent at his or her address as it appears on the register or at his or her address for service or to any applicant or opponent in any proceedings under the Act or these Regulations at the address appearing on the application or notice of opposition or given for service as provided for in these Regulations shall be deemed to be sufficiently addressed.

#### **11. Address for service.**

Every person concerned in any proceedings under the Act or these Regulations and every owner of a patent shall give an address for service within Uganda, and that address may be treated for all purposes connected with the proceedings or the patent as the actual address of the person concerned in the proceedings or of the owner of the patent.

#### **12. Mode of application.**

(1) Application for the grant of a patent or any other application or matter under the Act or these Regulations shall be filed by the applicant or the authorised representative of the applicant.

(2) An applicant may be represented by an agent who has the right to represent applicants before the registrar.

(3) Where the applicant's ordinary residence or principal place of business is outside Uganda, he or she shall be so represented.

### **13. Appointment of agent.**

(1) The appointment of an agent shall be by a power of attorney which shall be signed by the applicant or, if there is more than one applicant, by each applicant.

(2) The address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

(3) The power of attorney appointing an agent may be filed together with the application or within two months from the filing date of the application.

(4) If the appointment of an agent is not made in accordance with this regulation, any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

### **14. Entries in the register.**

(1) The registrar shall cause to be entered in the register in respect of every patent in addition to the information indicated in regulation 29(2) of these Regulations, the following information—

- (a) the address for service;
- (b) the date on which the patent expired or was surrendered or invalidated;
- (c) any assignment of the patent or application for the patent;
- (d) the grant of any licence contract; and
- (e) the grant, cancellation and variation of the terms of any compulsory licence with respect to the patent.

(2) The registrar may, at any time, enter in the register any other particulars he or she thinks fit.

### **15. Inspection of files.**



(1) Subject to subregulations (2), (3) and (4) of this regulation, any person may, upon payment of the prescribed fee, obtain copies or extracts from the register.

(2) The file relating to an application for a patent may be inspected and extracts obtained from the file before the grant of the patent only with the written permission of the applicant.

(3) Even before the grant of the patent, the registrar shall, on request, communicate the following bibliographic data—

- (a) the name and address of the applicant and the name and address of the agent;
- (b) the number of the application;
- (c) the filing date of the application and, if priority is claimed, the priority date, the numbers of the earlier application and the name of the State in which the earlier application was filed; or where the earlier application is a regional or international application, the name of the States for which it was filed;
- (d) the title of invention; and
- (e) any change in the ownership of the application and any reference to a licence contract appearing in the file of the application.

(4) Where an application is withdrawn in accordance with regulation 26 of these Regulations, the file relating to it may be inspected only with the written permission of the person who withdrew the application, and subregulation (3) of this regulation shall not apply.

(5) The inspection of files of the registry by the courts shall be by the provision of the relevant documents or extracts of the relevant entries.

## **16. Contents of application.**

- (1) The application for a patent shall contain—
  - (a) a request;
  - (b) a description;
  - (c) one or more claims;
  - (d) one or more drawings where necessary; and
  - (e) an abstract.

- (2) The application shall be accompanied by an application fee.

## **17. Request and contents of request.**

(1) The request shall be made in Form 1 set out in the First Schedule to these Regulations, copies of which shall be obtained from the registry.

(2) The request, which shall be signed by the applicant, shall contain—

- (a) a petition;
- (b) the title of the invention which shall be short and precise and shall not exceed seven words;
- (c) the name, address and place of business of the applicant's representative and his or her particulars;
- (d) where the applicant is the inventor, a statement to that effect and where he or she is not, the name and address of the inventor, specifying the basis of the applicant's right to the patent;
- (e) where applicable, a declaration of priority; and
- (f) a list which, when filled in, will show—
  - (i) the total number of sheets constituting the application and the number of sheets of each element of the application which shall include the request, description, claims, drawings and abstract;
  - (ii) whether or not the application as filed is accompanied by a power of attorney, a priority document, a statement justifying the applicant's right to the patent and any other document specified on the check list in Form 1 in the First Schedule to these Regulations; and
  - (iii) the number of the most illustrative drawing which the applicant suggests should accompany the abstract when the abstract is published.

## **18. Description.**

- (1) The description shall—
  - (a) state the title of the invention as it appears in the request;
  - (b) specify the technical field to which the invention relates;
  - (c) indicate the background art which, as far as is known to the applicant, can be regarded as useful for the understanding, researching and examination of the invention and, preferably, cite the documents reflecting that art;
  - (d) disclose the invention in terms that can be understood and state its advantageous effect, if any, with reference to the background

- art;
- (e) briefly describe the figures in the drawings, if any;
  - (f) set forth at least the best mode contemplated by the applicant for carrying out the invention which shall be done in terms of examples where appropriate, with reference to drawings, if any; and
  - (g) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or, if it can only be used, the way in which it can be used.

(2) The manner and order of presentation of the description specified in this regulation shall be followed except where, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more concise presentation of the description.

## **19. Claims.**

(1) The claim shall define the matter for which protection is sought in terms of the technical features of the invention.

(2) The numbers of the claims shall be reasonable, taking into account the nature of the invention, and, where there are several claims, they shall be numbered consecutively in Arabic numerals.

- (3) Whenever appropriate, the claim shall contain—
  - (a) a statement indicating the technical features of the invention which are necessary for the definition of the claim but which, in combination, are part of the prior art; and
  - (b) a characterising position preceded by the words “characterised in that” “characterised by” or “in which the improvement comprises” or any other words to the same effect stating concisely the technical features which, in combination with the features stated under paragraph (a) of this subregulation it is desired to protect.

(4) A claim shall not, except where absolutely necessary, rely with regard to the technical features of the invention, on references to the description or drawings and, in particular, it shall not rely on such references as—

“described in part \_\_\_\_\_ of the description”, or “as illustrated

in figure \_\_\_\_\_ of the drawings”.

## **20. Interpretation of claims.**

(1) The description and the drawings may be used to interpret the claims, and the claims shall be clear and concise and fully supported by the description.

(2) Any claim submitted after the filing date of the application and which is not identified by the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.

(3) The deletion of any claim previously appearing on the application shall be made by indicating the number of the previous claim followed by the word “cancelled”.

(4) Where the application contains drawings, the technical features mentioned in the claims shall whenever practicable be followed by the reference signs relating to those features.

(5) When used, the reference signs shall be placed between parentheses; but if inclusion of reference signs does not particularly facilitate quicker understanding of a claim, they shall not be used.

(6) It is permissible to include in the same application two or more independent claims of the same category which cannot be readily covered by a single generic claim.

(7) It is permissible to include in the same application a reasonable number of dependent claims claiming specific forms of the invention made in an independent claim.

## **21. Drawings.**

(1) Drawings shall be required as part of the application for a patent when considered necessary for the understanding of the invention.

(2) Drawings forming part of an application for a patent shall be on sheets, the usable surface area of which shall not exceed 26.2 cm. by 17 cm.

(3) The sheets shall contain frames around the usable or used surface, and the minimum margins shall be as follows—

- (a) top—2.5 cm.;
- (b) left side—2.5 cm.;
- (c) right side—1.5 cm.; and
- (d) bottom—1.0 cm.

(4) Drawings shall be executed as follows—

- (a) without colouring in durable, black sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;
- (b) cross sections shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;
- (c) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty, and where the scale is given on a drawing it shall be represented graphically;
- (d) all numbers, letters and reference signs appearing in the drawings shall be simple and clear; brackets, circles and inverted commas shall not be used in association with numbers and letters;
- (e) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;
- (f) the height of the numbers and letters shall not be less than 0.32 cm. and for the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;
- (g) the same sheet of drawings may contain several figures;
- (h) where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures;
- (i) different figures shall be arranged without wasting space and shall be clearly separated from one another;
- (j) different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets;
- (k) reference signs not mentioned in the description or claims shall not appear in the drawings and vice versa;
- (l) the same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;
- (m) the drawings shall not contain textual matter except, when

- required for the understanding of the drawings, a single word or words such as “water”, “steam”, “open”, “closed”, “section AA” and in the case of electric circuits and block schematic or flowsheet diagrams, a few short catchwords; and
- (n) flow sheets and diagrams are considered drawings for the purposes of these Regulations.

## **22. Abstracts.**

- (1) The abstract shall consist of the following—
  - (a) a summary of the disclosures contained in the description, the claims and any other drawings indicating the technical field to which the invention pertains and drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention and the principal use or user of the invention; and
  - (b) where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.
- (2) The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art.
- (3) The abstract shall be as concise as the disclosure permits and shall, whenever practicable, consist of not less than 50 but not more than 150 words.
- (4) The abstract shall not contain statements on the alleged merits or value of the invention.
- (5) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign placed between parentheses.
- (6) The abstract shall be accompanied by the most illustrative of any drawings furnished by the applicant.

## **23. Declaration of priority.**

- (1) The application may contain a declaration claiming priority as provided for in the Paris Convention, of one or more earlier national, regional

or international applications filed by the applicant or his or her predecessor in title in or for any State party to the Paris Convention.

(2) Where the application contains a declaration claiming priority in accordance with subregulation (1) of this regulation, the declaration shall indicate—

- (a) the date of the earlier application;
- (b) subject to subregulation (3) of this regulation, the number of the earlier application;
- (c) the name of the State in which the earlier application was filed;
- (d) where the earlier application is a regional or international application—
  - (i) the name of the State or States for which the application was filed;
  - (ii) the office with which the application was filed; and
  - (iii) the symbol of the international patent classification allocated to the application; and where none has been allocated, the applicant shall state that fact in the declaration and shall communicate the symbol as soon as it is allocated.

(3) Where at the time of filing the declaration referred to in subregulation (1) of this regulation, the number of the earlier application is not known, the number shall be furnished within three months from the date on which the application containing the declaration was filed.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the declaration.

(5) The applicant shall, within three months from the filing of the application containing the declaration, furnish a copy of the earlier application, certified as correct by the office with which it was filed.

(6) Where the requirements of this regulation have not been complied with, the declaration will be disregarded.

#### **24. Filing date.**

- (1) Upon receiving the application, the registrar shall—
  - (a) mark on each document making up the application, an application number consisting of the letters UG, slant, the letter P slant, the

last two numbers of the year in which the papers were received, slant, and a five-digit number allotted in sequential order corresponding to the order in which the applications are received; and

- (b) confirm that the application fulfills the requirements of section 19(1) of the Act.

(2) Where the application does not fulfill the requirements of section 19(1) of the Act, the registrar shall in writing, specifying the corrections required to be made, invite the applicant to file the corrected application within two months from the date of the invitation together with the payment of the prescribed fee.

(3) Where any corrections made under subregulation (2) of this regulation or any other documents relating to the application are received on different dates, the registrar shall mark the dates of their receipt in the appropriate place on the request form.

#### **25. Notification of filing date.**

(1) After according a filing date which shall be the date of receipt of the application as prescribed in section 19 of the Act, the registrar shall, in writing, notify the applicant accordingly.

(2) Where the application is treated as if it had not been filed under section 19(2) of the Act, the registrar shall, in writing, specifying the reasons for doing so, notify the applicant accordingly.

#### **26. Withdrawal of application.**

The applicant may withdraw the application under section 18 of the Act by submitting to the registrar a written declaration consenting to the withdrawal.

#### **27. Examination as to formal requirements.**

(1) After according a filing date, the registrar shall examine the application to ascertain whether it complies with the requirements prescribed under section 13 of the Act and the regulations pertaining to them.

(2) In addition, the requirements of section 14 of the Act and regulations 5, 6, 7, 8, 9, 13(4) and 16 of these Regulations shall, to the extent



applicable, be considered formal requirements for the purpose of the Act and these Regulations.

(3) If the registrar finds that the application does not fulfil the requirements referred to in subregulation (1) of this regulation, he or she shall invite the applicant to file the required corrections within two months from the date of the invitation; and if no correction is made within the prescribed period, the application shall be treated as if it had not been filed.

## **28. Examination as to substance.**

(1) Where any application is directed to be the subject of an examination as to substance under section 20 of the Act, the examining authority shall furnish a search and examination report which shall contain the conclusions of the examining authority.

(2) Where, taking due account of the conclusions of the search and examination report referred to in subregulation (1) of this regulation, the registrar is of the opinion that any of the conditions referred to in Part III of the Act relating to patentability and sections 13(2)(a), (b), (c) and (d), 14 and 17(2) of the Act have not been fulfilled, he or she shall notify the applicant accordingly and invite him or her to submit his or her amended application within six months after the date of notification.

(3) Where the registrar, taking due account of the search and examination report, decides to grant the patent under section 21(1) of the Act, he or she shall, by a notification to which shall be attached a copy of the search and examination report upon which the decision is based, communicate the decision to the applicant and request the applicant to make payment of the grant and publication fee, within three months.

## **29. Grant, registration and publication of patent.**

(1) Upon the payment of the grant and publication fee, the registrar shall, in accordance with section 21 of the Act—

- (a) grant the patent and issue to the applicant a certificate of grant;
- (b) publish the grant and the reference to the grant in the Gazette;
- (c) allot a number to the patent in the sequential order of the grants;
- (d) record the patent in the register; and
- (e) issue to the applicant a certificate of the grant of the patent and a copy of the patent.

(2) The publication of a reference to the grant in the Gazette shall include the following—

- (a) the number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the name and address of the inventor, except where he or she has asked not to be named in the patent;
- (d) the name and address of the applicant's representative;
- (e) the filing date and number of the application;
- (f) if priority has been claimed and the claim has been accepted, a statement of that priority, the date of the declaration claiming priority and the name of the country or countries in which the earlier application was filed;
- (g) the effective date of the grant of the patent;
- (h) the title of the invention;
- (i) the abstract;
- (j) if there are drawings, the most illustrative drawing; and
- (k) the symbol of the International Patent Classification.

(3) The certificate of grant shall be issued in Form 2A set out in the First Schedule to these Regulations and shall contain—

- (a) the number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the filing date and priority date, if any, of the application;
- (d) the effective date of the grant of the patent; and
- (e) the title of the invention.

(4) The patent shall be granted in Form 2 set out in the First Schedule to these Regulations and shall contain, in addition to the information specified in subregulation (2) of this regulation—

- (a) the date of publication of the patent;
- (b) the documents or references cited of the prior art;
- (c) the description; and
- (d) the claims and drawings, if any.

(5) The patent shall be deemed to be granted on the date on which the registrar publishes a reference to the grant in accordance with subregulation (1)(b) of this regulation.

### **30. Refusal to grant patent.**

(1) Where the applicant fails to submit amendments in accordance with regulation 28(2) of these Regulations or where the amendments are submitted but the registrar finds that the conditions referred to in Part III of the Act and sections 13(2) (a), (b), (c) and (d), 14 and 17(2) of the Act have not been fulfilled, he or she shall refuse to grant the patent and notify the applicant accordingly, stating the reasons for refusal.

(2) Where two or more applications for the grant of a patent for the same invention bearing the same filing date or priority date are filed by the applicant, the registrar may refuse the grant of a patent in respect of more than one of the applications and shall notify the applicant accordingly.

### **31. Annual maintenance fee.**

(1) The annual maintenance fee and any surcharge in case of late payment of the annual maintenance fee payable under section 32 of the Act shall be as prescribed in the Second Schedule to these Regulations.

(2) The annual maintenance fee shall be due on the anniversary date of the filing of the application and shall be payable on or before that date in each successive year.

(3) The registrar shall, at least one month prior to the date on which the annual maintenance fee is due, issue a reminder in writing to the applicant.

(4) Where a patent lapses under section 32(4) of the Act, the registrar shall record the lapsed patent in the register and shall publish notification of the lapse in the Gazette.

### **32. Extension of term of patent.**

(1) An application to the registrar for the extension of a patent under section 31(2) of the Act shall be made in Form 3 set out in the First Schedule to these Regulations.

(2) The application shall be supported by evidence setting out fully the facts relied upon, and the evidence shall be filed either with the application or at any time within one month after the filing of the application.

(3) Where the extension is granted, the registrar shall—

- (a) record the extension in the register; and
- (b) publish in the Gazette notification of the extension and a reference to the patent specifying the same particulars as those prescribed under regulation 29(2) of these Regulations.

**33. Restoration of application deemed to have been withdrawn or lapsed patent.**

(1) A request to the registrar under section 32(5) of the Act for the restoration of an application which is deemed to have been withdrawn or of a patent which has lapsed shall be made in Form 4 set out in the First Schedule to these Regulations and shall be accompanied by evidence in support of the request and the prescribed fee.

(2) If, upon consideration of the evidence accompanying the request, the registrar is satisfied that the application or the patent, as the case may be, should be restored, he or she shall grant the restoration and shall—

- (a) record the restoration in the register; and
- (b) publish notification of the restoration in the Gazette.

**34. Surrender of patents.**

A notice by the owner of a patent under section 35 of the Act to surrender some or all of the claims in respect of a patent shall be given in Form 5 set out in the First Schedule to these Regulations.

**35. Utility certificates.**

Except as otherwise expressly specified in these Regulations, the provisions of these Regulations shall apply with the necessary modifications to utility certificates and applications for them under section 41 of the Act.

**36. Special provisions relating to utility certificates.**

(1) In marking the application under regulation 24 of these Regulations, the registrar shall substitute the letters “UC” for the letter “P”.

(2) For the purposes of regulation 28 of these Regulations, the examination shall be limited to the requirements of novelty and industrial applicability in accordance with section 42(2) and (3) of the Act.

(3) A request under section 44 of the Act for the conversion of an application for a patent into an application for a utility certificate or vice versa shall be signed by the applicant and shall be accompanied by the prescribed fee.

(4) The registrar shall, within two months after the receipt of the request under section 44 of the Act, notify the applicant of his or her decision on it in writing; and where he or she refuses the request, he or she shall state the reasons for doing so.

### **37. Unity of invention.**

(1) Section 14 of the Act shall be construed as permitting, in particular, one of the following three possibilities—

- (a) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same application of an independent claim for a use of that product;
- (b) in addition to an independent claim for a given process, the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the process; or
- (c) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the process.

(2) Subject to section 14 of the Act, it is permissible to include in the same application—

- (a) two or more independent claims of the same category which cannot readily be covered by a single generic claim;
- (b) a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

### **38. Classification of patents.**

The registrar shall apply the International Patent Classification, as adopted under the Strasbourg Agreement of March 24, 1971, and updated in its subsequent editions, for all purposes relating to the grant and publication of

patents, as well as for the maintenance of classified search files.

**39. Disclosure to be disregarded for prior art purposes.**

(1) An applicant who wishes a disclosure of the invention not to be taken into account in accordance with section 9(3) of the Act for prior art purposes shall so indicate on the application and shall furnish, in writing, with the application or within one month after filing the application, full particulars of the disclosure.

(2) Where the disclosure was made at an exhibition, the applicant shall file, within the same period, a duly authenticated certificate issued by the authority responsible for the exhibition containing particulars of the exhibition and stating that the invention was in fact exhibited there.

**40. Time limits for furnishing information.**

(1) The time limits to be specified for furnishing the information requested under section 17 of the Act shall not be less than two nor more than six months from the date on which the request is made.

(2) The registrar may, upon a request by the applicant, extend the time limit prescribed under subregulation (1) of this regulation.

(3) If the applicant replies that the documents requested under section 17 of the Act are not yet available, the registrar may suspend the procedure for the examination of the application until the documents are furnished.

**41. Exploitation of patented invention by the Government or third persons authorised by the Government.**

(1) The Minister shall, before making a direction under section 29 of the Act, consult the registrar, and give the owner of the patent, beneficiaries of nonvoluntary licences, and any other persons whose participation he or she considers useful, at least twenty-one days' notice in writing of the date on which they may be heard.

(2) The owner of the patent shall give written notice of the hearing to all licensees, and they shall have the right to participate in the hearing.

(3) The Minister shall, after the hearing, make his or her direction in

writing, stating the grounds upon which his or her direction is based, and, if he or she decides that the invention should be exploited under section 29 of the Act, he or she shall state the terms of exploitation and transmit the decision to the registrar.

(4) The registrar shall record and publish the direction of the Minister and publish it in the Gazette and, shall in writing, notify the owner of the patent and the other participants present at the hearing of the direction.

(5) If the direction of the Minister with regard to remuneration is the subject of an appeal, the registrar of the court shall notify the registrar of the decision of the court as soon as it becomes final, and the registrar shall record the decision in the register and publish it in the Gazette.

#### **42. Hearing.**

(1) The registrar shall, before exercising adversely any discretionary power given to him or her under the Act or under these Regulations, notify the affected person, in writing, of the opportunity to be heard on the matter and indicate a time limit, which shall not be less than one month, for filing a request for a hearing.

(2) The request for a hearing shall be in writing and shall be accompanied by the relevant fees prescribed in the Second Schedule to these Regulations.

(3) Upon receiving a request for a hearing, the registrar shall give the person applying, and any other interested persons, at least two weeks' notice, in writing, of the date and time of the hearing.

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## SCHEDULES

*First Schedule.*

regs. 3, 17.

### **Forms.**

*The Patents Act.*

#### Form 1.

Application for a Patent.

I/We the applicant(s) request(s) the grant of a patent in respect of the following particulars—

1. Title of invention \_\_\_\_\_
2. Applicant(s)<sup>1</sup>
  - (a) Name \_\_\_\_\_
  - (b) Address \_\_\_\_\_
  - (c) Nationality \_\_\_\_\_
  - (d) Country \_\_\_\_\_
  - (e) Country of residence or principal place of business \_\_\_\_\_
3. Representative—
  - (a) Name \_\_\_\_\_
  - (b) Address \_\_\_\_\_
4. Inventor—

The inventor is the applicant— Yes/No

If not—

Name of applicant \_\_\_\_\_

Address \_\_\_\_\_
5. Divisional application<sup>2</sup> —
  - (a) Initial Application No. \_\_\_\_\_
  - (b) Date of filing initial application \_\_\_\_\_

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<sup>1</sup> Data concerning each applicant must appear in this space. If this space is not sufficient put additional information on separate sheet.

<sup>2</sup> If divisional application supply reference to the initial application and indicate whether benefit from any priority claimed for initial application is sought.



6. Priority declaration<sup>3</sup>
- (a) Country<sup>4</sup> \_\_\_\_\_
  - (b) Filing date \_\_\_\_\_
  - (c) Application No. \_\_\_\_\_
  - (d) IPC symbol \_\_\_\_\_

7. Check list—
- (a) This application contains the following—
    - (i) request \_\_\_\_\_ sheet(s)
    - (ii) description \_\_\_\_\_ sheets
    - (iii) claim(s) \_\_\_\_\_ sheets
    - (iv) abstract \_\_\_\_\_ sheets
    - (v) drawings \_\_\_\_\_ sheets
  - (b) This form is accompanied by the items checked below—
    - (i) \_\_\_\_\_ power of attorney
    - (ii) \_\_\_\_\_ statement specifying the basis of applicant's right to the patent
    - (iii) \_\_\_\_\_ statement that certain disclosures be disregarded
    - (iv) \_\_\_\_\_ priority documents (certified)
    - (v) \_\_\_\_\_ English translation of earlier applications on which priority declaration is based
    - (vi) \_\_\_\_\_ other documents (*specify*)

Drawing No. \_\_\_\_\_ is suggested to accompany the abstract for publication.

8. Signed \_\_\_\_\_  
Date \_\_\_\_\_

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<sup>3</sup> If priority of more than one earlier application is claimed, the data should be indicated on an additional sheet of paper.

<sup>4</sup> If earlier application is a regional or international application, indicate here the office in which and the countries for which it was filed.

reg. 29(4).

Form 2.  
Form of Patent.  
*The Patents Act.*

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(12) Uganda patent	(19)	(11)
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(54) Title of invention		
(51) International classification Int. CL4		

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(21) Application number	(73)	Applicant(s)
(22) Filing date		
(24) Date of grant and		
(45) Publication	(72)	Inventor(s)

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(30) Priority date		
(33) Country		
(31) Number		
(32) Date		

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	(74)	Agent
(56) Documents cited		
(58) Field of search		

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(57) Abstract		
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reg. 29(3).

Form 2A.  
Certificate of Grant of Patent.  
*The Patents Act.*

In accordance with section 21(1) of the Patents Act, it is certified that a patent having the No. \_\_\_\_\_ has been granted to—

Name \_\_\_\_\_

Address \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

In respect of an invention disclosed in Patent Application No. \_\_\_\_\_

Filing date \_\_\_\_\_

Priority \_\_\_\_\_

Being an invention titled \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Registrar of Patents

Form 3.  
Application for the Extension of a Patent.  
*The Patents Act.*

I/We \_\_\_\_\_<sup>1</sup> being  
the owner(s) of Patent No. \_\_\_\_\_ apply for an extension of the patent  
for a further period of five years.

The facts relied upon in support of this application are<sup>2</sup> \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

<sup>3</sup> \_\_\_\_\_

My/Our address for service in Uganda is \_\_\_\_\_  
\_\_\_\_\_

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<sup>1</sup> State in full name and address of applicant(s).

<sup>2</sup> State in full facts relied on which must be verified by evidence. If this space is not sufficient, the particulars may be continued on a separate sheet.

<sup>3</sup> To be signed by the patentee(s) or his/her/their agent.

Form 4.

Application for the Restoration of a Lapsed Patent or an Application  
Which is Deemed to Have Been Withdrawn.

*The Patents Act.*

I/We \_\_\_\_\_<sup>1</sup>  
being the owner(s) of Patent/Patent Application No. \_\_\_\_\_<sup>2</sup>  
apply for an order for the restoration of that patent/patent application<sup>2</sup>.

The circumstances which have led to the failure to pay the annual  
maintenance fee on or before the<sup>3</sup> \_\_\_\_\_  
are \_\_\_\_\_  
\_\_\_\_\_<sup>4</sup>

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

<sup>5</sup> \_\_\_\_\_

My/Our address for service in Uganda is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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<sup>1</sup>State in full name and address of applicant(s).  
<sup>2</sup>Delete whichever is inapplicable.  
<sup>3</sup>State last day when fee was due.  
<sup>4</sup>State circumstances. The application must be accompanied by one or more affidavits setting out fully all the material facts on which the applicant(s) bases his/her/their case.  
<sup>5</sup>To be signed by the patentee(s) or his/her/their agent.

Form 5.  
Notice of Surrender of a Patent.  
*The Patents Act.*

I/We \_\_\_\_\_<sup>1</sup>  
give notice that I/we have surrendered all the following claims<sup>2</sup> \_\_\_\_\_

\_\_\_\_\_

in respect of Patent No. \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

<sup>3</sup>  
\_\_\_\_\_

My/Our address for service in Uganda is \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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<sup>1</sup>State in full, name and address.

<sup>2</sup>Insert the surrendered claims if not all are surrendered.

<sup>3</sup>To be signed by the patentee(s) or his/her/their agent.

Form 6.  
Application for Registration of Assignment.  
(Under section 33(2) of the Patents Act.)

I/We \_\_\_\_\_<sup>1</sup>  
request that you enter my/our name(s) in the register of patents as owner(s)  
of Patent (Application) No.<sup>2</sup> \_\_\_\_\_ at present in the name(s) of<sup>3</sup>  
\_\_\_\_\_  
\_\_\_\_\_ and in  
proof of which I/we transmit the accompanying<sup>4</sup> \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_  
\_\_\_\_\_

My/our address for service in Uganda is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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<sup>1</sup>State name and address.

<sup>2</sup>Delete the words in brackets if a patent has been granted.

<sup>3</sup>Here give names of registered owner.

<sup>4</sup>Here specify the particulars of each document giving its/their date(s) and the parties to it/them and how the claim is substantiated.

<sup>5</sup>Here insert the nature and number of documents.

<sup>6</sup>To be signed by applicant(s) or his/her/their agent.

Form 7.  
Petition to Register a Licence Contract.  
(Under section 37(2) of the Patents Act.)

I/We \_\_\_\_\_<sup>1</sup>  
petition that a licence contract relating to Patent No. \_\_\_\_\_ registered  
in the name of<sup>2</sup> \_\_\_\_\_ be registered.

I/We, transmit the accompanying<sup>3</sup> \_\_\_\_\_  
\_\_\_\_\_ and declare that there are no terms in the contract which are harmful to the  
economic interests of Uganda.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

<sup>4</sup>  
\_\_\_\_\_

My/Our address for service in Uganda is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

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<sup>1</sup>State name and address.

<sup>2</sup>Here give the name of the registered owner.

<sup>3</sup>Here specify the nature and particulars of the document(s) giving date(s) and parties to it/them.

<sup>4</sup>To be signed by the applicant(s) or his/her/their agent(s).



*Second Schedule.*

regs. 4, 31.

**Fees.**

Item	Matter	Amount of fee (Shs.)
1.	Search of register (under section 4(3) of the Act)	6,000
2.	Request for copies or extracts from register (under section 4(3) of the Act)	600 (per page)
3.	Application fee for grant of a patent (under section 13(2)(e) of the Act)	180,000
4.	Correction of application for grant of a patent (under section 19(2) of the Act)	12,000
5.	Grant and publication fee (under section 21 of the Act)	300,000
6.	Application for extension of term of a patent (under section 31(2)(a) of the Act)	60,000
7.	Annual maintenance fee (under section 32(1) and (2) of the Act)	48,000 on first anniversary date of the filing of the application and thereafter an additional 12,000 for every year application/patent is in force
8.	Surcharge for late payment of annual maintenance fee for patent (under section 32(3) of the Act)	20 percent of fee specified
9.	Application to register an assignment or any other change in ownership of an application or a patent (under section 33(2) of the Act)	60,000
10.	Petition for registration of a licence pertaining to a patent (under section 37(2) of the Act)	60,000
11.	Application for conversion of an application for a patent into an application for a utility certificate or vice versa (under section 44(2) of the Act)	12,000
12.	On doing any of the matters specified above pertaining to a utility certificate under Part VIII of the Act	One-third of the fee prescribed above

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**History:** S.I. 83/1993.

**Cross References**

International Patent Classification, as adopted under the Strasbourg  
Agreement of March 24, 1971.  
Paris Convention for the Protection of Industrial Property.

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