

L.R.O. 2007

**LAWS OF BARBADOS**

**PATENTS ACT**

**CHAPTER 314**

**(SUBSIDIARY LEGISLATION)**

SUBSIDIARY LEGISLATION INDEX

**Patents**

1. Regulations, 1984 ..... A1
2. (Priority Protection) Order, 2005 ..... B1

**Patents**

Cap. 314.

**PATENTS REGULATIONS, 1984**

1984/84.

**Authority:** These regulations were made on 17th April, 1984 by the Minister under section 98 of the *Patents Act*.

**Commencement:** 14th May, 1984.

*Citation*

1. These Regulations may be cited as the *Patents Regulations, 1984*. Short title.

*Interpretation*

2. In these regulations,

Definitions.

(a) "applicant" means a person for whom an application is made;

(b) "application" means an application for patent;

(c) "Office" means the Industrial Property Office;

(d) "section" unless qualified means a section of these regulations.

*Fees*

3. The fees to be paid under the Act and these regulations are those fixed in *Schedule I*.

Fees set out.  
Schedule  
I.

4. Payments shall be made in Barbadian currency, but the equivalent amount in a foreign currency that is convertible in Barbados may be accepted.

Currency.

5. When a fee paid by a person to the Director for any purpose exceeds the fee fixed by these regulations for that purpose by more than \$10, the person who paid the fee is entitled to be refunded the amount of excess less \$10.

Excess fee.

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**Fee refund.** 6. When a fee is paid to the Director by any person by mistake, for an application that is withdrawn before it is given an application number, or for a service that cannot be provided, the person who paid the fee is entitled to a refund of the fee less \$25, if he claims the refund within 1 year of the payment of the fee.

**Refund of advance fee.** 7. When a person pays a fee in advance for the grant of a patent, renewal of a patent or for any other purpose, he is entitled to a refund of that fee, less \$15, if he decides not to proceed with the application for the patent, renewal or other matter to the stage where the fee would be required.

**Payment of fees.** 8. (1) Fees that are paid by cheque, bank draft or money order shall be forwarded to the Director and made payable to him.

(2) Fees may be paid by cash at the Office.

**Cheques.** 9. A payment of a fee by cheque may be accepted by the Director as being a payment of the fee when the cheque is received by him, but if the cheque is not paid when presented to the bank on which it is drawn and not made good within such time as the Director may fix, the acceptance of the fee is revoked and any thing done pursuant to the payment is void and, if appropriate, shall be so recorded in the register.

### *Forms*

**Form re-quired.**  
**Schedule II.** 10. (1) In submitting a document to the Office for any purpose, the person submitting the document must use the form set out in *Schedule II* that is appropriate for the purpose, but the form may be modified in such manner as is necessary in the circumstances.

(2) In submitting a document to the Office, 1 copy only of the document need be submitted.

**Replacing documents.** 11. If a document that is submitted to the Office differs significantly from the form in *Schedule II* intended to be used for the purpose of the submission, the Director may require that the document be replaced, within a time fixed by the Director, by one that conforms to the document required by *Schedule II* to be used for the purpose.

12. (1) All applications, notices, statements, papers having representations affixed, or other documents authorised or required by the Act or these regulations to be made, left with or sent to the Director 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. Paper requirements.

(2) Each sheet of paper (other than drawings) must have its short sides at the top and bottom of the sheet.

(3) Each sheet of paper must be of the same size and on A-4 paper or such other size as the Director may permit.

13. (1) The pages of documents, other than drawings, must be numbered consecutively, preferably at the top of the page. Page requirements.

(2) Page margins must be at least 2 cm.

(3) Except for drawings, pages must be typed or printed, preferably with one and a half spacing or double spacing.

14. (1) An application must be in English. Language of documents.

(2) Until he is provided with a translation verified by affidavit, the Director may refuse to take cognisance of any document that is not in English.

### *Title of Invention*

15. The title of an invention given in an application must be short and indicate the subject matter to which the invention relates. Title.

16. The title of an invention must not include any trade mark, coined word or personal name. Words of title.

### *Abstract of Invention*

17. The abstract of an invention must be a brief summary of the invention being disclosed, indicating its main features and use and the manner in which the invention differs from other inventions. Abstracts.

#### THE LAWS OF BARBADOS

*Description of Invention*

Content of  
description.

**18.** (1) The description of an invention must state the title of the invention as it appears in the petition for patent and must

- (a) specify the technical field to which the invention relates;
- (b) indicate the background art that, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention;
- (c) disclose the invention in such terms that it can be understood, and state its advantageous effects, if any, with reference to the background art;
- (d) briefly describe the figures in any drawings;
- (e) set forth at length, in terms of examples when appropriate, and with reference to the drawings, if any, the best mode contemplated by the applicant for carrying out the invention; and
- (f) 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 specified in this provision in respect of a description must be followed in all descriptions of inventions except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more practical presentation.

Complete-  
ness.

**19.** A description in an application must be complete and not depend on any document not available to the public when the application was filed and must, without reference to other applications mentioned in the description, be sufficient to support the claims made in the application.

Additions.

**20.** No matter contained in a document referred to in a description in an application and not available to the public when the application was filed may be added to the description after the application is filed.

21. A document referred to in a description in an application must be fully identified. Identification.

22. Units of weights and measures in a description must be expressed in the metric system. Measurements.

### *Drawings*

23. All drawings in an application must satisfy the following requirements: Drawing requirements.

- (a) the drawings are to be on white paper or other material suitable for reproduction;
- (b) the sheets of drawings are to be the same size as those used for the description in the application;
- (c) the drawings are to be prepared with durable dark lines suitable for reproduction;
- (d) the drawings are to be on a scale sufficiently large to show the invention clearly;
- (e) the drawings are to appear on only one side of the sheet;
- (f) 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;
- (g) the figures are to be identified and explained in the description;
- (h) figures in the drawings can be continued on subsequent sheets if necessary or several figures can appear on the same page;
- (i) the drawings are to be identified with the name of the applicant or inventor; and
- (j) the drawings are not to contain textual matter other than that needed to identify parts.

24. Photographs may be used instead of drawings in an application if the photographs clearly illustrate the invention and can be readily reproduced. Photographs.

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No drawing  
in text.

25. 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.

Folds,  
breaks.

26. Drawings in an application must be free of such folds, breaks or creases as render them unsuitable for reproduction.

Explana-  
tion of  
drawings.

27. The description in the application shall briefly explain the drawings in the application.

### *Claims*

Claims  
limited in  
number.

28. No more claims shall be permitted in an application than are necessary to adequately protect the invention disclosed in the application.

Numbering.

29. Claims must be numbered consecutively.

Dependent  
claims.

30. (1) Claims may be made dependent upon preceding claims in order to add features to what is claimed in the preceding claims.

(2) A dependent claim must refer by number to the claim upon which it depends.

(3) 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.

### *Correspondence*

Communicat-  
ing from  
Office.

31. (1) Applications, correspondence related thereto, and all communications intended for the Office shall be mailed to or deposited at the Industrial Property Office, Barbados.

(2) When communicating with the Office about an application, patent or licence, the correspondent shall identify the application, patent or licence clearly and give such information as the date of filing, kind of invention, name of applicant, patentee or licensee and registration number.



32. Applications shall be proceeded with, and other communication with the Office effected, by written correspondence and, unless the Director for good reason decides otherwise, no regard need be given to any other mode of communication with the Office.

Mode of communication.

33. All correspondence from the Office to an applicant shall be sent

Communicating from Office.

- (a) to the patent agent of the applicant if one has been appointed in Barbados;
- (b) if no patent agent has been appointed in Barbados, to the address for service of the applicant in Barbados; or
- (c) to the applicant, if no patent agent has been appointed in Barbados to represent the applicant and the applicant has no address for service filed in the Office.

34. When, in respect of an application, there is more than one applicant, correspondence shall be conducted

Multiple applicants.

- (a) with the patent agent who has been named to represent all the applicants;
- (b) with the applicant resident in Barbados who has been nominated to represent all the applicants, if no patent agent has been appointed; or
- (c) with the first applicant named in the application, if there has been neither an agent appointed nor an applicant resident in Barbados nominated to represent the applicants.

35. The Office shall, in accordance with regulations 33 and 34, conduct correspondence on an application with only one person.

Limited correspondents.

36. A person who corresponds with the Office shall provide his full postal address, and any correspondence sent by the Office to that person at the address so provided shall be deemed to be sent on the date that the records of the Office show it to have been sent.

Address and presumption.

37. A patentee, licensee and applicant for a licence must maintain an address for service in Barbados and send, with the

Address for service.

THE LAWS OF BARBADOS

prescribed fee, notice of that address to the Director for recording in the Register.

**Patent agent.** 38. When an application is filed for an applicant by an agent who is admitted to practise as a patent agent in Barbados, the agent is the representative of the applicant until such time as another agent is appointed.

**Service on agent.** 39. When a patent agent has been appointed to represent an applicant in respect of an application, the address of the agent is the address for service of the patentee after the patent is granted until such time as another address for service is recorded in respect of the patentee.

### *Time Limits*

**Filing time.** 40. Any correspondence with the Office that is due on any day on which the Office is closed for business shall be accepted as properly filed if it is received on the next day that the Office is open for business.

**Replacement of correspondence.** 41. If he is satisfied that mail to or from the Office was sent but never received, the Director may accept or send out replacing correspondence; and the effective date of the replacing correspondence is the date that the Director determines should apply.

**Interruptions of mail.** 42. Where, by evidence satisfactory to the Director, a person proves that he was unable to do something within the time prescribed therefor by the Act or these regulations because of an interruption in mail service in Barbados or elsewhere, the Director may, before or after the expiration of the time for doing that thing, extend the time to make allowances for the period of the interruption in mail service.

**Fixing time limits.** 43. The Director may, in respect of an application, fix a period of time for the doing of any thing for which no time limit is otherwise fixed by the Act or these regulations; and an application shall be deemed abandoned if, in respect of that application, the thing is not done within the time so fixed.

44. When by an affidavit setting forth the relevant facts, the Director is satisfied that any time fixed by these regulations for the doing of any thing should be extended in a particular case, the Director may, either before or after the expiration of the time, extend it for such period as he thinks suitable in the circumstances of the case.

Changing  
time limits.

#### *Joint applicants*

45. When an application that is filed by joint applicants is being proceeded with by one of the joint applicants, it may not be withdrawn under section 28 of the Act without the written permission of all the other joint applicants; and, if the application is in any danger, under section 91(5)(a) of the Act, of being presumed withdrawn, the Director shall notify all joint applicants at the latest addresses provided him for the joint applicants.

Stricture re  
withdrawal.

#### *Joint Inventors*

46. When, after an application has been filed, it appears that the names of one or more inventors were improperly included in or omitted from the application, then, if the Director is satisfied, by an affidavit setting out all the relevant facts, that a correction should be made, the Director may delete or add, as the case requires, the name of those other inventors.

Changes of  
inventors'  
names.

47. When an invention is made by several inventors, and one or more of them refuses to make an application in respect of the invention, or the whereabouts of one or more of the inventors cannot be ascertained after a diligent inquiry, the other inventors may make an application in respect of that invention; and, if the Director is satisfied, by an affidavit setting out the relevant facts, that the inventors missing from the application either refuse to make application or cannot be located, the inventors making the application are entitled to be granted a patent if all other requirements of the Act and these regulations are complied with.

Inventors  
not applying.

#### *Convention Priority*

48. If a convention priority is requested in respect of an application, that is to say, a claim of priority under section 25 of

When prior-  
ity claimed.

#### THE LAWS OF BARBADOS

the Act, or pursuant to an order under section 95 of the Act, in respect of the application, it may be claimed either at the time of filing the application or at some later time before the grant of patent, but not thereafter.

Required information.

**49.** When a convention priority is requested for an application, the applicant must state when and where an application for the invention was first filed, and what its application number was.

Divisional application.

**50.** If a convention priority is sought for a divisional application, it must be requested separately from any request made with respect to the original application.

### *Divisional Applications*

Requirements of application.

**51.** When a divisional application is filed, the petition must identify the original application by its application number and date of filing and must identify any intermediate applications upon which divisional status is based.

Single inventive concept.

**52.** Claims for a process, the product of that process, apparatus and means for carrying out the process, and the process of using the product shall be construed as relating to a single inventive concept.

Improper applications.

**53.** No divisional application may be filed after a patent has been granted in respect of the immediately preceding application upon which the divisional application is based.

Proper division.

**54.** A properly filed divisional application may itself be divided after the original application to which it relates has been issued for patent, if the division is made while the divisional application is still pending.

Accorded filing date.

**55.** In filing a divisional application, the applicant may request that the application be accorded, as its filing date, the date of any of the preceding applications from which the divisional application is derived, if the divisional application does not go beyond the disclosure contained in the preceding applications, otherwise its accorded filing date shall be the date on which it was actually filed.

56. When a divisional application is to be accorded the filing date of an earlier application, the applicant may request that there be accorded to it any convention priorities, within the meaning of regulation 48, applicable to the earlier application and relating to the invention claimed in the divisional application.

Convention  
priority  
date.

### *Patent Agents*

57. The Director may license suitable persons to be patent agents for transacting business under the Act, and he shall record the names of licensed patent agents in the Register.

Licensing  
of patent  
agents.

58. (1) Upon proof to the Director's satisfaction of the malfeasance or incapacity of a licensed patent agent, or on the non-payment of the annual fee for licensing a patent agent, the Director shall revoke the agent's licence.

Revocation  
and resto-  
ration.

(2) After the licence of a patent agent has been revoked, the Director may restore the licence if he is satisfied that the reasons for revoking the licence in the first instance have been removed.

59. The Director shall have no dealings in respect of matters under the Act with an agent who is not licensed to act as a patent agent.

Unlicensed  
agent.

60. When an applicant under an application revokes the appointment of an agent and, when necessary, replaces him with another agent, the applicant shall notify the Director of the change of agents and send the latest address of his agent to the Director.

Change of  
agents.

### *Clerical Errors*

61. A document relating to an application or patent may be corrected if the Director is satisfied that the document contains an error of a clerical nature and that its correction would involve no change of substance in the application or patent.

Correcting  
errors.

### *General*

62. Where no provision is made in the Act or the regulations in respect of any matter arising in the administration of the Act,

Providing  
for de-  
ficiencies.

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the Director may make such directions in respect thereof as he considers necessary.

Unpaid  
annual fees.

63. When any annual fee due on a patent has not been paid, the Director may inform a licensee of the patent of that fact, if the licensee has been recorded as such in the Office, but the Director is not obligated to do so.

Inquiries of  
Office.

64. The Director may acknowledge inquiries made to the Office, but the Director need not furnish any applicant or other person with information that would require a search of the public records of the Office, or to provide advice on matters concerning the interpretation of the Act or regulations, or concerning other questions of law.

Director's  
certificate.

65. (1) Subject to section 64, the Director may give a certificate regarding any entry, matter or thing that he is authorised or required by the Act or these regulations to make or do.

(2) A person who can show an interest in an entry, matter or thing for which he requires a certificate may, by an application in Form No. 8, request such a certificate from the Director, and the applicant need not disclose his interest unless required by the Director to do so.

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#### SCHEDULE I

(Section 3)

#### FEES

\$

For filing an application for a patent ... ..	300.00
For the grant of a patent ... ..	300.00

For renewal of a patent:

before the 2nd anniversary of filing	200.00
before the 3rd anniversary of filing	300.00
before the 4th anniversary of filing	400.00

before the 5th anniversary of filing	500.00
before the 6th anniversary of filing	600.00
before the 7th anniversary of filing	700.00
before the 8th anniversary of filing	800.00
before the 9th anniversary of filing	900.00
before the 10th anniversary of filing	1,000.00
before the 11th anniversary of filing	1,100.00
before the 12th anniversary of filing	1,200.00
before the 13th anniversary of filing	1,300.00
before the 14th anniversary of filing	1,400.00
before the 15th anniversary of filing	1,500.00
before the 16th anniversary of filing	1,600.00
before the 17th anniversary of filing	1,700.00
before the 18th anniversary of filing	1,800.00
before the 19th anniversary of filing	1,900.00
For making late payment of the annual fee	100.00
For preparation of an abstract under s.30(3) of the Act	25.00
For registration of a contract under s.39(3) and s.49(4) of the Act	200.00
For requesting a statutory licence under s.62 of the Act	1,000.00
For extracts or copies of records in the register under s.89(2) of the Act	5.00 per page or part thereof
For examining or making extracts from contracts on the register under s.89(3) of the Act	4.00 per examination or extract
For a copy of a patent	10.00
For a certified copy of a patent	25.00
For a statutory licence under s.63 of the Act	200.00
For registration as a patent agent	375.00
For renewal of a registration as a patent agent	375.00
For an extension of a patent	200.00
For the transfer of a statutory licence under s.70	200.00
For requesting that the Director extend the time limit for doing any thing	50.00

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For recording an address for service of a patent, or a change of address for service of a patent or a licence	...	...	...	50.00
For surrender of a patent	...	...	...	50.00

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SCHEDULE II  
(Section 10)

(Section 22 of the Act)

FORM No. I

PETITION FOR PATENT

The grant of a patent is requested for the following invention:

TITLE OF INVENTION

APPLICANT (S)  
(name(s) & address (es))

STATEMENT OF OWNERSHIP  
(may be filed separately)

INVENTOR (S)  
(name(s) & address (es))

AGENT  
(if any - name & address)

PRIORITY - (Identify foreign application if any on which priority is claimed)

DIVISION - This application is a division of Application Number.....  
(identify originating application) filed .....

SIGNATURE

Dated -

At -

---



*(Section 21 of the Act)*

FORM No. 2

APPLICATION FOR PATENT  
*(Documentation Required)*

PETITION (Use a separate sheet, see Form No.1)

ABSTRACT  
(s.21(c))

DESCRIPTION  
(s.21(2)(b))

DRAWINGS  
(s.21(2)(d))

CLAIMS  
(s.21(3))

FEES  
(s.21(1)(a))  
see Schedule I

Patent No.

Date:

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*(Section 32 of the Act)*

FORM No. 3

GRANT OF PATENT  
*The Industrial Property Office Barbados*

Whereas a petition has been presented to the Director of the Industrial Property Office praying for the grant of a patent for a new and useful invention, the title and description of which are contained in the specification attached hereto, and

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whereas it has been determined that the requirements of the *Patents Act, Cap. 314* of Barbados have been complied with,

Now therefore the present letters patent grant to the applicant whose ownership thereof is shown in the documents attached, and to any subsequent legal representatives of the applicant, all the benefits of the Act for a period of fifteen years from the filing date of the application, subject to the conditions contained in the Act and any adjudication of the High Court affecting those rights.

In testimony whereof this document bears the seal of the Office affixed to it at Bridgetown.

Granted this                      day of  
in the year

Director  
Industrial Property Office

(Section 49 of the Act)

FORM No. 4

**APPLICATION FOR REGISTRATION OF A  
LICENCE – CONTRACT**

I/We <sup>1</sup> .....

.....

being the registered owner(s) of Patent No. <sup>2</sup> ..... hereby apply  
to register a licence-contract, (a copy of which is attached) pursuant to section  
49 of the Act.<sup>3</sup>

Jointly submitted by the parties<sup>4</sup> to the said licence-contract, being

..... of .....and

..... of .....and

Dated this ..... day of ..... 19.....

The Director  
Industrial Property Office

1. Names of the parties to the licence-contract.
2. Identify Patent.
3. Compliance with section 49 of the Act is essential.
4. If a party is not a citizen or permanent resident, he must be represented by his agent in Barbados (see section 49(3) of the Act).

.....  
(Section 50(5) of the Act)

FORM No. 5

RECEIPT OF APPLICATION FOR REGISTRATION

*Licence-Contract*

By this document it is hereby acknowledged that an application for registration of a licence-contract identified below was made under section 49 of the *Patents Act, Cap. 314*, and that the provisions of that section have been complied with.

Date of application for registration:

Filed by:

Respecting Patent Application No.

For an invention entitled

Filed by

Recorded in the Register on

or

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Patent No.  
For an invention entitled  
Granted on

Signed and sealed at .....

This .....day of .....

in the year .....

Director  
Industrial Property Office.

\_\_\_\_\_

*(Section 53 of the Act)*

FORM No. 6

CERTIFICATE OF REGISTRATION

*Licence-Contract*

By this document it is hereby certified that the licence-contract identified below has been registered under section 53 of the *Patents Act, Cap. 314*, and that the provisions of sections 49, 50 and 52 have been complied with.

The licence-contract relates to:

Patent Application No.  
For an invention entitled  
Filed by

Recorded in the register on

OR TO Patent No.  
For an invention entitled  
Granted on  
To

Date of Registration of Licence

Signed and sealed at .....

This ..... day of .....

in the year .....

Director  
Industrial Property Office.

\_\_\_\_\_

(Section 65 of the Act)

FORM NO. 7

**SURRENDER OF A PATENT**

In accordance with section 36 of the *Patents Act, Cap. 314*, I/We, the undersigned owner(s) of the patent identified below do hereby and to the extent hereunder stated surrender our rights in the said patent.

Patent No. ....

Granted .....

Title of Invention .....

- \*(a) I/We surrender the whole patent
- \*(b) I/We surrender claim(s)
- \*(a) I further declare there have been no statutory licences granted for said patent
- \*(b) A statutory licence has been granted in respect of the patent, but all the licensees agree to this surrender, as is evident from the written consents attached hereto.

Signed at .....

this ..... day of .....

in the year .....

.....  
Signature of patentee or agent

\*Delete where inappropriate.

\_\_\_\_\_

(Section 65)

FORM No. 8

REQUEST FOR CERTIFICATE OF THE DIRECTOR IN RELATION TO AN ENTRY, MATTER OR THING

IN THE MATTER OF<sup>1</sup> the Patents Act, Cap. 314

I/We .....  
(name(s) and address(es))

.....  
hereby request the Director to furnish me (us) with <sup>2</sup>.....  
.....  
.....

Dated this ..... day of ..... 19.....

<sup>3</sup> .....

<sup>4</sup> .....

To the Director  
Industrial Property Office  
Bridgetown

Note:

1. These words may be altered to suit other circumstances.
2. Here set out the particulars that the Director is requested to certify.
3. Signatures.
4. Address.