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LEGAL NOTICE NO. 85 OF 1989

Industrial Property Regulations, 1989

In exercise of the powers conferred on me by section 45 of the Industrial Property Order, 1989, I,

Makalo Bennett Khaketla

Minister responsible for Law, Constitutional and Parliamentary Affairs, make the following regulations:

PART I — PRELIMINARY

- | | |
|---|--|
| Citation and commencement | 1. These regulations may be cited as the Industrial Property Regulations 1989 and shall come into operation on a date to be appointed by the Minister by notice in the Gazette. |
| Fees
First Schedule | 2. There shall be payable in respect of the matters specified in column 1 of the <i>First Schedule</i> the fees respectively specified in column 2 of the <i>First Schedule</i> . |
| Forms
Second Schedule | 3. (1) The forms set out in the <i>Second Schedule</i> shall be applied for the matters set out in the <i>Second Schedule</i> .
(2) Copies of the printed forms shall be furnished by the Registrar on payment of the prescribed fee. |
| Language of documents and translations | 4. Applications under the Order and these regulations shall be in the English language and any document forming part of an application or submitted to the Registrar pursuant to the Order or to these regulations which is in a language other than English shall be accompanied by a certified English translation. |
| Indication of names, addresses, nationality and residence | 5. (1) 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; the names of legal entities shall be indicated by their full, official designations.
(2) 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; addresses shall also indicate telegraphic and telex addresses, if any, and telephone numbers.
(3) Nationality shall be indicated by the name of the State of which a person is a national; legal entities shall indicate the name of the State under whose laws they are constituted and their registered office.
(4) Residence shall be indicated by the name of the State of which a person is a resident. |
| Signature by partnerships, companies and associations | 6. (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 by any partner qualified to sign, stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he 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 is authorised to sign the document and 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 is duly authorised.

(4) The Registrar may, whenever he deems it necessary, request evidence of authorization to sign.

7. The power of attorney appointing an agent may be filed together with the application or within two months from its filing date; if the appointment is not thus made and is not made in respect of an agent as defined in section 2 and in accordance with regulation 57, procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

Representa-
tion by agent

PART II — PATENTS

APPLICATIONS AND PROCEDURE FOR GRANT OF PATENTS.

8. 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.

Classifica-
tion of pa-
tents

9. (1) The request for the grant of a patent shall be made on Form No. 1 as set out in the *Second Schedule* and shall be signed by each applicant.

Request for
grant of pa-
tent
Second
Schedule

(2) The request shall indicate the applicant's name, address, nationality and residence.

(3) Where the applicant is the inventor, the request shall contain a statement to that effect and, where he is not, it shall indicate the inventor's name and address and be accompanied by the statement justifying the applicant's right to the patent.

(4) If the applicant is represented by an agent, the request shall so indicate and state the agent's name and address.

(5) The title of the invention shall be short, preferably not exceeding seven words.

10. (1) The description shall first state the title of the invention as appearing in the request and shall,

Description

- (a) specify the technical field to which the invention relates;
- (b) indicate the background art which, as far as is known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;

- (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 the drawings, if any;
- (e) set forth at least one mode contemplated by the applicant for carrying out the invention; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any;
- (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 sub-regulation (1) shall be followed 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 concise presentation.

Claims

11. (1) The number of the claims shall be reasonable taking into account the nature of the invention; if there are several claims, they shall be numbered consecutively in arabic numerals.

(2) The claims shall define the invention in terms of the technical features of the invention.

(3) Whenever appropriate, claims shall contain,

- (a) a statement indicating those technical features of the invention which are necessary for the definition of the invention but which, in combination, are part of the prior art;
- (b) a characterising portion preceded by the words "characterised in that", "characterised by," "wherein 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), it is desired to protect.

(4) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings; in particular, they shall not rely on such references as: "as described in part of the description," or "as illustrated in figure of the drawings."

(5) Where the application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features; when used, the reference signs shall preferably be placed between parentheses; if inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it shall not be made.

(6) Any claim submitted after the filing date of the application and which is not identified with 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.

(7) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word "cancelled".

12. Flow sheets and diagrams are considered to be drawings. **Drawings**

13. (1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art. **Abstract**

(2) The abstract shall consist of the following,

(a) a summary of the disclosure as contained in the description, the claims, and any 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 uses of the invention; and

(b) where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.

(3) The abstract shall be as concise as the disclosure permits, preferably 50 to 150 words.

(4) The abstract shall not contain statements on the alleged merits or value of the invention or on its speculative application.

(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.

14. (1) Units of weights and measures shall be expressed in the metric system. **Measures, terminology and signs**

(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.

(5) For chemical formulae, the symbols, atomic weights and molecular formulae in general use shall be employed.

(6) In general, only such technical terms, signs and symbols shall be used as are generally accepted in the art.

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

15. (1) Subject to regulation 19(7), the application and any accompanying statements or documents shall be filed in three copies, but the Registrar may require the applicant to supply additional copies. **Number of copies and physical requirements**

(2) All elements of the application shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo off-set 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, non-shiny and durable.

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

(6) 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 binding: 25 mm;
- (d) other side margin: 20 mm;
- (e) bottom margin: 20 mm.

(7) All sheets shall be numbered at the top of the sheet, 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, the first series applying to the request only and commencing with the first sheet of the request, the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.

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

(11) Drawings shall be executed in durable black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without colourings.

Unity of
invention

16 (1) Section 8(1) 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 said product and the inclusion in the same application of an independent claim for a use of the said 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 said 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 8(1), it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.

(3) Subject to section 8(1), it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

17. (1) A divisional application shall contain a reference to the initial application.

Division of application

(2) If the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application shall contain a request to that effect; in such a case, the declaration of priority and the documents furnished in accordance with regulation 19 for the initial application shall be deemed to relate also to the divisional application.

(3) Where the priorities of two or more earlier applications were claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.

18 (1) An applicant who wishes a disclosure of the invention to be disregarded in accordance with section 5(4) for prior art purposes, shall so indicate on the application and shall furnish, in writing, with the application or within one month of filing the application, full particulars of the disclosure.

Disclosures to be disregarded for prior art purposes

(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.

19. (1) The declaration referred to in section 9 (1) shall indicate,

- (a) the date of the earlier application;
- (b) the number of the earlier application, subject to sub-regulation (2);
- (c) the symbol of the International Patent Classification

Declaration of priority and translation of earlier application

which has been allocated to the earlier application, subject to sub-regulation (3);

(d) the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the State or States for which it was filed;

(e) where the earlier application is a regional or an international application, the office with which it was filed.

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

(3) Where a symbol of the International Patent Classification has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in subregulation (1), the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the declaration referred to in sub-regulation (1).

(5) The period for furnishing the certified copy of the earlier application, referred to in section 9(2), shall be three months from the date of the request by the Registrar.

(6) Where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.

(7) Where the earlier application is in a language other than English, the applicant shall, within six months from the date of the request made under section 9(2), furnish a certified English translation of the earlier application.

(8) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

Time for
furnishing
information
concerning
correspond-
ing foreign
applications,
Patents and
other titles
of protection

20. (1) The time limit to be specified for furnishing the information requested under section 10 shall not be less than two or more than six months from the date such a request is made, but the Registrar may extend such time limit on request and on good cause shown by the applicant.

(2) If the applicant replies that the documents requested under section 10 are not yet available, the Registrar may suspend the procedure for the examination of the application until such time as the documents are furnished.

Withdrawal
of applica-
tion

21. (1) Each application shall be withdrawn by written declaration submitted to the Registrar and signed by the applicant.

(2) The application fee shall not be refunded if the application is withdrawn.

22. (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters LS, stroke, the letter P, stroke, the last two numbers of the year in which the initial papers were received, stroke, and a five digit number allotted in the sequential order in which applications are received.

Marking application

(2) Where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for the grant of the patent as set out in Form No. 1 of the *Second Schedule*.

Second Schedule

(3) The application number allotted under sub-regulation (1) shall be quoted in all subsequent communications concerning the application.

23. (1) The Registrar shall examine whether the application fulfills the requirements of section 11(1).

Accordinging and notifying filing date

(2) The invitation to file any correction under section 11(2), shall be in writing; it shall specify the correction required and request that it be filed within two months from the date of the invitation, together with the payment of the prescribed fee.

(3) Once the Registrar accords a filing date, he shall notify the applicant in writing; if the application is treated as if it had not been filed under section 11(2) the Registrar shall notify the applicant in writing, specifying the reasons.

24. (1) In addition to the requirements of section 7 (1), (2) and (3) and the regulations pertaining thereto, the requirements relating to the definition of "agent" in section 2 and regulations 4, 5, 6, 7, 14 and 15 to the extent applicable, shall be considered formal requirements for the purposes of the Order.

Examination as to form

(2) Where the Registrar finds that the conditions referred to in section 11(5) are not fulfilled, he shall invite the applicant in writing, to file the required correction within two months from the date of the invitation, together with the payment of the prescribed fee.

(3) Where no abstract is provided, the Registrar shall invite the applicant to correct the deficiency either by providing an abstract or by paying the prescribed fee for the preparation of the abstract by the Registrar himself; if the applicant does not comply with the invitation to correct a deficiency, or where, despite the corrections submitted by the applicant, the Registrar is of the opinion that the conditions referred to in section 11(5) are not fulfilled, he shall reject the application and notify the applicant in writing, stating the reasons.

(4) Rejection of the application shall not affect its filing date which shall remain valid.

Examination
as to sub-
stance and
decision to
grant or
refuse to
grant patent

25. (1) For the purposes of the examination under section 11(6), the Registrar may cause the application to be transmitted together with all relevant documents to an examining authority which has concluded an arrangement to this effect with the Registrar, requesting a search and examination report.

(2) Where, taking due account of the conclusions of the search and examination report referred to in sub-regulation (1), the Registrar is of the opinion, subject to regulation 26, that the conditions referred to in section 11(6) are not fulfilled, he shall notify the applicant in writing, inviting him, several times if necessary, to submit his observations and, where applicable, to amend or divide his application, within a specified period; such specified period shall not be less than two or more than six months from the date of the invitation.

(3) Where the applicant does not comply with the said invitation or where, despite any observation, amendment or division submitted by the applicant, the Registrar, taking due account of the conclusions of the search and examination report referred to in sub-regulation (1), is of the opinion, subject to regulation 26 that the conditions referred to in section 11(5) and (6) are not fulfilled, he shall refuse to grant the patent.

(4) Where two or more applications for the grant of a patent for the same invention, having the same filing date or, where applicable, the same priority date, are filed by the same applicant, the Registrar may, on that ground, refuse to grant a patent in pursuance of more than one of the applications.

(5) Where the Registrar, taking due account of the conclusions of the search and examination report referred to in sub-regulation (1), is of the opinion, subject to regulation 24, that the conditions referred to in section 11(5) and (6) are fulfilled, he shall grant the patent.

(6) The Registrar shall notify the applicant, in writing, of his decision to grant or to refuse to grant a patent, attaching a copy of the search and examination report upon which the decision is based and, in the case of a refusal to grant a patent, stating the reasons therefor, and in the case of a decision to grant a patent, requesting the applicant to pay the grant and publication fee within three months from the date of the notification.

Examination
as to novelty
and inven-
tive step

27. (1) Subject to the payment of the grant and publication fee within three months from the date of the notification of the decision to grant the patent, the Registrar shall grant the patent in accordance with section 12(2) and this regulation.

Grant of
patent,
publication
thereof,
issuance of
certificate

26. In accordance with section 11(7), the examination shall cover the requirements of novelty and inventive step under section 5(2), (3), (4) and (5) in respect of all categories of inventions.

(2) The Registrar shall allot to each patent a publication number of the patent, in the sequential order of grant.

(3) The patent shall be granted on Form No. 2 of the *Second Schedule* and shall contain, in addition to the information indicated in sub-regulation (5), the date of publication of the patent, the documents or references cited of the prior art, the description, the claims and the drawings, if any.

(4) The patent shall be deemed to be granted on the date the Registrar publishes the fact that he has granted the patent in accordance with section 12(2) (a).

(5) The publication of the grant of the patent shall include,

- (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 has asked not to be named in the patent;
- (d) the name and address of the agent, if any;
- (e) the filing date and number of the application;
- (f) if priority has been claimed and the claim has been accepted, a statement of the priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;
- (g) the effective date of grant of the patent;
- (h) the title of the invention;
- (i) the abstract;
- (j) the most illustrative of the drawings, if any; and
- (k) the symbol of the International Patent Classification.

(6) The certificate of grant shall be issued on Form No. 3 as set out in the *Second Schedule* and shall be signed by the Registrar 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, where applicable, priority date of the application;
- (d) the effective date of grant of the patent; and
- (e) the title of the invention.

28. (1) The Minister shall, before making a decision under section 13(5), consult the Registrar and give the owner of the patent, beneficiaries of non-voluntary licences, and any other persons whose participation he considers useful, at least 21 days' written notice of the date on which they may be heard. The owner of the patent shall give all licensees written notice of the hearing and they shall have the right to participate therein.

Exploitation of patented invention by Government or by third persons authorised by Government

(2) The Minister shall make his decision after the hearing, in writing, stating the grounds upon which it is based, and, if he has decided that the invention shall be exploited under

section 13(4), he shall state the terms of exploitation, and transmit the decision to the Registrar.

(3) The Registrar shall record and publish the decision of the Minister and notify the owner of the patent in writing and the other participants in the hearing.

(4) If the decision of the Minister with regard to remuneration is the subject of an appeal, the Registrar of the High Court shall notify the Registrar of the court's decision once it becomes final, and the Registrar shall record the decision and publish it.

Extension of
duration of
patent

29. (1) The request to extend the duration of a patent, under section 14(2), shall be made in writing to the Registrar, and shall be accompanied by a statement signed by the owner of the patent setting out particulars of the working of the invention in Lesotho or indicating reasons for the non-working of the invention in Lesotho.

(2) Where the Registrar extends the duration of a patent, he shall record and publish the extension.

Annual fees

30. (1) Upon payment of an annual fee in accordance with section 14(5), the Registrar shall, within two weeks from the date the payment is received, furnish or send to the applicant or to the owner of the patent a receipt of payment.

(2) The Registrar shall record and publish a notification of the lapse of a patent.

(3) Annual fees shall not be refundable.

Non-
Voluntary
Licences

31. (1) The request for grant of a non-voluntary licence under section 15 shall be made to the Registrar on Form No. 4 as set out in the *Second Schedule*, together with the payment of the prescribed fee; it shall be accompanied by,

(a) evidence that the owner of the patent has received request, from the person requesting the non-voluntary licence, for a licence contract but that the latter has been unable to obtain such a licence on reasonable terms and within a reasonable time; and

(b) an indication of the plan according to which the person requesting the non-voluntary licence intends to work the patented invention, including evidence that he has the ability to do so in Lesotho.

(2) The Registrar shall, within three months from the date of the request for the grant of a non-voluntary licence, examine whether the requirements of section 15(1) and (2) and sub-regulation (1) are, *prima facie*, satisfied; if he finds that the requirements are not satisfied, the Registrar shall reject the request and notify, in writing, the person requesting the non-voluntary licence, stating the grounds for the rejection; if he finds that the requirements are satisfied, the Registrar shall forthwith send a copy of the request to the patent owner, to beneficiaries of non-voluntary licences and to persons exploiting the

patented invention under section 13(5), and invite them in writing to submit observations thereon to the Registrar, within three months of the date of the invitation.

(3) The patent owner shall forthwith notify, in writing, all licensees of the request, and the licensees shall have the right to submit, in writing, observations thereon to the Registrar within three months of the date of the invitation issued under sub-regulation (2).

(4) The Registrar shall forthwith notify the person requesting the non-voluntary licence of any observations submitted under sub-regulations (2) and (3).

(5) The Registrar shall then convene a hearing to which he shall invite the person requesting the non-voluntary licence, the patent owner and the persons who submitted observations under sub-regulations (2) and (3) giving them at least one month's written notice of the date of the hearing.

(6) After the hearing, if the Registrar finds that the conditions for the grant of a non-voluntary licence are fulfilled, he shall grant the licence; otherwise, he shall refuse to grant it.

(7) The decision to grant or to refuse to grant a non-voluntary licence shall be in writing, shall state the grounds upon which it is based and, in the case of a decision to grant the non-voluntary licence, shall specify, in particular,

- (a) the period for which the licence is granted;
- (b) to which of the acts referred to in the definition of "exploitation" in section 2 the licence extends (other than importation);
- (c) the time limit within which the beneficiary of the non-voluntary licence must commence working the patented invention;
- (d) the terms regarding payment of remuneration.

(8) The Registrar shall record and publish the decision to grant or to refuse to grant the non-voluntary licence and transmit a copy thereof to the person requesting the non-voluntary licence, the owner of the patent and the persons who submitted observations under sub-regulations (2) and (3).

32. (1) Where the provisions of section 16 (2) apply only to some of the claims or some parts of a claim, such claims or parts of a claim shall be invalidated.

Invalidation

(2) The patent owner shall notify any licensee in writing of any court proceedings instituted for the invalidation of the patent. The person requesting invalidation shall so notify any beneficiaries of non-voluntary licences granted under section 15 and, where the ground of invalidity invoked is that the patent owner is not the inventor or his successor in title, he shall also notify the person alleged to have the right to the patent.

PART III UTILITY MODEL CERTIFICATES

Provisions relating to patents to apply to utility model certificates

33. (1) The provisions of Part II of these regulations shall apply, *mutatis mutandis*, to utility model certificates, subject to the following exceptions,

- (a) the letter "P" in regulation 22 (1) shall be read as the letters "UM";
- (b) for the purposes of regulation 25 the examination shall be limited to the requirements of novelty and industrial applicability and public order and morality;
- (c) regulations 26 and 29 shall not apply; and
- (d) the reference, in regulation 32, to section 16 (2) shall be read as a reference to section 18 (6).

(2) A request, under section 19, for the conversion of an application for a patent into an application for a utility model certificate, or vice versa, shall be signed by the applicant and shall be accompanied by the prescribed fee. The Registrar shall, within two months of the receipt of the request, notify the applicant in writing of his decision thereon, and where he refuses the request he shall state the reasons.

PART IV — INDUSTRIAL DESIGNS

Provisions relating to patents to apply to industrial designs

34. Regulations 19, 21 and 22 shall apply *mutatis mutandis*, to industrial designs and, for this purpose, the letter "P" in regulation 22 (1) shall be read as the letters "ID".

Application for registration of an industrial design

35. (1) The application for the registration of an industrial design shall be made on Form No. 6 in the *Second Schedule* and shall be signed by each applicant.

(2) The application shall indicate each applicant's name, address, nationality and residence.

(3) Where the applicant is the creator, the request shall contain a statement to that effect, and, where he is not, it shall indicate the creator's name and address and be accompanied by a statement justifying the applicant's right to the registration of the industrial design.

(4) If the applicant is represented by an agent, the request shall so indicate and state the agent's name and address.

Number and size of representations and specimen

36. (1) The application shall be accompanied by the following,

- (a) if the industrial design is two-dimensional, by four graphic representations or four drawings or tracings;
- (b) if the industrial design is three-dimensional, by four graphic representations or four drawings or tracings of each of the different sides of the industrial design; and

(c) a printing block or printing blocks of such dimensions as the Registrar may consider appropriate.

(2) A specimen shall be of a size not exceeding 20 centimetres \times 20 centimetres \times 20 centimetres. No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimetres \times 20 centimetres. Such representations, drawings or tracings, shall be affixed on four sheets of cardboard of A4 size. Drawings and tracings shall be in black ink.

37. (1) The Registrar shall examine whether the application fulfills the requirement of section 23 (1).

According
and
notifying
filing date;
examina-
tion; deci-
sion to
grant or
refuse
application

(2) The invitation to file any correction, under section 23 (1), shall be in writing; it shall specify the correction or corrections required and request that these be filed within two months from the date of the said invitation, together with the payment of the prescribed fee.

(3) Once the Registrar accords a filing date, he shall so notify the applicant in writing. If the application is treated as if it had not been filed, under section 23 (1), the Registrar shall notify the applicant in writing, specifying the reasons.

(4) Where the Registrar finds that the requirements relating to the definition of an industrial design in section 2, the conditions set out in sections 20 (4) and 22(1) and (2) are not fulfilled, he shall invite the applicant, in writing, to file the required correction within two months from the date of the invitation, together with the payment of the prescribed fee. If the applicant does not comply with the invitation to correct a deficiency, or where, despite corrections submitted by the applicant, the Registrar is of the opinion that the said conditions are not fulfilled, he shall reject the application and notify the applicant in writing, stating the reasons.

(5) Rejection of the application shall not affect its filing date which shall remain valid.

(6) The Registrar shall notify the applicant in writing, of his decision to grant or to reject the application, and, in the case of a decision to grant the application, he shall request the applicant to pay the registration and publication fee within one month from the date of the notification.

38. (1) Subject to the payment of the registration and publication fee within the period prescribed in regulation 37(6) the Registrar shall register the industrial design in accordance with section 23 (4) and this regulation.

Registra-
tion of in-
dustrial
design,
publication
thereof;
issuance of
certificate

(2) The Registrar shall allot to each industrial design he registers a number in the sequential order of registration.

(3) The registration of an industrial design shall include a representation of the industrial design and shall specify,

(a) the number of the industrial design;

(b) the name and address of the registered owner;

sions of which shall not exceed 30 x 21 centimetres).

- (c) the name and address of the agent, if any;
- (d) the name and address of the creator, except where he has asked not to be named in the registration;
- (e) if the priority has been claimed, and the claim has been accepted, the country or countries in which or for which the earlier application was filed; and
- (f) the kind of products for which the industrial design is to be used.

(4) The publication of the registration of an industrial design, under section 23(4) shall contain the particulars specified in sub-regulation (3).

(5) The certificate of registration of an industrial design shall be issued on Form No. 6 as set out in the *Second Schedule*.

Renewal of registration

39. (1) The renewal of the registration of an industrial design under section 24(4) may be made by the registered owner or his agent during the six month period preceding the expiry of the registration.

(2) The renewal shall be made by payment of the renewal fee within the period specified in sub-regulation (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 24(4).

(3) The renewal of an industrial design registration shall be recorded in the register and shall be published.

(4) The Registrar shall issue to the registered owner a certificate of renewal which shall contain,

- (a) the registration number of the industrial design;
- (b) the date of renewal and the date of expiry;
- (c) the name and address of the registered owner; and
- (d) an indication of the kind of products for which the industrial design has been registered.

PART V — MARKS

**Classification of Marks
Third Schedule**

40. The Registrar shall apply the International Classification of Goods and Services for the Purposes of the Registration of Marks adopted by the Nice Agreement of June 15, 1957, as updated subsequently and set out in the *Third Schedule*.

Application for registration of a mark

41. The application for the registration of a mark shall be made on Form No. 7 as set out in the *Second Schedule* and shall be signed by the applicant. An application may be made for the registration of a mark in respect of goods or services in one or more classes of the International Classification referred to in regulation 40.

Reproduction of the mark

42. (1) The application shall contain a durable graphic reproduction of the mark in the space provided therefor on Form No. 7 as set out in the *Second Schedule*. Where the reproduction exceeds the space in size, it shall be mounted upon hard and du-

rable paper. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded.

(2) With all applications for the registration of a mark, three additional reproductions of the mark shall be submitted. The reproduction of the mark on the application and the additional reproductions shall be identical. The additional reproductions shall in all cases be noted with all such particulars as may, from time to time, be required by the Registrar. Such particulars shall, if required, be signed by the applicant or his authorised agent.

(3) If the Registrar considers any reproduction of a mark unsuitable, he may, at any time, require a suitable reproduction to be substituted.

(4) Where a drawing or other reproduction cannot be given in the aforesaid manner, a specimen or copy of the mark may be sent either of full size or on a reduced scale and in such a form as the Registrar may consider appropriate.

43. Where a mark consists of or contains a word or words in characters other than Roman, the application on Form No. 7 as set out in the *Second Schedule*, and the additional reproductions of the mark shall be accompanied, unless the Registrar otherwise directs, by a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, stating the language to which each word belongs.

Trans-
literation
and trans-
lation of the
mark

44. (1) The declaration referred to in section 27 (2) shall indicate,

- (a) the date of the earlier application;
- (b) the number of the earlier application, subject to sub-regulation (2); and
- (c) the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the office with which it was filed and the country or countries for which it was filed.

Declaration
of priority
and transla-
tion of
earlier appli-
cation

(2) Where at the time of filing the declaration referred to in sub-regulation (1), the number of any earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed. The Registrar may extend the time limit referred to in this sub-regulation for an additional period of three months, if the applicant supplies evidence that, due to circumstances beyond his control, he was not able to comply with the prescribed time limit.

(3) Where the priorities of two or more earlier applications are claimed, in accordance with sub-regulation (1), the indication relating to those earlier applications may be included in a single declaration.

(4) The applicant may, at any time before the registration of the mark, amend the contents of the declaration referred to

in the preceding sub-regulations.

Copy of
earlier
application

45. The period for furnishing the certified copy of the earlier application shall be three months from the date of the request by the Registrar.

Withdrawal
of applica-
tion

46. (1) The withdrawal of the application shall be made by a written declaration signed by the applicant and submitted to the Registrar.

(2) The application fee shall not be refunded if the application is withdrawn.

Marking of
the applica-
tion and
filing date

47. (1) Regulation 22 shall apply, *mutatis mutandis*, to marks and the letter "P" in regulation 22 (2) shall be read as the letter "M".

(2) The Registrar shall accord as the filing date of the application the date on which the following matters are received,

- (a) the name of the applicant;
- (b) an address to which communications can be directed;
- (c) a reproduction of the trademark;
- (d) a specification of goods or services; and
- (e) the required filing fee for at least one class of goods or services.

(3) The Registrar shall notify the applicant in writing of the application number and the filing date.

Objection to
or condition-
al accept-
ance of
application;
hearing

48. (1) If, upon examination in accordance with section 28, the Registrar objects to the application for registration of a mark, he shall notify the applicant in writing of his objections with all the relevant details and invite the applicant to amend the application, submit his observations in writing or apply for a hearing within two months from the date of the notification. If the applicant does not comply with the invitation within the set period, he shall be deemed to have withdrawn his application.

(2) If, upon examination in accordance with section 28, the Registrar decides to accept the application subject to amendments, modifications, conditions, disclaimers or limitations, he shall communicate the decision to the applicant in writing.

(3) If the applicant objects to the amendments, modifications, conditions, disclaimers or limitations, he shall, within two months from the date of the communication, apply for a hearing or submit his observations in writing. If the applicant does not object to such amendments, modifications, conditions, disclaimers or limitations, he shall notify the Registrar in writing and amend his application accordingly. If the applicant does not respond in one way or the other within the set period, he shall be deemed to have withdrawn his application.

(4) The request for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving same, shall give the applicant at least one month's notice in writing of the date and time when he may be heard.

49. (1) If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar rejects the application or accepts it subject to any amendments, modifications, conditions, disclaimers or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing.

Rejection of application or conditional acceptance to which applicant objects

(2) The applicant may, within one month from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the materials used by him in arriving thereat.

50. (1) If the Registrar accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall proceed to publish the application setting out,

Acceptance of application, publication; supply of printing block

- (a) the filing date;
- (b) the representation of the mark;
- (c) the goods or services in respect of which the registration of the mark is requested with an indication of the corresponding class or classes of the International Classification;
- (d) the name and address of the applicant; and
- (e) the name and address of the agent, if any.

(2) For the purposes of the publication required under section 28 and this regulation, the Registrar may, in writing, request the applicant to supply a printing block of such dimensions as he may consider appropriate, the dimensions of which shall not exceed 30 × 21 centimetres.

51. (1) The notice of opposition under section 28 (4) shall be given within three months from the date of the publication referred to in regulation 50 on Form No. 8 as set out in the *Second Schedule* together with payment of the prescribed fee and accompanied by supporting evidence, if any.

Opposition

(2) The counter-statement referred to in section 28 (5) shall be subject to payment of the prescribed fee and shall be given within two months from the date the notice of opposition is sent to the applicant in writing, stating the grounds upon which the applicant relies for his application and accompanied by supporting evidence if any.

(3) The request for a hearing, under section 28 (6), shall be made to the Registrar in writing at any time after the filing of the notice of opposition but not later than one month after the expiry of the prescribed period for filing the counter-statement. The Registrar shall give the parties at least one month's written notice of the date set for the hearing and each party shall, within that period, pay the prescribed fee for the hearing.

(4) Where the opponent or the applicant does not reside or carry on business in Lesotho, the Registrar may require him to

give security for the costs of the opposition proceedings for such amount as the Registrar thinks fit.

(5) Where the Registrar decides to register the mark as provided in section 28 (8) he shall notify the opponent and the applicant in writing, stating the reasons for his decision and, in the case of the applicant, requesting him to pay the registration fee within one month from the date of the notification.

(6) Where the Registrar decides to refuse to register the mark, as provided in section 28 (8), he shall notify the opponent and the applicant, in writing, stating the reasons for his decision.

Registration
of Mark,
publication
thereof;
issuance of
certificate

52. (1) Subject to the payment of the registration fee within the period prescribed in regulation 51 (5), the Registrar shall register the mark in accordance with section 28 (8) and this regulation.

(2) The Registrar shall allot to each mark he registers a number in the sequential order of registration.

(3) The registration of a mark shall include,

(a) a representation of the mark;

(b) the number of the mark;

(c) the name and address of the registered owner;

(d) the name and address of the agent, if any;

(e) the filing date and date of registration;

(f) if priority has been claimed and the claim has been accepted, the country or countries in which or for which the earlier application was filed; and

(g) the list of goods or services in respect of which the registration of the mark had been made with an indication of the corresponding class or classes of the International Classification.

(4) The publication of the registration of a mark under section 28 (8) shall contain the particulars specified in sub-regulation (3).

(5) The certificate of registration of a mark shall be issued on Form No. 9 as set out in the *Second Schedule*.

Renewal of
registration

53 (1) The request for renewal of the registration of a mark under section 29 (5) may be made during the six month period preceding the expiry of the registration and shall be signed by the registered owner or his agent.

(2) The renewal shall be subject to payment of the renewal fee which shall be made within the period specified in sub-regulation (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 29 (6).

(3) The renewal of the registration of a mark shall be recorded in the register and shall be published.

(4) The Registrar shall issue to the registered owner a certificate of renewal which shall contain,

- (a) the registration number of the mark;
- (b) the date of renewal and the date of the expiry;
- (c) the name and address of the registered owner; and
- (d) the list of goods or services in respect of which the mark has been registered with an indication of the corresponding class or classes of the International Classification.

54. Regulations 40 to 53 shall apply, *mutatis mutandis*, to collective marks subject to the following, Collective
Marks

- (a) an application for registration of a collective mark shall not be accepted unless, in the application for registration, the mark is designated as a collective mark, and unless the application is accompanied by a copy of the conditions governing the use of the mark, duly certified by the applicant. No legalization of such certification shall be required;
- (b) the conditions governing the use of the collective mark shall define the common characteristics or quality of the goods or services which the collective mark shall designate and the conditions under which and the persons by whom it may be used; they shall provide for the exercise of effective control of the use of the mark in compliance with those conditions, and shall determine adequate sanctions for any use contrary to the said conditions;
- (c) a copy of the conditions governing the use of the mark shall be appended to the registration of a collective mark;
- (d) publication of the registration of the collective mark, in accordance with section 28 (8), shall include a summary of the conditions appended to the registration;
- (e) notification of changes effected in the conditions governing the use of the mark shall be in writing;
- (f) all notifications of such changes shall be recorded in the register. Changes in the conditions shall have no effect until such recording is made. A summary of the recorded changes shall be published;
- (g) for the purposes of use of the collective mark in connection with section 30 (4), the registered owner of a collective mark may use the mark himself provided it is also used by other authorised persons in accordance with the conditions governing such use; use by such persons shall be deemed to be use by the registered owner.

55. (1) A request under section 30 or 31 (4) for the invalidation of a mark or for its removal from the register on the grounds of non-use shall be made to the Registrar in writing and shall be signed by the applicant. The request shall be subject to

Invalidation;
Removal on
the ground
of non-use

payment of the prescribed fee and shall be accompanied by a statement signed by the applicant indicating the nature of his interest and the grounds upon which he relies.

(2) The procedure set out in regulation 51 shall apply, *mutatis mutandis*.

(3) The removal of a mark from the register on the grounds of non-use shall be published.

PART VI — GENERAL

Changes in
ownership;
Licence
contracts

56. (1) The request under section 36, for the recording of a change of ownership of a title granted under the Order or of an application therefor, shall be made to the Registrar on Form No. 10 as set out in the *Second Schedule* and shall be subject to payment of the prescribed fee.

(2) The publication of the change of ownership shall specify,

- (a) the title of protection concerned;
- (b) the filing date and the date of registration or grant;
- (c) the owner and the new owner; and
- (d) the nature of the change of ownership.

(3) A licence contract submitted for recordal under section 36 (5) shall be accompanied by the prescribed fee.

(4) Where, under section 36 (6), the Registrar invites the parties to a contract to modify the contract, the parties shall respond to the invitation within two months of the date thereof or within such extended period as the Registrar may allow and upon a request made by the parties, the Registrar shall give them an opportunity of being heard.

Appoint-
ment of
agent;
address for
service

57. The appointment of an agent shall be by a power of attorney which shall be signed by the applicant, or, if there are more than one applicants, by each applicant. The address of the agent shall, for all purposes connected with the Order and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

Excluded
days

58. When the last day for doing any act or taking any proceeding falls on a day when the Registry is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the Registry is next open for business.

Searches in
registers;
request for
extracts
therefrom
and for
copies of
documents

59. Searches in the registers shall be subject to payment of the prescribed fee. Requests for certified copies of extracts from the register or for copies of documents shall be made to the Registrar and shall be subject to payment of the prescribed fee.

60. Correction of errors under section 40, may be made by the Registrar upon receipt of a request in writing and subject to such terms as he may consider appropriate, or on his own initiative. Corrections made shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by the Registrar. **Correction of errors**

61. (1) Before exercising adversely to any person any discretionary power given to the Registrar by the Order or these Regulations, the Registrar shall notify such person in writing, of the opportunity to be heard and indicating a time limit, which shall not be less than one month, for filing a request for a hearing. **Hearing**

(2) The request for a hearing shall be in writing and shall be subject to payment of the prescribed fee.

(3) Upon receiving such request, 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.

M. B. Khaketla

Minister responsible for Law, Constitutional and Parliamentary Affairs

FIRST SCHEDULE (Regulation 2)
FEEs
REGISTRAR'S OFFICE, LESOTHO

Column 1	Column 2		Column 3
Matter or Proceeding	Amount of Fee in Maloti		Form
	Application by individuals or small entities*	Application by bodies other than small entities*	
Patents and Utility Model Certificates			
1. Application for a patent	100,00	250,00	Form No.1
2. Each divisional application for a patent	100,00	250,00	Form No.1
3. Application for a utility model certificate	50,00	150,00	Form No.1
4. Each divisional application for a utility model certificate	30,00	200,00	Form No.1
5. Amendment of application at instance of applicant	20,00	100,00	
6. Correction of application on request of Registrar	20,00	100,00	
7. Preparation of abstract by Registrar	20,00	100,00	
8. Grant and publication fee	120,00	350,00	
9. Annual fees for patents:			
1st anniversary of filing	25,00	45,00	
2nd anniversary of filing	100,00	200,00	
3rd anniversary of filing	120,00	220,00	
4th anniversary of filing	140,00	240,00	
5th anniversary of filing	160,00	260,00	
6th anniversary of filing	180,00	280,00	
7th anniversary of filing	200,00	300,00	
8th anniversary of filing	220,00	320,00	
9th anniversary of filing	240,00	340,00	
10th anniversary of filing	260,00	360,00	
11th anniversary of filing	280,00	380,00	
12th anniversary of filing	300,00	400,00	
13th anniversary of filing	320,00	420,00	
14th anniversary of filing	340,00	440,00	
Where the term is extended, for each year	400,00	500,00	

*" small entities" means any business concern,
(i) whose number of employees

including those of its affiliates does not exceed 500 persons; and (ii) which has not assigned, granted, conveyed, or licensed the title of protection or the right thereto, and is under no obligation under contract or law to do so.

The above-mentioned regarding the obligation to assign etc, also applies to individuals. The Registrar shall determine whether an entity is eligible as a small entity.

Matter or Proceeding	Amount of fee in Maloti		Form
	Application by individuals or small entities*	Application by bodies other than small entities*	
Patents and Utility Model Certificates (cont'd)			
10. Annual Fees for utility model certificates:			
1st anniversary of filing	20,00	40,00	
2nd anniversary of filing	25,00	60,00	
3rd anniversary of filing	30,00	80,00	
4th anniversary of filing	35,00	100,00	
5th anniversary of filing	40,00	120,00	
6th anniversary of filing	45,00	140,00	
11. Surcharge for late payment of annual fee	20,00	100,00	
12. Request for extension of duration of a patent	126,00	252,00	
13. Request for grant of a non- voluntary licence	100,00	250,00	Form No.4
14. Request for conversion of a patent application into an application for a utility model certificate and vice versa	32,00	84,00	
Industrial Designs			
15. Application fee	30,00	60,00	Form No.5
16. Correction of application on request of Registrar	10,00	20,00	
17. Registration and publication fee	30,00	60,00	
18. Renewal fee:			
(a) first renewal	32,00	64,00	
(b) second renewal	36,00	68,00	
19. Surcharge for late payment of renewal fee	20,00	40,00	

Matter or Proceeding	Amount of Fee in Maloti		Form
	Application by individuals or small entities*	Application by bodies other than small entities*	
(cont'd)			
Marks			
20. Application fee:			
(a) for registration of a mark in one class	60,00	120,00	Form No.7
(b) for registration of a mark in each additional class	10,00	20,00	
21. Request for statement of grounds for decision of Registrar	50,00	100,00	
22. Filing notice of opposition	20,00	40,00	Form No.8
23. Filing counter-statement	12,00	24,00	
24. Filing request for hearing	30,00	60,00	
25. Fee for hearing in opposition proceedings (to be paid by applicant and by opponent)	40,00	80,00	
26. Registration fee	45,00	90,00	
27. Renewal fee:			
(a) for a mark in one class	60,00	120,00	
(b) for a mark in each additional class	20,00	40,00	
28. Surcharge for late payment or renewal fee	30,00	60,00	
29. Filing request for invalidation of mark or for removal of mark from Register on grounds of non-use.	20,00	40,00	
GENERAL			
30. Filing request for recordal of change in ownership	30,00	60,00	Form No. 10
31. Submission of licence contract for recordal	30,00	60,00	
32. Inspection of Register (for every quarter of an hour or part thereof)	20,00	40,00	
33. Certified copies of documents (per page)	2,00	4,00	
34. Change of address	10,00	20,00	
35. Filing request for hearing	30,00	60,00	

SECOND SCHEDULE (Reg. 3 (I))
FORMS
REGISTRAR'S OFFICE, LESOTHO

Form No. 1 (Reg.9(1)) INDUSTRIAL PROPERTY ORDER REQUEST FOR GRANT OF PATENT OR UTILITY MODEL CERTIFICATE To: The Registrar Registrar's Office P.O. Box 33 Maseru 100	For Official Use <hr/> Date of Receipt by Registrar's Office: <hr/> <div style="text-align: center;">Application No: (Office's Stamp)</div> <hr/> FILING DATE: <hr/> Applicant's or agent's file reference:
THE APPLICANT(S) REQUEST(S) THE GRANT OF A <input type="checkbox"/> PATENT <input type="checkbox"/> UTILITY MODEL CERTIFICATE IN RESPECT OF THE FOLLOWING PARTICULARS:	
I. TITLE OF INVENTION:	
II. APPLICANT(S) (The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.) Additional information is contained in supplemental box	
Name:	
Address:	
Nationality:	
Country of residence or principal place of business:	
Telephone No: Telegraphic Address: Telex No:	
III. AGENT The following agent has been appointed by the applicant(s) in the power of attorney <input type="checkbox"/> accompanying this Form <input type="checkbox"/> to be filed within one month from the filing of this Form Name:	
Address:	
Telephone No:	
IV. INVENTOR. The inventor is the applicant Additional information is contained	

Form No. 1 (cont'd)

<input type="checkbox"/>	in supplemental box <input type="checkbox"/>
If the inventor is not applicant:	
Name:	
Address:	
The statement justifying the applicant's right accompanies this Form <input type="checkbox"/>	
V. DIVISIONAL APPLICATION This application is a divisional application <input type="checkbox"/> The benefit of the <input type="checkbox"/> Filing date <input type="checkbox"/> priority date of the initial application is claimed inasmuch as the subject matter of the present application is contained in the initial application identified below. Initial application No: Date of filing of initial application:	
VI. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES Disclosure occurred not more than six months before the filing date or priority date of the present application: <input type="checkbox"/> By reason or in consequence of acts of the applicant or his predecessor in title. <input type="checkbox"/> by reason or in consequence of an abuse committed by a third party with regard to the rights of the applicant or his predecessor in title. Additional information is contained in a statement accompanying this Form <input type="checkbox"/>	
VII. PRIORITY DECLARATION (if any) The priority of (an) earlier application(s) is claimed as follows: The priority of more than one earlier application is claimed; the data are indicated in the supplemental box <input type="checkbox"/>	
Country (if the earlier application is a regional or international application, indicate the office with which and the countries for which it was filed):	Filing date:
	Application No:
	Symbol of the International Patent Classification: <input type="checkbox"/> Not yet allocated
The certified copy of the earlier application <input type="checkbox"/> accompanies this Form	

Form No. 1 (cont'd)

will be furnished upon request, by the Registrar, as prescribed
by Regulation 19(5).

The certified English translation of the earlier application

accompanies this Form

will be furnished upon request, as prescribed by Regulation 19(7).

VIII. SUPPLEMENTAL BOX*

IX. CHECK LIST

A. This application contains the following:

1. request sheet(s)
2. description sheet(s)
3. claim(s) sheet(s)
4. abstract sheet(s)
5. drawing(s) sheet(s)

Total _____ sheets

C. Figure number ... of the drawings
(if any) is suggested to accompany the
abstract for publication

B. This Form, as filed, is
accompanied by the items ticked
below:

- separate signed power of attorney
 - statement justifying the applicant's right
 - statement that certain disclosures be disregarded
 - priority document(s) (certified copy of earlier application(s))
 - certified English translation of earlier application(s) on which priority declaration is based
 - application fee
 - other document(s) (specify)
-

X. SIGNATURE(S) **
(Applicant(s)/Agent) (Date)

TO BE FILLED IN BY THE REGISTRAR
1. Date of receipt of corrections or later filed documents completing the application:
2. Date fees received:
* Use this box if any of the boxes is not large enough to contain the information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., 'II. APPLICANT(S) (continued)'). ** Type name(s) under signature(s) and delete whichever does not apply.

(Form No. 1, third and last page)

REGISTRAR'S OFFICE, LESOTHO

Form No. 2 (Reg.27 (3)) INDUSTRIAL PROPERTY ORDER (19) * LS (LESOTHO) (12) PATENT/UTILITY MODEL CERTIFICATE** (Front Page)	(11) Publication No.: (51) Int. Cl.4:
(21) Application No:	(73) Owner(s) Name(s): Address(es):
(22) Filing date:	
(30) Priority:	
(45) Date of publication:	(72) Inventor(s) Name(s): Address(es):
(24) Effective date of grant:	
(56) Documents/References cited of prior art:	(74) Agent Name: Address:
(54) Title: (57) Abstract (with the most illustrative of the drawings, if there are any):	
The description and claims are attached hereto and form an integral part hereof. Drawings are attached hereto and form an integral part hereof.	
Additional information or comments:	

* The numbers in parentheses before the bibliographic data are the Internationally Agreed Numbers for the Identification of Data (INID codes), as defined in WIPO Standard ST.9, whereby the various bibliographic data appearing on the first page of a patent document can be identified without knowledge of the language used and the industrial property laws applied. The list of definitions of the bibliographic data, with their corresponding INID codes are published in the World Intellectual Property Organization (WIPO) Handbook on Patent Information and Documentantation.

** Delete whichever does not apply.

REGISTRAR'S OFFICE, LESOTHO

Form No. 3 (Reg.27 (6))
INDUSTRIAL PROPERTY ORDER
 Certificate of grant of patent/
UTILITY MODEL CERTIFICATE*

In accordance with Section 12 (2)(b) of the Industrial Property Order, 1989, it is hereby certified that a patent/utility model certificate* having the No. has been granted to:

Name(s) :

Address(es) :

on (date), in respect of an invention disclosed in an application for that patent/utility model certificate* having a:

Filing date:

Priority date:

being an invention for:
 (title)

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

.....
 Registrar

* Delete whichever does not apply.

REGISTRAR'S OFFICE, LESOTHO

Form No. 4 (Reg.31 (1)) INDUSTRIAL PROPERTY ORDER REQUEST FOR GRANT OF NON-VOLUNTARY LICENCE ON GROUND OF NON-WORKING OR INSUFFICIENT WORKING To: The Registrar Registrar's Office P.O. Box 33 Maseru 100	For Official Use	
	Application received on:	
	Fee received on:	
	Date of mailing:	
Applicant's or agent's file reference		
I. IN THE MATTER OF: <input type="checkbox"/> Patent No.: _____ Date of Grant: _____ <input type="checkbox"/> Utility Model Certificate No.: _____		
II. APPLICANT Name: _____ Address: _____ Address for service in Lesotho: _____ Nationality: _____ Country of residence or principal place of business: _____ Telephone No.: _____ Telegraphic Address: _____ Telex No.: _____		
III. REQUEST The above applicant hereby requests the Registrar, in respect of the patent/utility model certificate,* identified above to grant a non-voluntary licence under section 15 of the Industrial Property Order, 1989, in accordance with the terms proposed and upon the grounds set out below.		
IV. PROPOSED TERMS Amount and conditions of payment of remuneration: Conditions of exploitation of invention: Others:		
V. FACTS JUSTIFYING GRANT		

* Delete whichever does not apply.
 (Form No.4 first page)

Form No. 4 (cont'd)

IV. ADDITIONAL INFORMATION

The following items accompany this Form:

- evidence that the owner of the patent/utility model certificate* has received a request from the applicant to obtain a licence but that the applicant has been unable to obtain such a licence on reasonable terms and within a reasonable time;
- plan according to which the applicant intends to work the invention, including evidence that he has the ability to do so in Lesotho.

Other (specify)

VII. SIGNATURE(S)**

(Applicant(s)/Agent)

(Date)

* Delete whichever does not apply.

** Type name(s) under signature(s) and delete whichever does not apply.

(Form No. 4, second and last page)

REGISTRAR'S OFFICE, LESOTHO

Form No. 5 (Reg.35 (1)) INDUSTRIAL PROPERTY ORDER APPLICATION FOR REGIS- TRATION OF INDUSTRIAL DESIGN To: The Registrar Registrar's Office P.O. Box 33 Maseru	For Official Use
	Date of Receipt by Registrar's Office:
	APPLICATION No.:
	(Office's Stamp)
	FILING DATE:
Applicant's or agent's file reference:	
THE APPLICANT(S) REQUEST(S) THAT THE ACCOMPANYING IN- DUSTRIAL DESIGN BE REGISTERED IN RESPECT OF THE FOLLOWING PARTICULARS:	
I. APPLICANT(S) (The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.) Additional information is contained in supplemental box <input type="checkbox"/>	
Name:	
Address:	
Nationality:	
Country of residence or principal place of business:	
Telephone No.:	Telegraphic Address:
	Telex. No:
II. AGENT The following agent has been appointed by the applicant(s) in the power of attorney <input type="checkbox"/> accompanying this Form <input type="checkbox"/> to be filed within one month from the filing of this Form Name:	
Address:	

Form No. 5 (cont'd)

Telephone No.:

III. CREATOR

The creator is the applicant Additional information is contained
in supplemental box

If the creator is not applicant:
Name:

Address:

The statement justifying the applicant's right accompanies
this Form

IV. REPRESENTATIONS OF THE INDUSTRIAL DESIGN, SPECIMEN

This Form is accompanied by:

 four graphic representations four drawings or tracings a specimen of the industrial design

V. PRODUCTS

The kind of products for which the industrial design is to be used is (are) the
following:

VI. PRIORITY CLAIM (if any)

The priority of an earlier application is claimed as follows:

Country:

Filing Date:

Application No.:

The priority of more than one earlier application is claimed; the data
are indicated in the supplemental box

The certified copy of the earlier application

 accompanies this Form will be furnished within three months of the filing of this FormVII. FEES accompany this Form

Form No. 5 (cont'd)

VIII. SUPPLEMENTAL BOX*	
IX. SIGNATURE(S)**
(Applicant(s)/Agent)	(Date)
TO BE FILLED IN BY THE REGISTRAR	
1. Date application received:	
2. Date of receipt of corrections or later filed documents completing the application:	
3. Date fees received:	

* Use this box if any of the boxes is not large enough to contain the information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. APPLICANT(S) (continued)").

** Type name(s) under signature(s) and delete whichever does not apply.

Form No. 6 (Reg. 38 (5))
INDUSTRIAL PROPERTY ORDER

CERTIFICATE OF REGISTRATION OF
INDUSTRIAL DESIGN

In accordance with Section 23(4) of the Industrial Property Order, 1989, it is hereby certified that an industrial design having the registration No. has been registered in the name(s) of

Name(s):
Address(es):

on (date)

in respect of an industrial design disclosed in an application for registration of that industrial design, having a:

Filing date:
Priority date:

being an industrial design for:
(products)

created by:

Name:
Address:

A copy of the reproduction of the industrial design accompanies this certificate.

Dated this, day of 19.....

.....
Registrar

REGISTRAR'S OFFICE, LESOTHO

Form No. 7 (Reg. 41, 42 & 43) INDUSTRIAL PROPERTY ORDER APPLICATION FOR REGIS- TRATION OF A MARK To: The Registrar Registrar's Office P.O. Box 33 Maseru	For Official Use
	Date of Receipt by Registrar's Office
	Application No: (Office's Stamp)
	FILING DATE:
Applicant's or agent's file reference:	
I. THE APPLICANT(S) REQUEST(S) THE REGISTRATION OF A MARK IN RESPECT OF THE FOLLOWING PARTICULARS:	
Name(s):	
Address(es):	
Nationality:	
Country of residence or principal place of business:	
Telephone No.:	Telegraphic Address: Telex No.:
II. AGENT The following agent has been appointed by the applicant(s) in the power of attorney	
<input type="checkbox"/> accompanying this Form <input type="checkbox"/> to be filed within one month from the filing of this Form	
Name:	
Address:	
Telephone No.:	
III. COLLECTIVE MARK <input type="checkbox"/> This application for registration concerns a collective mark. <input type="checkbox"/> The conditions governing the use of a collective mark are attached.	

Form No. 7 (cont'd)

IV. REPRODUCTION OF MARK	Three additional reproductions on separate sheets are affixed
	Transliteration accompanies application
	Translation accompanies application
	Fees accompany application
V. CLASSES Registration is requested in respect of the following goods and/or services, listed under the applicable classes of the International Classification:	
VI. PRIORITY CLAIM (if any) The priority of an earlier application is claimed as follows:	
Country	Filing Date:
	Application No:
The priority of more than one earlier application is claimed: the data are indicated in the supplemental box <input type="checkbox"/>	
The certified copy of the earlier application <input type="checkbox"/> accompanies this Form <input type="checkbox"/> will be furnished within three months of the filing of this Form	
VII. ADDITIONAL INFORMATION accompanies this Form (specify) <input type="checkbox"/>	
VIII. SIGNATURE(S)* (Date)	
(Applicant(s)/agent)	

*Type name(s) under signature(s) and delete whichever does not apply.
(Form No. 7, second and last page)

REGISTRAR'S OFFICE, LESOTHO

<p>Form No. 8 (Reg. 51 (1)) INDUSTRIAL PROPERTY ORDER NOTICE OF OPPOSITION TO REGISTRATION OF MARK</p> <p>To: the Registrar Registrar's Office P.O. Box 33 Maseru 100</p>	<p style="text-align: center;">For Official Use</p> <hr/> <p>Notice received on:*</p> <hr/> <p>No. of opposition:</p>
<p>In the matter of Application No. for Registration of a Mark I/We*, of give notice of my/our* intention to oppose the registration of the above identified mark published for class(es) in the Gazette of the day of 19, No....., Page.....</p> <p>The grounds for this opposition are as follows:**</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Name of agent (if any):</p> <p>.....</p> <p>Address of agent:</p>	

REGISTRAR'S OFFICE, LESOTHO

- Supporting evidence accompanies this Form.
 Power of Attorney accompanies this Form
 Fees accompany this Form;

Date 19 Signature(s) ***
(Opponent(s)/Agent)

* Delete whichever does not apply.

** Continue on a separate sheet, if the space provided is insufficient.

*** Type name(s) under signature(s) and delete whichever does not apply.

REGISTRAR'S OFFICE, LESOTHO

Form No. 9 (Reg. 52 (5))
 INDUSTRIAL PROPERTY ORDER
 CERTIFICATE OF REGISTRATION OF MARK

In accordance with section 28(8) of the Industrial Property Order, 1989, the mark shown above being a collective mark* has been registered in the Register under No.

as of the in class(es)
 (date)

in respect of
 (goods and/or services)

in the name of of
 (address)

Dated this day of 19

.....
 Registrar

Registration is for ten years from the date first above-mentioned and may then be renewed for additional successive ten-year periods. This certificate is not for use in legal proceedings or for obtaining registration abroad.

*Delete if necessary.

REGISTRAR'S OFFICE, LESOTHO

Form No. 10 (Reg. 56 (1)) INDUSTRIAL PROPERTY ORDER RECORDING OF CHANGE IN OWNERSHIP To: The Registrar P.O. Box 33 Maseru 100	For Official Use Received on:
I. IN THE MATTER OF: <input type="checkbox"/> Patent Application No: <input type="checkbox"/> Application for Utility Model Certificate No.: <input type="checkbox"/> Application for Registration of Industrial Design No.: <input type="checkbox"/> Application for Registration of Mark No.: <input type="checkbox"/> Patent No.: <input type="checkbox"/> Utility Model Certificate No.: <input type="checkbox"/> Industrial Design No.: <input type="checkbox"/> Mark No.:	Filing Date: Filing Date: Filing Date: Filing Date: Date of Grant: Date of Grant: Date of Registration: Date of Registration:
II. APPLICANT(S)/OWNER(S)* Name(s):	
Address(es):	
III. REQUEST The Registrar is hereby requested to record the change in ownership of the above-identified** The present applicant(s)/owner(s)* is/are identified above. The new applicant(s)/new owner(s)* is/are identified below.	
IV. NEW APPLICANT(S)/NEW OWNER(S)* Name(s):	
Address(s):	
Address for service in Lesotho:	

Form No. 10 (cont'd)

Nationality:		
Country of residence or principal place of business:		
Telephone No:	Telegraphic Address:	Telex No.:
* Delete whichever does not apply.		
** Indicate application or title concerned.		
<p>V. ADDITIONAL INFORMATION</p> <p>The following items accompany this Form:</p> <p><input type="checkbox"/> the original or a certified copy of the document evidencing the change of ownership, signed by or on behalf of the contracting parties</p> <p><input type="checkbox"/> other documents evidencing the change in ownership (specify)</p> <p><input type="checkbox"/> fees</p> <p><input type="checkbox"/> other (specify)</p> <p><input type="checkbox"/> approval of the Minister*</p>		
<p>VI. SIGNATURES**</p> <p style="text-align: center;">(New Applicant(s)/New Owner(s)) (Date)</p> <p>.....</p> <p style="text-align: center;">(Applicant(s)/Owner(s)) (Date)</p>		

* Required where the request is in respect of a collective mark.

** Type name(s) under signature(s) and delete whichever does not apply.

(Form No. 10 second and last page)

THIRD SCHEDULE (regulation 40)
INTERNATIONAL CLASSIFICATION
LIST OF CLASSES OF GOODS AND SERVICES

Goods

Class 1. Chemicals used in industry, science and photography, as well as in agriculture horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing composition; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Class 2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colourants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Class 4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

Class 5. Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressing; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware, pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Class 7. Machines and machine tools; (except for land vehicles); machine coupling and belting (except for land vehicles); agricultural implements; incubators for eggs.

Class 8. Hand tools and implements (hand operated); cutlery; side arms; razors.

Class 9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers; calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Class 10. Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

Class 11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12. Vehicles; apparatus for locomotion by land, or water.

Class 13 Firearms, ammunition and projectiles; explosives; fireworks

Class 14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

Class 15. Musical instruments.

Class 16. Paper, cardboard and goods made from these materials, not included in other classes, printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.

Class 17. Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Class 18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags, umbrellas, parasols and walking sticks; whips, harness and saddlery.

Class 19. Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Class 20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Class 21. Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponge; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22. Ropes, strings; nets, tents, awning, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Class 23. Yarns and threads, for textile use.

Class 24. Textiles and textile goods, not included in other classes; bed and table covers.

Class 25. Clothing, footwear, headgear.

Class 26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Class 28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Class 29. Meat, fish, poultry and game, meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and milk products; edible oils and fats, salad dressing; preserves.

Class 30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereal, bread, pastry and confectionary, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (except salad dressings); spices; ice.

Class 31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

Class 32. Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33. Alcoholic beverages (except beer).

Class 34. Tobacco; smokers' articles; matches.

Services

Class 35. Advertising and business.

Class 36. Insurance and financial.

Class 37. Construction and repair.

Class 38. Communication.

Class 39. Transportation and storage.

Class 40. Material treatment.

Class 41. Education and entertainment.

Class 42. Miscellaneous.