

THE PATENTS (AMENDMENT) ACT, 2002.

ARRANGEMENT OF SECTIONS

Section.

1. Short title..
2. Amendment of section 23 of Statute No. 10 of 1991.
3. Insertion of Part IVA.

An Act to amend the Patents Statute, 1991 to provide for international applications and connected matters by giving effect in Uganda to the provisions of the Patents Co-operation Treaty signed at Washington on 19th June, 1970.

DATE OF ASSENT: 5th March, 2002.

Date of commencement: 5th April, 2002.

BE IT ENACTED by Parliament as follows:

1. Short title

This Act may be cited as the Patents (Amendment) Act, 2002.

2. Amendment of section 23 of Statute No. 10 of 1991.

Section 23 of the Patents Statute, 1991, in this Act referred to as the “Statute” is amended by substituting for paragraph (c), the following paragraphs—

(c) treating an application as if it had not been filed; or

(d) refusing to grant a patent; or;

(e) considering a declaration claiming priority not to have been made;

3. Insertion of Part IVA.

Immediately after Part IV of the Statute, the following new Part is inserted—

“PART IVA INTERNATIONAL APPLICATIONS UNDER THE PATENT CO-OPERATION TREATY.

24A. Interpretation

For the purposes of this Part—

“designate”, “designated office”, “elect”, “elected office”, “international application”, “international filing date”, “international preliminary examination” and “receiving office” have the same meanings as in the Patent Cooperation Treaty;

“Patent Cooperation Treaty” means the Patent Cooperation Treaty done at Washington on June 19, 1970.

24B. Filing date and effects of international application designating Uganda.

An international application designating Uganda shall, subject to this section, be treated as an application for a patent or, if so indicated in the international application, for a utility certificate, filed under this Statute and having as its filing date the international filing date accorded under the Patent Cooperation Treaty.

24C. Receiving office

(1) The Registry shall, unless any agreement is in force under subsection (2), act as a receiving office in respect of any international application filed with it by a resident or national of Uganda.

(2) The Registry may make an agreement of the kind referred to in rule 19 1(b) of the Regulations under the Patent Cooperation Treaty by which an intergovernmental organisation or the national office of another Contracting State of the Patent Cooperation Treaty shall act instead of the Registry as receiving office for applicants who are residents or nationals of Uganda.

24D. Filing of international applications with the Registry.

An international application filed with the Registry as receiving office shall be filed in English and the prescribed transmittal fee shall be paid to the Registry within one month from the date of receipt of the international application.

24E. The Registry as designated office.

The Registry shall act as a designated office in respect of an international application in which Uganda is designated for the purposes of obtaining a national patent or utility certificate under this Statute.

24F. The Registry as elected office.

The Registry shall act as an elected office in respect of an international application in which Uganda is designated as referred to in section 24E if the applicant elects Uganda for the purposes of international preliminary examination under Chapter II of the Patent Cooperation Treaty.

24G. National processing.

The Registry as a designated office or an elected office shall not commence processing of an international application designating Uganda before the expiration of the time limit referred to in section 24H except where the applicant complies with the requirements of that section and files with the Registry an express request for early commencement of such processing.

24H. Entering national

The applicant in respect of an international application designating Uganda shall, before the expiration of the time limit applicable under Article 22 or 39 of the Patent Cooperation Treaty or of such later time limit as may be prescribed in the regulations—

(a) pay the prescribed fee to the Registry; and

(b) if the international application was not filed in, and has not been published under the Patent Cooperation Treaty as a translation into, a prescribed language, file with the Registry a translation of the international application, containing the prescribed contents, into that language.

24I. Failure to enter national phase.

If the applicant does not comply with the requirements of section 24H within the time limit referred to in that section, the international application shall be considered withdrawn for the purposes of this Statute.

24J. Processing international applications in accordance with Treaty.

(1) The Registry shall process international applications in accordance with the provisions of the Patent Cooperation Treaty, the Regulations established under it and the administrative instructions under those Regulations and with the provisions of this Statute and the regulations made under it.

(2) In the case of conflict, the provisions of the Patent Cooperation Treaty, the Regulations under it and the Administrative Instructions under those Regulations shall prevail to the extent of the inconsistency.

(3) Further details concerning the processing of international applications by and other functions of the Registry in connection with the Patent Cooperation Treaty, including fees payable, time limits, prescribed languages and other requirements in relation to international applications, may be provided in regulations made under section 47 of this Statute.

24K. Effect of international publication of international applications.

The publication under the Patent Cooperation Treaty of an international application designating Uganda shall by itself confer no rights under this Statute and shall have no effect for the purposes of this Statute other than that of a printed publication.

24L. Subsequent amendments to Treaty.

(1) Where, after the commencement of the Patents (Amendment) Act, 2001 any revision of the Patent Cooperation Treaty is made by a special conference of the Contracting States under Article 60 of the Treaty, the Minister may, by statutory order, with the approval of Parliament, declare that the amendments shall, from a date specified in the statutory order, have the force of law in Uganda.

(2) Where a statutory order is made under subsection (1) in respect of any revision of the Treaty, the revision shall, with effect from the date specified in the statutory order as the commencement date of the revision, have the force of law in Uganda, and accordingly, from that date, this Statute shall apply to it as if formed part of the Treaty.”