

PATENTS REGULATIONS, 2023

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PATENTS ACT, 2015
(NO. 40 OF 2015)

PATENT REGULATIONS, 2023

PART I - PRELIMINARY

1. Citation.

These Regulations may be cited as the Patent Regulations, 2023.

2. Repeal of Industrial Property Rules

The Industrial Property Rules (Ch. 324) are hereby repealed.

3. Interpretation

(1) In these Regulations —

“**Agent**” means counsel or attorney admitted to practice in The Bahamas in accordance with section 2 of the Legal Profession Act;

“**Declaration**” means a declaration under the Oaths Act;

“**Office**” means the Intellectual Property Office established by section 3 of the Patents Act, 2015;

“**Utility Model**” means an invention subject to the protections for utility certificates under Part XV of the Act.

(2) Any reference in these Regulations to a section or subsection shall be read and construed as a reference to a section or subsection of the Patents Act, 2015.

PART II – FORMAL REQUIREMENTS

4. Document requirements.

Subject to any other directions that may be given by the Registrar in any particular case, all applications, notices, papers having representations affixed, and other documents in writing under the Act or these Regulations required to be left with or sent to the Registrar, shall be upon A4 paper of a size approximately eleven inches by eight inches, shall have on the left hand part thereof a margin

of not less than one inch, and may be in any mandated electronic format permitted or adopted by the office.

5. Paper filings.

All sheets of paper shall be flexible, strong, white, smooth, non-shiny and durable.

6. Consecutive numbers.

All pages contained in an application or other document filed at the Office should be numbered consecutively.

7. Size of characters.

All text in an application or other document shall be typed or printed with one and a half spaced and characters with capital letters no less than 0.11 inches high for any typed text.

8. Service by mail or electronic means.

- (1) Any application, notice or other document sent to the Office by mail shall be deemed to have been given, made or filed at the time when the letter containing the document would be delivered in the ordinary course of mail.
- (2) The proof of service requirements that apply to written communications also apply to the electronic delivery of documents.
- (3) The Registrar may permit service by electronic means subject to proof of service requirements that apply to written communications.

9. Electronic communications.

- (1) The Registrar may adopt and authorise the use of electronic means of communication in place of in writing in the Registrar's discretion, provided that the Registrar may in such cases also use electronic means to communicate with any persons or their Agents on any matters that the Registrar is required to communicate.
- (2) In all cases in these Regulations where in writing communications are required, the Registrar may permit electronic delivery of communications subject to proof of service requirements that apply to written communications.

10. Address.

- (1) Every person concerned in any proceedings to which these Regulations relate and every patentee shall furnish to the Registrar an address for

service in The Bahamas and that address may be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or the patentee as the case may be.

- (2) The address given shall in all cases include the street address and/or any other information necessary for the purpose of enabling any person easily to find the place of business or location the person whose address is given. An address may be supplemented with an electronic address for service.

11. Irrelevant and immoral expressions.

Any document filed with the Registrar shall not contain any expressions or drawings which are irrelevant, unnecessary, disparaging and contrary to morality and public order.

12. Agents.

- (1) With the exception of documents mentioned in paragraph (2) and unless the Registrar otherwise directs in any particular case all notices, applications or other documents filed under the Act may be signed by and all attendances upon the Registrar may be made by or through an Agent duly authorised to the satisfaction of the Registrar.
- (2) The following documents are excepted from paragraph (1): the authorisation of an Agent and an application for a patent or utility certificate, namely in Forms 1 and 11 of the *First Schedule*.
- (3) Where an Agent is authorised as aforesaid service upon such Agent of any document relating to the matter in respect of which such Agent has been authorised shall be deemed to be service upon the person who appointed the Agent, and all communications, electronic or otherwise, directed to be made to such person in respect of such matter may be addressed to such Agent.
- (4) The Registrar shall not be bound to recognise as such Agent any person who is an undischarged bankrupt, or who is not a counsel and attorney, within the meaning assigned to it by section 2 of the Legal Profession Act (*Ch. 64*).

13. Registration of title.

- (1) A request for the registration of the title of any person becoming entitled by assignment, transmission or operation of law to a patent or a share in a patent shall be made by the person becoming so entitled on Form 4 of the *First Schedule*.
- (2) A request for the registration of the title of any person becoming entitled by virtue of a mortgage or licence to an interest in a patent shall be made by the person becoming so entitled in Form 4 of the *First Schedule*.

- (3) Requests may be made in Form 4 for entry in the Register of any other document purporting to affect the proprietorship of a patent.

14. Original and copies of title documents

- (1) An official or certified copy of a document which is referred to in a request under regulations 15 to 17 and is a matter of record in The Bahamas shall be produced to the Registrar with the application.
- (2) Unless the Registrar otherwise directs, the original of any other document so referred to shall be produced with the request and a certified copy of any such document shall be filed.

15. Altering name, nationality or address on Register.

- (1) A request by a patentee for the alteration of name, nationality, address or address for service entered in the Register in respect of a patent shall be made in Form 4 of the *First Schedule*.
- (2) Before acting on a request to alter a name or nationality the Registrar may require such proof of the alteration as the Registrar deems sufficient.
- (3) If the Registrar is satisfied that the request may be allowed, he shall cause the Register of Patents to be altered accordingly.

16. Fees for entry on Register.

The Registrar shall enter in the Register information or documents requested under regulations 15 to 19 after the prescribed fee has been paid.

17. Documents and information on Register.

- (1) Upon the granting of an application for a patent, the Registrar shall cause to be entered in the Register the name, address and nationality of the applicant, the title of the invention, the date of the application together with the address for service, and subsequently the date of issue of a patent upon the application.
- (2) The Registrar shall cause to be entered in the Register particulars of transactions, instruments or events affecting rights in or under patents and applications including those listed under section 39(3) of the Act.
- (3) Persons may obtain certified or uncertified copies or extracts of entries on the Register under section 38 by submitting Form 7 of the *First Schedule* with payment of the required fee as prescribed.
- (4) Persons may obtain documents and information relating to granted patents and applications as permitted under section 40 of the Act by completing Form 7 of the *First Schedule* and paying the required fee as prescribed under the first schedule to these Regulations.

- (5) The Registrar may at any time enter in the Register such other particulars as deemed necessary.

18. Voluntary licence.

The Registrar shall cause a voluntary licence contract to be entered in the Register under section 51 of the Act upon completion of Form 4 of the *First Schedule* and payment of the fee required under the *First Schedule* to these Regulations.

PART III - EVIDENCE

19. Contents of declarations.

- (1) The Declarations required by these Regulations or used in any proceedings thereunder shall be headed in the matter or matters to which they relate, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject.
- (2) Every Declaration shall state the place of residence of the person making the same, and shall be written or typed.

20. Making of declaration.

The Declarations shall be made and subscribed —

- (a) in The Bahamas, before any justice of the peace, magistrate, notary public, the Registrar or other officer by law authorised to administer an oath for the purposes of any legal proceeding; or
- (b) in any other country, before any notary public, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding.

21. Documents on opposition.

- (1) Copies of all documents referred to in the notice of opposition or in any statement or evidence filed in connection with the opposition, authenticated to the satisfaction of the Registrar, shall be furnished (in duplicate if in writing) for the Registrar's use unless otherwise directed. Such copies shall accompany the notice, statement or evidence in which they are referred to.
- (2) Where a specification or other document in a foreign language is referred to, a translation thereof, verified by statutory Declaration or otherwise to the satisfaction of the Registrar, and one additional copy of the translation, shall also be furnished.

22. Seal or signature.

Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by the last foregoing Regulation to take an affidavit, in testimony that the affidavit was made and subscribed before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or their authority to take the affidavit.

23. Further documents, information or evidence.

At any stage of any proceedings pursuant to the Act, the Registrar may direct that such further documents, information or evidence as required shall be furnished within such period as fixed by the Registrar.

24. Excluded business days.

- (1) The following shall be excluded days for purposes of the transaction by the public of business of all classes under the Act—
 - (a) public holidays;
 - (b) Saturdays; and
 - (c) Sundays.
- (2) Days which may, from time to time, be notified by a notice posted in a conspicuous place in the Office, including the official website of the Office, shall be excluded days for purposes of the transaction of business of all classes or such class or classes as may be specified in the notice.

25. Hours of business.

The Office shall be deemed to be closed at 4:00 p.m. for the filing of applications, forms and other documents and for all other business.

26. Notice of hearing.

Except as otherwise provided in these Regulations before exercising any discretionary power given to him by the Act or these Regulations adversely to any person, the Registrar shall give at least thirty days notice of a hearing.

27. Amendments and irregularity in procedure.

Any document filed in any proceedings before the Registrar may, if the Registrar thinks fit, be amended, and any irregularity in procedure may be rectified, on such terms as directed by the Registrar.

28. Extension of time for doing act or commencing proceedings.

Except as otherwise provided by these Regulations, the times prescribed by these Regulations for doing any act, or taking any proceeding thereunder, may be extended by the Registrar, or as appropriate, by the Court, if deemed fit, and upon such notice to the parties and upon such terms, as directed by the Registrar or the Court, and such extension may be granted although the time has expired for doing such act or taking such proceeding.

29. Dispensing with act, production or filing.

Where under the Regulations any person is required to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to do that act or thing or that that document or evidence cannot be produced or filed, the Registrar may, upon the production of such evidence and subject to such terms as deemed fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

30. Security of costs.

Where a party requests a hearing, the Registrar may call upon the party to give a security in such form as the Registrar may deem sufficient for the costs of the proceedings before the Registrar, for such amount as to the Registrar may determine fit, and at any stage in such opposition may require further security to be given at any time before giving a decision in the case.

31. Decision in writing.

The decision of the Registrar in a proceeding shall be communicated to the applicant in writing, or by electronic means, and the date of the decision shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

32. Application to Court for rectification of Register.

Where an application to the Court under section 42 for rectification of the Register has been made, the applicant shall forthwith serve an office copy of the application on the Registrar, who shall enter a notice of the application on the Register.

33. Filing of Court Orders.

Where any order has been made by the Court under the Act including those revoking a patent or refusing to allow a patentee to proceed with an application, amend a specification, or restore a lapsed application or patent, the person in whose favour such an order has been made shall file a copy of such order with the Office.

PART IV - APPLICATION PROCEDURE

34. Application for Patent.

- (1) An application for a patent shall be as shown in Form 1 of the *First Schedule*.
- (2) In the case of an application by the assignee of the person claiming to be the true and first inventor there shall be furnished at the time of filing such application or within a period of three months thereafter the statement required by subsection 18(1)(e).
- (3) An applicant must indicate in Form 1 of the *First Schedule* that an application is for the grant of a Patent of Addition in lieu of an independent patent.

35. Personal representative of deceased.

In the case of an application by the personal representative of a deceased person who, immediately before death, was entitled to make such an application the probate of the will of the deceased, or the letters of administration of the deceased's estate, or an official copy of the probate or letters of administration, shall be produced at the Office in proof of the applicant's title to act as personal representative.

36. Desire not to be named.

A patent applicant shall make application in Form 1 or 3 of the First Schedule, depending on the stage of the application process, to indicate a desire not to be named as an inventor in any patent later granted as required under section 16(1) of the Act.

37. Translation.

If any specification or other document relating to an application for a patent is in a foreign language, it shall be accompanied by a translation thereof verified by affidavit or otherwise to the satisfaction of the Registrar.

38. Application by firm, partnership or body corporate.

- (1) If an application for a patent is made by a firm or partnership it may be signed in the name of or for and on behalf of the firm or partnership by any one or more members thereof.
- (2) If the application be made by a body corporate it may be signed by a Director or by the Secretary or other principal officer of such body corporate.

39. Description.

The description shall state—

- (a) the title of the invention;
- (b) the field to which the invention relates; and
- (c) the background art useful for the understanding, searching and examination of the invention.
- (d) the invention;
- (e) any advantageous effects;
- (f) any drawings;
- (g) the mode for carrying out the invention claimed; and
- (h) the way the invention can be exploited and used.

40. Nucleotide and amino acid sequences.

All nucleotide or amino acid sequences disclosed in an application shall be presented in a separate part of the description designated for that purpose. A nucleotide or amino acid sequence shall be provided in electronic form to comply with the PCT sequence listing standard.

41. Claims.

- (1) Claims shall be numbered consecutively in Arabic numerals and shall not rely on references to the descriptions or drawings in an application, unless absolutely necessary.
- (2) The associated claims to a dependent claim shall be referenced at the beginning of a claim and multiple claims must only be referenced in the alternative.
- (3) Dependent claims referring back to claims in common shall be grouped together within an application.

42. Drawings.

- (1) Drawings shall not be supplied in the request, description, claims or abstract of an application.
- (2) Drawings when supplied shall be furnished in duplicate, unless submitted electronically, and shall accompany the specification to which they refer.
- (3) Drawings shall be on A4 sheets of paper which measure 8 inches from top to bottom and 11 inches wide, with a clear margin of an inch at the left edge of the sheet and half an inch at the right edge of the sheet.
- (4) If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets shall be used unless the larger size is required by the size of any one figure.

- (5) An exceptionally large figure may be continued on subsequent sheets.
- (6) No more sheets shall be employed than are necessary.
- (7) The figures shall be numbered consecutively without regard to the number of sheets, and shall as far as possible be arranged in numerical order, separated by a sufficient space to keep them distinct.
- (8) Where figures on a number of sheets form in effect a single complete figure, they shall be so arranged that the complete figure can be assembled without concealing any part of another figure.

43. Requirements for drawings.

Drawings shall be prepared in accordance with the following requirements —

- (a) they shall be executed in black, durable and dark markings;
- (b) each line shall be firmly and evenly drawn, sharply defined, and of the same strength throughout;
- (c) section lines, lines for effect, and shading lines shall be as few as possible and shall not be closely drawn;
- (d) shading fines shall not contrast excessively in thickness with the general lines of the drawing;
- (e) sections and shading shall not be represented by solid black or washes;
- (f) they shall be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine or article may appear as effects this purpose;
- (g) if the scale is given, it shall be drawn and not denoted by words, and no dimension may be marked on the drawings;
- (h) the figures shall be drawn in an upright position in regard to the top and bottom of the sheet;
- (i) reference letters and numerals, and index letters and numerals used in conjunction therewith, shall be bold, distinct and not less than one-eighth of an inch in height, the same letters or numerals shall be used in different views of the same parts, and where the reference letters or numerals are shown outside the parts referred to they shall be connected with the said parts by fine lines.

44. Drawings.

- (1) Drawings shall bear —
 - (a) in the left-hand top corner the name of the applicant;
 - (b) in the right-hand top corner the number of pages of drawings sent and the consecutive number of each page and the words “original” or “duplicate” as required;

(b) in the right-hand bottom corner the signature of the applicant or their Agent;

(2) The title of the invention shall not appear on the drawings.

45. Restriction on drawings.

(1) No descriptive matter shall appear on constructional drawings, but drawings in the nature of flow sheets may bear descriptive matter to show the materials used and the chemical or other reactions or treatments effected in carrying out the invention.

(2) Drawings showing a number of instruments or units of apparatus and their interconnections, either mechanical or electrical, where each such instrument or unit is shown only symbolically, may bear such descriptive matter as is necessary to identify the instruments or units or their interconnections.

(3) No drawing or sketch other than a graphic chemical formula or a mathematical formula, symbol or equation, shall appear in the verbal part of the specification meaning the abstract, description and claims.

46. Deadline for drawings.

Drawings must be filed with the Office within two months of the filing of the application.

47. Abstracts.

An abstract shall include a summary of the description, claims and drawings included in an application for a patent.

48. Deposits of Microorganisms.

Under section 19 of the Act, a deposit sample related to the specification of a patent application filed in The Bahamas or patent granted by The Bahamas shall comply with regulations 58 to 60.

49. International depositary.

(1) The applicant shall deposit the microorganism with an international depositary authority, as defined in Article 2(viii) of the Budapest Treaty, on or prior to the filing date of the patent application.

(2) The description of the patent application shall indicate the name and address of the international depositary authority, the date of the deposit with that authority and the accession number assigned to the deposit by the authority.

50. Notice to Registrar.

An applicant or patentee shall notify the Registrar that a sample deposit has been transferred to a substitute international depositary authority or that a new deposit has been made by filing Form 3 or 4 of the *First Schedule* depending on the stage of the application proceeding within three months of receiving notice of the transfer.

51. Request for samples.

Any interested person shall submit Form 10 of the *First Schedule* along with the prescribed fee to obtain the certification required by regulation 11.3(a) of the Budapest Treaty from the Registrar relating to a request for samples of a deposit referred to in specification of a patent application published by the Office.

52. Claims of priority.

An applicant shall include a Declaration on Form 1 of the *First Schedule* if claiming priority of earlier patent applications under section 21 of the Act.

53. Other Information.

Within two months of filing a patent application including a claim for priority, an applicant shall file with the Office the earlier application relied upon and any other information deemed necessary by the Registrar under section 22 of the Act.

54. Fee for grant of patent.

Where the Registrar refers the application and specification to an examiner under section 24(1) of the Act, there shall be paid by the applicant the fee for the granting of a patent as prescribed under section 26 of the Act and the *First Schedule*.

55. Divisional applications.

- (1) Subject to the approval of the Registrar an applicant may on his own initiative divide his application by limiting the claims of the specification and filing a divisional application or applications in respect of subject matter which has thus been excluded from the claims, and preserve as the date of each divisional application (and the specification filed in pursuance thereof) the date of the initial application and the benefit of the right of convention priority, if any, and the Registrar may direct accordingly provided that —
 - (a) such division is made before the acceptance of the specification;
 - (b) the filing of the divisional application or applications takes place within the later of five years after the filing date of an earlier

application and six months after the filing of a divisional application;

- (c) the application which is sought to be divided is not itself an application which has been divided from another application under section 24(3) of the Act or an application which has been ante-dated under section 24(7) of the Act.
- (2) Each divisional application shall be examined in accordance with the provisions of section 24 of the Act, and shall otherwise be proceeded with as a substantive application in accordance with the Act and these Regulations.

56. Ante-dating applications.

- (1) Where an applicant has made an application for a patent, and before the acceptance of the specification, makes a fresh application for a patent for matter included in the first mentioned application or the specification filed in pursuance thereof the Registrar may direct that the fresh application and specification filed in pursuance of that application shall be ante-dated to the date of filing of the first mentioned application if the applicant includes in the fresh application a request to that effect.
- (2) The Registrar may require such amendment of the specification filed in pursuance of either of the said applications as may be necessary to ensure that neither of the said specifications includes a claim for matter claimed in the other.

57. Post-dating applications.

Where an applicant for a patent desires that his application shall be post-dated in pursuance of the provisions of section 24(6) of the Act, he shall make a request in Form 3 of the *First Schedule*.

PART V - PROCESSING OF APPLICATION

58. Annual fees.

The prescribed annual fees shall be paid by filing Form 2 of the *First Schedule* before the expiration of the first year from the date of filing the application for grant of a patent and thereafter before the expiration of each successive year during the term of the patent or before the expiration of such extended period as may be allowed upon an application under regulation 69.

59. Advance.

All or any of the prescribed annual renewal fees shall be paid in advance.

60. Late payment.

Payment of the prescribed surcharge shall be made in Form 2 of the *First Schedule* to obtain the six month grace period allowed under section 32(2) of the Act.

61. Certificate of payment.

On due compliance with the terms of regulations 67 and 68 the Registrar shall issue a Certificate that the prescribed fee has been duly paid.

62. Notice of annual fee.

At any time not less than two months before the date when any annual fee will become due in respect of any patent, the Registrar shall send to the patentee or patentees at this or their address for service and to the address of the person or persons who paid the last renewal fee, a notice reminding him or them of the date when such fee will become due and of the consequences of the non-payment thereof.

63. Withdrawal of patent application.

An applicant shall submit Form 3 of the *First Schedule* with the prescribed fee at any time before a patent is granted under the Act to withdraw an application under section 28 of the Act.

64. Restoration of patent.

An application under section 34 for restoration of a patent shall be made in Form 5 of the *First Schedule* and shall be accompanied by evidence in support of the statements made in the application and the prescribed fee.

65. Request for hearing.

- (1) If upon consideration of the evidence, the Registrar is not satisfied that a prima facie case for an order under section 34 of the Act has been made out, the Registrar shall notify the applicant accordingly and, unless within one month the applicant requests to be heard in the matter, the Registrar shall refuse the application.
- (2) If the applicant requests a hearing within the time allowed, the Registrar, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed to advertisement or whether it shall be refused.

66. Opposition to application.

- (1) At any time within two months of the advertisement of the application under section 34(4) of the Act, any person may give notice of opposition thereto on Form 8 of the *First Schedule*.
- (2) Such notice shall be supported by a statement setting out fully the nature of the opponent's interests and the facts upon which he relies. If submitted in writing the aforementioned notice and statement shall be provided in duplicate.
- (3) A copy of the notice and of the statement shall be sent by the Registrar to the applicant.

67. Counter-statement to application.

- (1) If the applicant desires to proceed with an application, the applicant shall, within two months of the receipt of such notice, file a counter-statement on Form 9 of the *First Schedule* setting out fully the grounds upon which the opposition is contested. Such counter-statement shall be accompanied by a duplicate where delivered in writing, which the Registrar will forthwith send to the opponent.
- (2) If sent electronically, the Registrar will forward an electronic copy of the counter-statement to the opponent.

68. Evidence of opponent.

The opponent may, within four months from the receipt of the copy of the counter-statement, file evidence at the Office in support of the opposition case and shall deliver to the applicant copies thereof by way of Declaration.

69. Evidence of applicant.

If an opponent files no evidence, the opponent shall be deemed to have abandoned the opposition, if the opponent files evidence then within four months from the receipt of the copies of the evidence, the applicant shall file at the Office such evidence by way of Declaration in support of the application and shall deliver to the opponent copies thereof.

70. Reply evidence.

- (1) Within one month from the receipt by the opponent of the copies of the applicant's evidence the opponent may leave at the Office evidence in reply, and shall deliver to the applicant copies thereof.
- (2) Such evidence shall be confined to matters strictly in reply.

71. Request for hearing and intention to appear.

- (1) Upon completion of the evidence (if any) as signalled by the Registrar with a written notice that no further evidence may be filed in the proceedings, either party may make a request within one month that the Registrar issue notice to the parties of a date for an oral hearing of the arguments in the case in Form 13 of the *First Schedule*.
- (2) The hearing date shall be set for a date at least one month after the date of the request, unless the parties consent to a shorter notice.
- (3) A party who desires to be heard, shall notify the Registrar in Form 6 of the *First Schedule* within ten days from the receipt of a hearing notice and the Registrar may refuse to hear either party who has not filed the said form prior to the date of the hearing.
- (4) If either party intends to refer at the hearing to any publication not already mentioned in the proceedings, that party shall give to the other party and to the Registrar at least ten days' notice of this intention, together with details of each publication to which the party intends to refer.
- (5) After hearing the party or parties desiring to be heard or if neither party desires to be heard, then, without a hearing, the Registrar shall decide the case and notify the parties of the decision.

72. Protection for use prior to application.

Every order under section 34 for the restoration of a patent shall contain the following provision to protect persons who have begun to avail themselves of a patented invention between the date when a patent ceased to have effect and the date of an application under this section —

- (1) “No action or other proceeding shall be commenced or prosecuted nor any damage recovered in respect of any making, importing, offering for sale, selling or using of an the invention whether a product or process or any part thereof, by any person not being a licensee under the patent at the date when it ceased to have effect, the and the date the application for restoration was made, the

Any such person shall be deemed to have so acted with the licence of the patentee and shall thereafter be entitled to continue to make, import, offer for sale, sell or use the invention, without infringement of the patent to the extent hereinafter specified that is to say —

- (a) In so far as the specification of the patent claims an article (other than plant, machinery or apparatus or part thereof as specified under head (b) hereof) and any article so claimed has been manufactured by him during the said interim period, that particular article may at all times be used or sold.

- (b) In so far as the specification claims any plant, machinery or apparatus or part thereof for the production of an article, then any particular plant, machinery or apparatus or part thereof so claimed, which has been manufactured or installed by him during the said interim period, and the products thereof, may at all times be used or sold and so that in the event of any such plant, machinery, apparatus or part thereof being impaired by wear or tear or accidentally destroyed a like licence shall extend to any replacement thereof and to the products of such replacement.
- (c) In so far as the specification claims any process for the making or treating of any article or any method or process of testing, any particular plant, machinery or apparatus which during the said interim period has been manufactured or installed by a person or exclusively or mainly used for carrying on such method or process may at all times be so used or continue to be so used and the products thereof may at all times be used or sold and so that in the event of any such plant, machinery or apparatus being impaired by wear and tear or accidentally destroyed a like licence shall extend to such method or process when carried on in any replacement of such plant, machinery or apparatus and to the products of the process so carried on.
- (2) In paragraph (1) “the interim period” means the period between the date when the patent ceased to have effect and the date of the order regarding restoration.”

73. Restoration of a patent application.

An application under section 35 of the Act for the restoration of a patent application shall be made in Form 5 of the *First Schedule* and shall be accompanied by evidence in support of the statements made in the application.

74. Evidence and hearing.

- (1) If upon consideration of the evidence, the Registrar is not satisfied that a prima facie case for an order under section 35 of the Act has been made out, the Registrar shall notify the applicant accordingly and unless within one month from that notification the applicant requests to be heard in the matter, the Registrar shall refuse the application.
- (2) If the applicant requests a hearing within the time allowed, the Registrar, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed to advertisement or whether it shall be refused.

75. Opposition to restoration.

The provisions of Regulations 75 to 80 shall apply to any opposition to an application under Regulation 82 for the restoration of a patent application.

76. Protection for use prior to application.

In every order of the Registrar under section 35 for the restoration of a patent application the same provision shall be inserted for the protection of persons who have begun to avail themselves of the invention between the time allowed for making the prescribed submissions to the Registrar prior to examination and the date of the application for an order for restoration, as are specified in regulation 81 for the protection of persons who have begun to avail themselves of a patented invention between the date when the patent ceased to have effect, and the date of the application for restoration.

77. Offer to surrender.

- (1) A proprietor of a patent may offer to surrender a patent or claim within a patent under section 33 of the Act.
- (2) An offer shall be made in Form 12 of the *First Schedule* and shall proceed to advertisement with the discretion of the Registrar.

78. Opposition to surrender.

The provisions of regulations 75 to 80 shall apply to any opposition to an offer under regulation 86 to surrender of a patent or claim therein.

79. Application for revocation of patent.

- (1) An application for the revocation of a patent under section 63 of the Act shall be made in Form 5 of the *First Schedule* and shall be accompanied by a copy thereof, and a statement (in duplicate) setting out fully the facts upon which the applicant for revocation relies based on the grounds enumerated in section 64 and the relief sought.
- (2) A copy of the application and of the statement shall be sent by the Registrar to the patentee.

80. Opposition to application.

A patentee desiring to contest the application shall proceed under the provisions of regulations 75 to 80.

81. Correction of errors.

A request for the correction of any clerical or other errors in an application, specification or in any document filed in pursuance of such an application for a

patent or any error in the Register under section 41 shall be made in Forms 3 and 4 of the *First Schedule*.

82. Advertisement of correction.

Where the Registrar requires notice of the nature of the proposed correction to be advertised, the advertisement shall be made by publication of the request and the nature of the proposed correction in the Gazette and in such other manner (if any) as the Registrar may direct.

83. Opposition to correction.

The provisions of regulations 75 to 80 shall apply to any opposition to a correction advertised by the Registrar under regulation 91.

84. Certificate of Registrar.

A request for a certificate of the Registrar for the purpose of section 43(2) shall be made on Form 10 of the *First Schedule*.

85. Certified copies.

Certified copies of an entry in the Register or certified copies of extracts from patents, specifications, and other public documents, may be furnished by the Registrar on payment of the fees prescribed in the First Schedule to these Regulations.

PART VI - UTILITY CERTIFICATES

86. Application for utility certificate.

An application under section 69 of the Act for a utility certificate shall be made in Form 1 of the *First Schedule* and shall be accompanied by evidence in support of the statements made in the application.

87. Advertisement.

The Registrar shall determine whether the application may proceed to advertisement or whether it shall be refused.

88. Request for treatment.

An applicant may request that a patent application be treated as a utility certificate application, or vice versa, on the submission of Form 3 of the *First Schedule* accompanied by the required fee as set out in the first schedule to these Regulations.

89. Opposition to application.

Regulations 75 to 80 shall apply to any opposition proceeding begun to oppose an application for a utility certificate under this Act.

90. Special section of Register.

The Registrar shall cause a special section of the Register to be designated for the registration of utility certificates.

91. Entry on Register.

Upon the making of an application for a utility certificate, the Registrar shall cause to be entered in the part of the Register designated for utility certificates the name, address and nationality of the applicant, the title of the invention, the date of the application together with the address for service, and subsequently the date of issue of the utility certificate upon the application.

92. Revocation of utility certificate.

An application for the revocation of a utility certificate shall be made in Form 5 of the *First Schedule*.

93. General Application of Rules.

All other general provisions under these Regulations shall apply to utility certificates.

PART VII - PATENT COOPERATION TREATY

94. Filing of international applications

The Patent Co-operation Treaty or PCT and its Regulations shall apply to international applications where The Bahamas is designated or elected by an applicant as defined under Article 2 of the Treaty.

95. Entry into national phase

- (1) An international application shall be deemed to have become a PCT national phase application when an applicant has —
 - (a) provided the Office with a copy of their international application in English on **Form 15** of the First Schedule;
 - (b) paid the prescribed fees required for the filing of a Bahamian patent application with the Office.

- (2) The actions described in paragraph (1) must be completed before the later of thirty months after the priority date or 42 months after the priority date with payment of a late fee under the *First Schedule* to these Regulations.

96. Treated as if filed in The Bahamas

A PCT national phase application is treated as an application filed in The Bahamas, meaning that the Act and these Regulations shall thereafter apply in respect of that application.

FIRST SCHEDULE

INDEX OF FORMS AND FEES

	Number of Form	Associated Fees
Application for patent or utility certificate	1	\$150.00
Request to pay renewal fees	2	
Request to correct or amend applications for patents and utility certificates	3	\$40.00
Request to add, amend or delete an entry from the Patent Register	4	\$40.00
Application for the revocation or restoration of a patent/patent application	5	\$150.00
Notice of Appearance	6	
Request for documents or other information from Registrar	7	\$4.00 per page
Notice of Opposition	8	\$150.00
Form for Counter-statement	9	\$50.00
Request for certificate from Registrar	10	\$20.00
Authorisation of Agent	11	\$30.00
Offer to surrender patent or claim	12	\$40.00
Request for hearing	13	\$75.00
Payment of fees and request for refund	14	
Request to enter national phase	15	
Grant of Patent		\$150.00
Renewal fees for 2nd, 3rd, and 4th anniversary		\$250.00
Renewal fees for 5th, 6th, 7th, 8th, and 9th anniversary		\$475.00
Renewal fees for 10th, 11th, 12th, 13th, and 14th anniversary		\$810.00
Renewal fees for 15th, 16th, 17th, 18th, and 19th anniversary		\$1150.00
Late payment of renewal fees or fees for national entry		\$75.00

FORM 1

PATENT ACT

APPLICATION FOR PATENT OR UTILITY CERTIFICATE

Sir/Madam,

1. Application is hereby made by.....*[insert full name, address and nationality of applicant]* for a patent or utility certificate for the invention titled..... *[insert title of invention]* described in the specification and drawings attached to this application.
2. I/We claim to be entitled to make this application on the ground that I am/we are:
 - (i) the true and first inventor(s) of the invention.
 - (ii) The Assignee(s) of who claim(s) to be the true and first inventor(s) in respect of the right to make this application(s) by virtue of
 - (iii) the person(s) by whom an application for protection of the invention in a convention country has been made as stated in paragraph 3 of this application.
 - (iv) the assignee(s) of the person(s) by whom an application for protection of the invention in a convention country has been made as stated in paragraph 3 of this application.

[If a patent of addition is being applied for, indicate the original patent application number and date of grant that is sought to be revoked by this application.]

3. I/We hereby declare that (an) application(s) for protection for the said invention or a part thereof has(ve) been made in the following country(ies) on the following date(s) namely —

..... and that the said application or each of the said applications was the first application in a convention country.

4. I/We request that the patent may be granted with such priority of claims as is stated in the accompanying specification as an independent patent /a patent of addition to Patent No.

..... / the patent to be granted on
Application No

5. And I/we request that all notices, requisitions and communications relating to this application may be sent to at who is/are hereby appointed to act for me/us.

Dated this day of 20

Signature(s)

[Declaration to be signed by any person named as inventor who is not an

applicant: I/We assent to the making of this application.]

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

SCHEDULE

SPECIFICATION

I/Wedo hereby declare the invention for which I/we request that a patent may be granted to me/us, and the method by which it is to be performed to be particularly described in and by the following statement:

2. Insert Abstract.
3. Insert Description.
4. Insert Claims.
5. Insert Drawings.

FORM 2
PATENT ACT
REQUEST TO PAY RENEWAL FEES

Dear Sir/Madam,

I,..... hereby leave the prescribed fee of
..... for the renewal of patent
application or patent No.

*[An additional payment fee is also being submitted as required under
Regulation 69 to benefit from the six month extension.]*

Dated the day of, 20

(Signed)

(Address)

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 3

PATENT ACT

REQUEST TO CORRECT OR AMEND APPLICATIONS FOR
PATENTS AND UTILITY CERTIFICATES

Sir/Madam,

I,....., hereby request that the following correction or
amendment.....

[details of correction (clerical or substantive)]

be made to patent/utility certificate application No.

(Signed)

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 4

PATENT ACT

REQUEST TO ADD, AMEND OR DELETE AN ENTRY FROM THE
PATENT REGISTER

Sir/Madam,

I, ,hereby request that you
enter/amend/remove in the Patent Register as
proprietor of Patent No.

Accompanying this request is a statement of case:

[Insert further details for entry/amendment/removal here]

Dated the day of, 20

To the Registrar,

Intellectual Property Office,
Nassau, Bahamas.

FORM 5

PATENT ACT

APPLICATION FOR THE REVOCATION OR RESTORATION
OF A PATENT OR PATENT APPLICATION

Sir/Madam,

I,, hereby apply for the revocation or restoration of Patent
No. or Patent Application No. as proprietor of that patent.

Accompanying this request is a statement of case:

[Insert further details regarding grounds for revocation/restoration]

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 6
PATENT ACT
NOTICE OF APPEARANCE

Registrar,

In reply to your notice dated the
giving
of a date
on which you will hear the arguments in case No. to application
No., I, the applicant/opponent/respondent intend
to appear before you on the date you have fixed, namely
the day of, 20

Yours truly,

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 7

PATENT ACT

REQUEST FOR DOCUMENTS OR OTHER INFORMATION FROM THE
REGISTRAR

Sir/Madam,

I hereby request the following documents or other information relating
to patent application No. or patent No.:

[Insert descriptions of documents being requested]

*[Indicate whether the provided documents should be certified by the
Registrar and submit required fees for such certification.]*

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 8
PATENT ACT
NOTICE OF OPPOSITION

(To be accompanied by a duplicate, when submitted in writing)

In the matter of an application,

No. by.....

of

I, hereby give notice of my intention to oppose the registration of patent application No. *[or any other request which can be opposed under the Regulations]*

The grounds of opposition are as follows —

[set out in numbered paragraphs the allegations relied upon as grounds of opposition]

(Signed).....

Dated the day of, 20

Address for service within this proceeding

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 9

PATENT ACT

FORM OF COUNTER-STATEMENT

(To be accompanied by a duplicate when submitted in writing)

In the matter of an application,

No. by.....

of

I, the applicant in the above proceeding, hereby give notice that the following are the grounds on which I rely as supporting my application —

[set out in numbered paragraphs the allegations relied upon by applicant to refuse opposition grounds]

I admit the following allegations in the notice of opposition —

(Signed)

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 10
PATENT ACT
REQUEST FOR CERTIFICATE

Sir/Madam,

I hereby request a certificate relating to patent or utility certificate No.

.....:

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 11
PATENT ACT
AUTHORISATION OF AGENT

Sir/Madam,

I have appointed..... of..... to act as my
Agent for

Address

Dated the day of, 20.....

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 12

PATENT ACT

OFFER TO SURRENDER PATENT OR CLAIM

Sir/Madam,

I,, hereby offer to surrender Patent No. or the following claim(s) of Patent No. as proprietor of that patent.

Accompanying this request is a statement of case:

[Insert further details regarding grounds for revocation/restoration]

[Signature of proprietor required on this form under Act.]

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 13
PATENT ACT
REQUEST FOR HEARING

(To be accompanied by a statement of the reason for a hearing)

IN THE MATTER OF a patent application or patent No.in
the name of.....

Notice is hereby given of my request for a hearing relating to the
proceedings in the above noted matter.

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 14

PATENT ACT

PAYMENT OF FEES OR REQUEST FOR REFUND

Sir/Madam,

I,, submit the following fee in accordance with section
..... of the Act or Regulation

OR

I,, submit the following request for a refund in
accordance with section of the Act or Regulation

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 15

SAMPLE REQUEST FOR NATIONAL PHASE ENTRY

PATENT ACT

Sir/Madam,

I,, own the entire right in The Bahamas to an invention *or* I,, am the legal representative of the inventors of the invention, entitled [insert name of invention], made by

[insert name(s) and address(es) of inventor(s)]

as described and claimed in the international application identified by the following *[insert details of PCT application]*.

I request priority in respect of the application on the basis of the previously filed application:

[Insert details on country of filing, date of filing and application identification information].

I, accordingly request commencement of national phase procedures consequent to the designation of The Bahamas in the above identified international application and request the grant of a patent for the invention which is described and claimed in the international application.

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

Made the day of , 2023

MINISTER WITH RESPONSIBILITY FOR PATENTS