

STATUTORY INSTRUMENTS

S.I. No. 142 of 2006

Patents (Amendment) Rules 2006

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S.I. No. 142 of 2006
Patents (Amendment) Rules 2006

I, Michael Ahern, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 114 of the Patents Act 1992 (No.1 of 1992), as adapted by the Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No.305 of 1997), and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No.2) Order 2004 (S.I. No.808 of 2004), hereby make the following rules:

Citation.

1. These Rules may be cited as the Patents (Amendment) Rules 2006.

Definition.

2. In these Rules, “Rules” means the Patents Rules 1992 (S.I. No. 179 of 1992).

Evidence of qualifications, etc.

3. The following Rules are inserted after Rule 79 of the Rules :

“Evidence of qualifications, etc.

79A. The following are prescribed for the purposes of paragraphs (a) (b) and (c), respectively, of section 106(3A) –

- (a) evidence indicating that the person referred to in section 106(3A) is established in the Member State concerned for the purpose of pursuing the activities concerned,
- (b) evidence of the applicable qualifications (within the meaning of section 106) being –
 - (i) evidence such as a copy of a diploma or certificate,
or
 - (ii) other evidence of formal qualifications,
awarded by the competent authority of the Member State concerned which indicates that the person referred to in section 106(3A) is qualified to act as a patent agent in that state, and
- (c) in a case falling -
 - (i) within paragraph (c)(i), a copy of a passport, national identity card or other proof of nationality, or
 - (ii) within paragraph (c)(ii), to the extent that proof of the matters referred to in the following clauses is not provided by the evidence referred to in paragraph (a) –

- (I) a copy of a certificate of incorporation, an entry in a relevant register or other proof of the possession of the required legal personality,
- (II) a copy of a certificate or an entry in a relevant register specifying the location of the person's registered office, central administration or principal place of business or other proof of its location.

Controller to be informed of certain change of circumstances.

79B. If, subsequent to the provision by a person to the Controller of such evidence as is referred to in section 106(3A), there is any material change of circumstances affecting the person's continuing to be qualified to act as a patent agent in the Member State concerned, the person shall, forthwith, notify the Controller in writing of that change of circumstances."

Amendment of Rule 80 of Rules.

4. Rule 80 of the Rules is amended in paragraph (1) –
- (a) by deleting "or" after subparagraph (c),
 - (b) by substituting, in subparagraph (d), "erased from it," for "erased from it.", and
 - (c) by inserting the following after subparagraph (d) :
 - "(e) any person who no longer satisfies the requirements of section 106(3),or
 - (f) a person referred to in section 106(3A) who does not comply with Rule 79A or 79B."

Amendment of Rule 81 of Rules.

5. Rule 81 of the Rules is amended by inserting "and (b)" after "section 107(1)(a)".

Amendment of Rule 92 of Rules.

6. Rule 92 of the Rules is amended, in paragraph (1), by substituting "in the European Community" for "in the State".

Amendment of Rule 93 of Rules.

7. Rule 93 of the Rules is amended, in paragraph (1), by substituting "in the European Community" for "in the State".

Given under my Hand,
29 March 2006.

Michael Ahern,
Minister of State at the Department of
Enterprise, Trade and Employment.

Explanatory Note

This note is not part of the Instrument and does not purport to be a legal interpretation

These Rules set out the evidential requirements with which a person established in another Member State of the European Community and qualified to act under the law of that State as a patent agent must comply in order to act for another person in relation to patent matters before the Controller of Patents, Designs and Trade Marks. They also set necessary consequential amendments to the Patent Rules, 1992.

