

NATIONAL INTELLECTUAL PROPERTY OFFICE OF SRI LANKA

AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: National Intellectual Property Office of Sri Lanka

IPA: Intellectual Property Act No. 36 of 2003

IPR: Intellectual Property Regulations

SUMMARY**Designated
(or elected) Office****SUMMARY****LK****NATIONAL INTELLECTUAL PROPERTY
OFFICE OF SRI LANKA****LK****Summary of requirements for entry into the national phase**

| Time limits applicable for entry into the national phase: | Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date | | | | | | | | |
|---|--|------------------------|-----------------|------------------------|---------------|-------------------------------|-----------|-------|-------|
| Translation of international application required into: ¹ | English | | | | | | | | |
| Required contents of the translation for entry into the national phase: ¹ | Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report) | | | | | | | | |
| Is a copy of the international application required? | No | | | | | | | | |
| National fee: ² | Currency: Sri Lanka rupee (LKR) | | | | | | | | |
| | <table border="1"> <thead> <tr> <th></th> <th><i>Students</i></th> <th><i>Natural Persons</i></th> <th><i>Others</i></th> </tr> </thead> <tbody> <tr> <td>Application fee:³</td> <td>LKR 1,000</td> <td>2,500</td> <td>6,000</td> </tr> </tbody> </table> | | <i>Students</i> | <i>Natural Persons</i> | <i>Others</i> | Application fee: ³ | LKR 1,000 | 2,500 | 6,000 |
| | <i>Students</i> | <i>Natural Persons</i> | <i>Others</i> | | | | | | |
| Application fee: ³ | LKR 1,000 | 2,500 | 6,000 | | | | | | |
| Exemptions, reductions or refunds of the national fee: | Reductions of the national fee are indicated under the national fee listed above and in Annex LK.I | | | | | | | | |
| Special requirements of the Office (PCT Rule 51 <i>bis</i>): ² | Name and address of the inventor if they have not been furnished in the "Request" part of the international application ⁴ Statement justifying the applicant's right to the patent where the applicant is not the inventor ⁴ Appointment of an agent if the applicant is not resident in Sri Lanka | | | | | | | | |
| Who can act as agent? | Any person registered to practice as a patent agent before the Office (Sec. 58(1) of the Intellectual Property Regulations) | | | | | | | | |
| Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i>)? | Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests | | | | | | | | |

¹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

³ This fee is [subject to value added tax \(VAT\) of 12%](#).

⁴ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

LK.01 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

LK.02 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex LK.I.

IPA Sec. 68(1)(b) **LK.03 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. A model is given in Annex LK.II.

IPA Sec. 68(2)(b)
IPR Rule 38 **LK.04 STATEMENT CONCERNING THE RIGHT TO THE PATENT.** The statement justifying the applicant's right to the patent, where he is not the inventor, must be made by the applicant or his agent and indicate how the applicant acquired the right to the patent. There is no special form for this statement. Legalization is not required.

IPA Sec. 80(2) **LK.05 ANNUAL FEES.** After a patent has been granted, annual fees must be paid to the Office. The first annual fee is due in respect of the third year counted from the date of grant and must be paid before the expiration of the second year counted from that date. The annual fees for subsequent years must be paid within the year which precedes the year for which the fee is due. Payment can still be made, together with a 18% surcharge for late payment, within six months after the due date. The amounts of the annual fees are indicated in Annex LK.I.

PCT Art. 28
41
IPA Sec. 72(1) **LK.06 AMENDMENT OF THE APPLICATION; TIME LIMITS.** Until the grant of the patent, the applicant may make amendments to the international application (description, claims and drawings) at any time, provided that the scope of the subject matter of the application is not broadened thereby. Amendments are subject to the payment of a fee (see Annex LK.I).

PCT Art. 25
PCT Rule 51 **LK.07 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Court of Appeal within three months from the date of the decision or such extended period as the Office may grant.

PCT Art. 24(2)
48(2)
PCT Rule 82*bis* **LK.08 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Restoration of rights may be requested where the applicant has failed to observe a time limit during the international phase or before the Office. A request to waive the requirement which was not observed is also possible. Any such request must state the reasons for missing the time limit or for the failure to observe a requirement and must be accompanied by evidence in support of the statements made.

FEES¹**(Currency: Sri Lanka rupee)**

| | |
|---|----------------|
| National application fee: | |
| — Students (School, technical and other similar Colleges and University undergraduates) | 1,000 |
| — Natural persons | 2,500 |
| — Others | 6,000 |
| Fee for amendment | 1,000 |
| Annual fees: ¹ | |
| — for the 1 st extension | 4,000 |
| — for the 2 nd extension | 5,000 |
| — for the 3 rd extension | 7,000 |
| — for the 4 th extension | 8,000 |
| — for the 5 th extension | 10,000 |
| — for the 6 th extension | 12,000 |
| — for the 7 th extension | 14,000 |
| — for the 8 th extension | 16,000 |
| — for the 9 th extension | 18,000 |
| — for the 10 th extension | 20,000 |
| — for the 11 th extension | 22,000 |
| — for the 12 th extension | 23,000 |
| — for the 13 th extension | 25,000 |
| — for the 14 th to the 18 th extension (each) | 35,000 |
| Surcharge for late payment of annual fee | 10% |
| | of the fee due |

How can payment of fees be effected?

Fees may be paid in cash, by check, money order or postal order drawn in favor of the “Director **General** of **Intellectual Property**”. Fees paid by persons not residing in Sri Lanka must be remitted to the Office by way of bank draft drawn in favor of the Director **General** of **Intellectual Property**.

¹ Fees are subject to value added tax (VAT) of 12%.

POWER OF ATTORNEY

Je (Nous) / I (We)

(Nom et adresse) / (Name and address)

autorise (autorisons) par la présente / do hereby authorize

à me (nous) représenter en tant que déposant(s) / to represent me (us) as applicant(s)

dans toutes les procédures relatives à l'instruction / in all proceedings related to the processing

de toutes mes (nos) demandes de brevet / of all my (our) patent applications

de la demande internationale n° / of international application No.

(cocher la case appropriée) / (check the applicable box)

devant l'Office national de la propriété intellectuelle et à faire ou recevoir des paiements en mon (notre) nom /
before the National Intellectual Property Office and to make or receive payments on my (our) behalf.

Lieu / Place :

Date :

Signature :