

**REGISTRAR GENERAL'S OFFICE  
(LESOTHO)  
AS  
DESIGNATED (OR ELECTED) OFFICE**

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**List of abbreviations:**

Office: Registrar General's Office

LPL: Industrial Property Order (Order No. 5, 1989)

LPR: Industrial Property Regulations (Legal Notice No. 85, 1989)

**SUMMARY****Designated  
(or elected) Office****SUMMARY****LS****REGISTRAR GENERAL'S OFFICE  
(LESOTHO)****LS****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)(b): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	English
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, as amended only), any text matter of drawings Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: <sup>1</sup>	Currency: Lesotho loti (plural maloti) (LSL) For patent: Application fee: LSL 250 (100) <sup>2</sup> Grant and publication fee: <sup>3</sup> LSL 450 (120) <sup>2</sup> For utility model: Application fee: LSL 150 (50) <sup>2</sup> Grant and publication fee: <sup>3</sup> LSL 450 (150) <sup>2</sup>
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis): <sup>4</sup>	Instrument of assignment or transfer where the applicant is not the inventor <sup>5</sup> Appointment of an agent if the applicant is not resident in Lesotho
Who can act as agent?	Any legal practitioner practicing and resident in Lesotho
Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?	Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

<sup>1</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>2</sup> The amount in parentheses is applicable in case of filing by individuals or "small entities." The Registrar General will determine whether an entity is eligible as a small entity, in accordance with the definition in the First Schedule of Fees.

<sup>3</sup> Due to the new time limit applicable under PCT Article 22, the Office should be consulted for the time limit applicable for the payment of this fee. Late payment of annual fees is permitted in some circumstances subject to payment of a surcharge.

<sup>4</sup> 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.

<sup>5</sup> 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

- LS.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).
- LS.02 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex LS.I.
- LPL Sec. 6  
LPR Sec. 9(3) LS.03 **ASSIGNMENT.** Where the applicant is not the inventor, an instrument of assignment or transfer concerning the inventor and the applicant's right to apply for a patent must be furnished.
- LPL Sec. 11(6)  
LPR Sec. 25(1) LS.04 **EXAMINATION.** The Office will examine or provide for the examination of patent applications as to substance. No request is necessary and no special fee is payable.
- LPL Sec. 35  
LPR Sec. 7 LS.05 **REPRESENTATION.** Where the ordinary residence or principal place of business of the applicant is outside Lesotho, an agent who is a resident of Lesotho and who is registered to practice before the Office must be appointed for the purposes of national processing.
- PCT Art. 28  
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LPL Sec. 8(2) LS.06 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may make corrections and/or amendments to the international application at any time during the patent procedure before the grant of the patent, provided that the scope of the subject matter of the application is not broadened thereby.
- LPR Sec. 27(1) LS.07 **GRANT AND PUBLICATION FEE.** This fee must be paid before the grant of the patent. The Office will invite the applicant to pay the fee. The amount is set out in Annex LS.I.
- LPL Sec. 14(5) LS.08 **ANNUAL FEES.** In order to maintain the patent or patent application, annual fees must be paid in advance to the Registrar for each year, starting one year after the filing date of the application for the grant of the patent. The first annual fee is due within 24 months from the international filing date; however, where Article 39(1) applies, it is due within 31 months from the priority date if that time limit expires later. Any annual fee may, together with the prescribed surcharge, be paid within six months after its due date. The amounts of the annual fees and the surcharge for late payment are set out in Annex LS.I.
- LPL Sec. 14(1)-(2)  
LPR Sec. 29 LS.09 **EXTENSION OF PATENT TERM.** The normal patent term expires at the end of the 15th year after the filing date, but may be extended by a period of five years. A request for such an extension must be made and the prescribed fee must be paid not more than 12 months and not less than one month before the expiration of the patent term. The request must prove to the satisfaction of the Registrar either that the invention is being worked sufficiently in Lesotho at the date of the request or that there are circumstances which justify the failure to so work the invention.
- LPL Sec. 14(3) LS.10 The Registrar will decide on the request for extension of the patent term within a period of six months from the date of the receipt of the request. Where the Registrar takes no decision within the prescribed six-month period, the patent is deemed to have been extended for a period of five years.

- PCT Art. 24(2)  
48(2)  
PCT Rule 82*bis*  
LPL Sec. 40(2)  
LPR Sec. 60
- LS.11 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. If the Registrar is satisfied that the circumstances justify it, he may, upon receiving a written request, extend the time for doing any act or taking any proceeding under the Industrial Property Order, 1989, or the Regulations made thereunder upon notice to the parties concerned and upon such terms as he may direct. The extensions may be granted though the time for doing the act or taking the proceeding has expired.
- PCT Art. 25  
PCT Rule 51
- LS.12 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 Office.
- PCT Art. 4(3)  
43  
LPL Sec. 42(2)  
LPR Sec. 61
- LS.13 APPEALS.** Any decision of the Registrar under the Industrial Property Order, 1989, may be the subject of an appeal by an interested party before the High Court and such appeal must be filed within two months of the date of the decision.
- PCT Rule 49*bis*.1  
(a), (b)  
76.5  
LPL Sec. 17-18  
LPR Sec. 33(1)
- LS.14 UTILITY MODEL.** If the applicant wishes to obtain a utility model instead of a patent in Lesotho on the basis of an international application, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office. The fees relating to utility models are indicated in Annex LS.I.
- LPL Sec. 19  
LPR Sec. 33(2)
- LS.15 CONVERSION.** The applicant may convert an application for a patent into an application for a utility model, or vice versa, by filing a request to that effect and paying the prescribed fee at any time before the grant or rejection of a patent. The amount of the fee for conversion is set out in Annex LS.I. After conversion, the application will be accorded the filing date of the initial application. An application may not be converted more than once.

**FEES****(Currency: Lesotho loti (plural maloti))**

	Patent	Utility model
Application fee . . . . .	250 (100) <sup>1</sup>	150 (50) <sup>1</sup>
Grant and publication fee . . . . .	450 (120) <sup>1</sup>	450 (150) <sup>1</sup>
Annual maintenance fees:		
— for the 2 <sup>nd</sup> year . . . . .	100 (25) <sup>1</sup>	60 (20) <sup>1</sup>
— for the 3 <sup>rd</sup> year . . . . .	250 (100) <sup>1</sup>	80 (25) <sup>1</sup>
— for the 4 <sup>th</sup> year . . . . .	270 (270) <sup>1</sup>	100 (30) <sup>1</sup>
— for the 5 <sup>th</sup> year . . . . .	290 (140) <sup>1</sup>	120 (35) <sup>1</sup>
— for the 6 <sup>th</sup> year . . . . .	310 (160) <sup>1</sup>	140 (40) <sup>1</sup>
— for the 7 <sup>th</sup> year . . . . .	330 (180) <sup>1</sup>	160 (45) <sup>1</sup>
— for the 8 <sup>th</sup> year . . . . .	350 (200) <sup>1</sup>	
— for the 9 <sup>th</sup> year . . . . .	370 (220) <sup>1</sup>	
— for the 10 <sup>th</sup> year . . . . .	390 (240) <sup>1</sup>	
— for the 11 <sup>th</sup> year . . . . .	410 (260) <sup>1</sup>	
— for the 12 <sup>th</sup> year . . . . .	430 (280) <sup>1</sup>	
— for the 13 <sup>th</sup> year . . . . .	450 (300) <sup>1</sup>	
— for the 14 <sup>th</sup> year . . . . .	470 (320) <sup>1</sup>	
— for the 15 <sup>th</sup> year . . . . .	490 (340) <sup>1</sup>	
Surcharge for the late payment of annual fees . . . . .	120 (20) <sup>1</sup>	120 (20) <sup>1</sup>
Fee for conversion of application for patent into application for utility model and vice versa . . . . .	100 (32) <sup>1</sup>	100 (32) <sup>1</sup>

**How can payment of fees be effected?**

The payment of fees must be effected in Lesotho maloti. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid. All fees must be paid to the Office by money order, cheque, bank draft or postal order (or cash, at the Office only) made payable to the Registrar General, Lesotho.

<sup>1</sup> Amounts in parentheses applicable for “small entities”, defined as 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 Registrar shall determine whether an entity is eligible as a small entity.