

**MINISTRY OF JUSTICE,
DEPARTMENT OF
THE REGISTRAR GENERAL
(MALAWI)
AS
DESIGNATED (OR ELECTED) OFFICE**

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List of abbreviations:

Office: Ministry of Justice, Department of the Registrar General (Malawi)

MPA: Patents Act of Malawi

MPR: Patent Regulations of Malawi

MPT: Patents Tribunal Rules

SUMMARY**Designated
(or elected) Office****SUMMARY****MW****MINISTRY OF JUSTICE, DEPARTMENT
OF THE REGISTRAR GENERAL (MALAWI)****MW****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: ¹	Currency: Malawian kwacha (MWK) Fee for lodging complete specification: MWK 500
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>):	Name and address of the inventor if they have not been furnished in the "Request" part of the international application ^{2,3} Declaration concerning the inventor where the applicant is not the inventor ^{2,3} Appointment of an agent ² Verified translation of priority document into English ⁴
Who can act as agent?	Any person registered as a patent attorney or attorney at law before the Ministry of Justice of Malawi
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 or paid 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 requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁴ If the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

THE PROCEDURE IN THE NATIONAL PHASE

MW.01 FORM FOR ENTERING THE NATIONAL PHASE. The national application form for lodging a complete specification (Patents Form No. 6) may be used for entering the national phase, but its use is not required (therefore, this form is not reproduced in an Annex).

MW.02 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). For the applicable procedure, see paragraph MW.10(i).

MW.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex MW.I.

MPR Rules 78
79
82(2)

MW.04 ADDRESS FOR SERVICE. An applicant, irrespective of whether or not he is a national of or a resident in Malawi, is not required to be represented by an agent, but he is required to have an address for service (of notices and other communications) in Malawi. If an agent in Malawi is appointed to represent the applicant for the entry into the national phase, a written authorization is not required, though the agent must be prepared to prove his authority to act if called upon to do so by the Office.

MPA Sec. 12(3)

MW.05 DECLARATION CONCERNING THE INVENTOR. Where the applicant is not the inventor, he must furnish a declaration that he believes that the person indicated as inventor is the inventor and that he owns the invention in respect of Malawi. This must be done in writing (there is no special form for it) and signed by the applicant or his agent. Legalization is not required.

MPR Rule 7

MW.06 PRIORITY DOCUMENT (VERIFICATION OF TRANSLATION). To verify the translation into English of a priority document, the translator must declare that he believes the translation is true and complete.

MPA Sec. 21(2)

MW.07 ADVERTISEMENT OF ACCEPTANCE. The applicant must, upon receipt of a notice from the Office that the international application has been accepted (notice of acceptance), advertise the acceptance in the Journal of the Office. Such advertisement must be approved by the Registrar of the Office. To advertise the acceptance the applicant must send the approved advertisement to the Government Printer, P.O. Box 37, Zomba, Malawi, together with a fee for publication of advertisement (see Annex MW.I).

MPA Sec. 25
MPR Rule 33

MW.08 REQUEST FOR SEALING; TIME LIMIT. If after the acceptance of the international application there is no opposition to the grant of a patent or, if in the event of an opposition, the final determination is in favor of the grant of a patent, the applicant must make a request for the sealing of a patent to the Office. Such request must be made on Patents Form No. 15 (see Annex MW.II), together with the payment of the fee indicated in Annex MW.I. The request for the sealing of the patent must be made not later than 22 months after the international filing date or, where the time limit under PCT Article 39(1) applies, not later than 32 months from the international filing date.

MPA Sec. 32
MPR Rules 37
to 39

MW.09 RENEWAL FEES. After a patent has been granted (sealed), the applicant must pay a renewal fee for each year after the expiration of the third year counted from the international filing date; payment must be made within six months from the date of sealing by lodging Patents Form No. 19 (see Annex MW.III). Payment for any succeeding year may be made in advance but not later than by the expiration of that year. The Office may at its discretion grant an extension of time not exceeding six months from the expiration of the year for which the renewal fee is due. An application for extension of time shall be made on Patents Form No. 20 and is subject to the payment of a fee for extension of the period for payment of renewal fees. For the amounts of fees, see Annex MW.I.

PCT Art. 28
41
MPA Sec. 43
MPR Rules 54
to 56

MW.10 AMENDMENT OF THE APPLICATION; TIME LIMITS. The following modifications to the description, claims and drawings may be made by the applicant:

(i) at any time, correction of clerical errors, omissions or obvious mistakes; such corrections must be made on Patents Form No. 42 (see Annex MW.VI) together with the payment of the related fee (see Annex MW.I);

(ii) until the acceptance of the application, amendments, provided that the scope of the subject matter of the application is not broadened thereby; such amendments must be made on Patents Form No. 30 (see Annex MW.IV) together with the payment of the related fee (see Annex MW.I);

(iii) after the acceptance of the application, amendments, but only if they are by way of disclaimer, correction or explanation and provided that the scope of the subject matter of the application is not broadened thereby; such amendments must be made on Patents Form No. 31 (see Annex MW.V) together with the payment of the related fee (see Annex MW.I).

All modifications must be accompanied by a copy certified by the applicant or his agent of those sheets on which the proposed amendment appears, clearly showing in red ink the amendment sought.

PCT Art. 25
PCT Rule 51
MPA Sec. 73
80
MPT Rule 3

MW.11 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 on Form P.T. No. 1 with the Registrar of the Patents Tribunal within three months from the date of the decision. On every appeal the related fee indicated in Annex MW.I must be paid within the same time limit.

PCT Art. 24(2)
48(2)
PCT Rule 82*bis*

MW.12 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 the requirement and must be accompanied by evidence by affidavit in support of the statements made. Where the restoration of a lapsed patent is requested, application must be made on Patents Form No. 22 together with the payment of the related fee (see Annex MW.I).

FEES**(Currency: Malawian kwacha)**

Patents Form No.	Item	Amount
6	Fee for lodging complete specification	500
42	On request for correction of clerical error	50
15	On request for sealing of a patent	250
19	Renewal fees: ¹	
	– for the 4 th to the 6 th year, per year	165
	– for the 7 th to the 9 th year, per year	180
	– for the 10 th year	200
	– for the 11 th year	200
	– for the 12 th year	250
	– for the 13 th year	250
	– for the 14 th year	300
	– for the 15 th year	350
	– for the 16 th year	400
20	On application for extension of the period of time for payment of renewal fee:	
	– not exceeding one month	150
	– not exceeding two months	200
	– not exceeding six months	250
30	On application for amendment of a specification not yet accepted	100
31	On application for amendment after acceptance	
	– up to sealing, by applicant	150
	– after sealing, by patentee	180
P.T. No.1	Notice of appeal to Patents Tribunal	50
22	On application for restoration of lapsed patent	
	– if made within one year of lapsing	500
	– if made after one year of lapsing	550
–	Fee for publication of advertisement	150

How can payment of fees be effected?

The payment of fees has to be effected in Malawian kwacha. All payments must be made together with the filing of the form relating to the fee to be paid and indicate the name of the applicant or patentee, the application number (national, if already known; international, if the national number is not yet known) or the number of the patent and the category of fee being paid.

Fees may be paid by any of the following means: in cash at the Office or by check drawn on a Malawian or foreign bank.

¹ One-half only of the fees is payable on patents endorsed "Licences of Right."

Patents Regulations

(Subsidiary)

MALAWI

Patents Form No. 15

Section 25(1)
Regulation 33

THE PATENTS ACT
(Cap 49:02)

Fee: MK 250.00

Request for the sealing of a Patent

I/We (1) (1) State
..... name of
request that a patent may be sealed on my/our application No..... applicant(s)
of 19....., and I/We hereby transmit the prescribed fee for sealing, and
further request that the following may be entered on the register as
my/our address for service in Malawi.

.....
.....
.....

Dated this day of, 19.....

(2) (2) To be
..... signed by
..... the appli-
..... cant(s) or
..... his/their
..... agent

The Registrar,
The Patent Office,
P.O. Box 100,
Blantyre

MALAWI

Patents Form No. 19

Section 37 (4)
Regulations 37, 47

THE PATENTS ACT
(Cap 49:02)

Fee: See ANNEX MW.I

Payment of Renewal Fee

(1) State
name of per-
son(s) ten-
dering the
fee

I/We (1)
hereby transmit the fee prescribed for the continuation in force of (2)

(2) Here in-
sert name of
patentee(s)

.....
.....

Patent No. for a further period of
..... and request that the
Certificate of Payment may be sent to me/us at (3).....
.....
.....
Dated this day of, 19....

(3) Here in-
sert full
address to
which cer-
tificate is to
be sent

NOTE. —If the address given above is not that entered in the register as
the patentee's address for service and it is desired to amend the entry in
the register, application therefor must be made in Patents Form No. 39.

The Registrar,
The Patent Office,
P.O. Box 100,
Blantyre.

Patents Regulations

(Subsidiary)

MALAWI

Patents Form No. 30

Section 43
Regulation 54

THE PATENTS ACT
(Cap 49:02)

Fee: MK 100.00

Application under section 43 of the Act for Amendment of a Provisional Specification or of a Complete Specification not yet accepted

I/We (1) (1)State full name and address of applicant(s)

seek leave to amend the provisional/complete specification of Patent Application No. as shown in red ink in the certified copy of the original specification hereunto annexed.

My/Our reasons for making this amendment are in detail as follows:—

(2) (2)State full particulars of the reasons for seeking amendment

Dated this..... day of, 19...

(3) (3)To be signed by the applicant(s) or his/their agent

My/Our address for service in Malawi

The Registrar,
The Patent Office,
P.O. Box 100,
Blantyre

MALAWI

Patents Form No. 31

Section 43
Regulation 55

THE PATENTS ACT
(Cap 49:02)

Fee: See Annex MW.I

Application under section 43 of the Act for Amendment of
Specification after Acceptance

I/We (1) (1)Here
state full
name and
address of
applicant(s)

seek leave to amend the specification of Letters Patent
No./
Patent Application No.as shown in red ink in the
certified copy of the original specification hereunto
annexed.

(2)These words are to be struck out when Letters Patent have not been sealed

I/We (2) declare that no action for infringement or proceedings for the revocation of the Letters Patent in question are pending
My/Our reasons for making this amendment are as follows:-

(3).....

(3)State full particulars of the reasons for making amendment

Dated this.....day of, 19...

(4)

(4)To be signed by applicant(s) or patentee(s) or his/their agent

My/Our address for service in Malawi
.....
.....
.....

The Registrar,
The Patent Office,
P.O. Box 100,
Blantyre

MALAWI

Patents Form No. 42

Section 59(2)
Regulation 69

THE PATENTS ACT

(Cap. 49:02)

Fee: Item 41

Request for Correction of Clerical Error

I/We (1)
.....
.....
.....

(1) State full name and address of applicant(s)

hereby request that the clerical error(s) in the (2)
.....
relating to the Application/Patent No.
indicated in red ink in the annexed copy of the said (2)
..... or shown as follows:
.....
.....
may be corrected.

(2) State whether in application, specification, entry in register, patent or the particular relevant document

Dated this day of 19.....

(3)
.....
.....
.....

(3) To be signed by the applicant(s) or his/their agent

My/Our address for service in Malawi
.....
.....
.....
.....

The Registrar,
The Patent Office,
P.O. Box 100,
Blantyre

(July 1994)