

ANTIGUA AND BARBUDA INTELLECTUAL PROPERTY AND COMMERCE OFFICE (ABIPCO)

AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Antigua and Barbuda Intellectual Property and Commerce Office (ABIPCO)

PA: The Patents Act, No. 22 of 2018

PR: The Patent Regulations, No. 41 of 2018

SUMMARY**Designated
(or elected) Office****SUMMARY****AG ANTIGUA AND BARBUDA INTELLECTUAL
PROPERTY AND COMMERCE OFFICE
(ABIPCO) AG****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), ² 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) ²
Is a copy of the international application required?	A copy is required only if the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2) or 40(2).
National fee:	Currency: East Caribbean dollar (XCD) For patent: Filing fee: XCD 800 For utility certificate: Filing fee: XCD 400
Exemptions, reductions or refunds of the national fee:	None

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

² Where the applicant furnishes a translation of the international application only as amended or only as originally filed, the Office will invite the applicant to furnish the missing translation.

SUMMARY**Designated
(or elected) Office****SUMMARY****AG ANTIGUA AND BARBUDA INTELLECTUAL
PROPERTY AND COMMERCE OFFICE
(ABIPCO)***[Continued]*

Special requirements of the Office
(PCT Rule 51*bis*):

Name and address of the inventor if they have not been furnished in the "Request" part of the international application^{3,4}

Document evidencing a change of name of the applicant if the change occurred after the international filing date⁵

Declaration as to the applicant's entitlement to apply for and be granted a patent^{3,5}

Declaration as to the applicant's entitlement to claim priority of the earlier application^{3,5}

Translation to be furnished in two copies⁵

Statement justifying the applicant's right to the patent where the applicant is not the inventor³

Appointment of an agent if the applicant is not resident in Antigua and Barbuda

Instrument appointing the agent (authorization or power of attorney)

Who can act as agent?

Any attorney at law resident in Antigua or Barbuda or any patent agent registered before the Office

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter.2*)?

Yes, the Office applies both the "unintentional" and the "due care" criteria to such requests

³ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁴ 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 indicated in the invitation.

⁵ 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 of six months from the date of the invitation.

THE PROCEDURE IN THE NATIONAL PHASE

- PCT Rule 51bis1(e) AG.01 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as originally filed (see National Phase, paragraphs 6.002 and 6.003).
- AG.02 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex AG.I.
- PA Sec. 26(2)-(5) AG.03 **ANNUAL FEES.** Annual fees are payable in advance for each year starting one year after the filing date of the application for the grant of a patent. Where the period prescribed for the payment of the annual fee expires and payment of the said fee has not been made, the Registrar shall give the owner of the patent or the applicant, as the case may be, a period of grace not exceeding six months, within which he must pay the annual fee together with the surcharge for late payment of the annual fee (the amounts of the annual fees and the surcharge fee for late payment are indicated in Annex AG.I). If annual fees are not paid within the applicable time limit the patent shall lapse.
- PA Sec. 58(1) AG.04 **REPRESENTATION.** If the applicant has neither a residence nor a principal place of business in Antigua and Barbuda, he shall be represented by an agent registered before the Registrar of the Office, resident and practicing in Antigua and Barbuda.
- PR Sec. 47(1-3) AG.05 **APPOINTMENT OF AN AGENT.** The appointment of an agent shall be made by an authorization of agent set out in Form No. 7 (Annex AG.II) which shall be signed by the applicant or, if there are more than one, by each applicant. An attorney at law, resident in Antigua and Barbuda, who is the holder of a valid practicing certificate issued in Antigua and Barbuda may be appointed as an agent. An agent, resident in Antigua and Barbuda, who is not an attorney at law shall apply to the Registrar to be registered as an agent admitted to represent applicants before the Office upon payment of the prescribed fee.
- PA Sec. 24 (1)-(3) AG.06 **EXAMINATION.** A patent will be granted only after examination as to substance which must be requested by the applicant within six months after the publication of the application in the Official Gazette and is subject to payment of a fee. If the request for examination is not submitted within the prescribed time limit, the application shall be deemed abandoned.
- PA Sec. 17 AG.07 **AMENDMENT OF THE APPLICATION.** The applicant may, upon payment of the prescribed fee, at any time before the patent is granted, make amendments to his application, provided that the amendment does not go beyond the original disclosure. The amount of the fee is indicated in Annex AG.I.
- PCT Art. 24(2)
48(2)
PCT Rule 82bis AG.08 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
- AG.09 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.

- PCT Rule 49.6
PA Sec. 51(8)
- AG.10 REINSTATEMENT OF RIGHTS.** Reinstatement of rights may be requested where the applicant, in spite of due care required by the circumstances having been taken, failed to perform the acts referred to in Article 22 within the applicable time limit. A request for reinstatement must be presented in writing within two months from the removal of the cause of the failure to observe the time limit or twelve months from the date of expiration of the applicable time limit, whichever time limit expires earlier. The Office shall not refuse a request for reinstatement of rights without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances. The fee for reinstatement of rights is indicated in Annex AG.I.
- PCT Rule 49ter.2
PA Sec. 51(9)
- AG.11 RESTORATION OF THE RIGHT OF PRIORITY.** A request for the restoration of the right of priority may be filed with the Office where the applicant unintentionally or in spite of all due care required by the circumstances, failed to timely file the international application within the priority period (see National Phase, paragraphs 6.006 to 6.011). The Office shall not refuse, totally or in part, a request for restoration of right of priority without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances. The fee for restoration of the right of priority is indicated in Annex AG.I.
- PCT Rule 49bis.1 (a),
(b)
PA Sec. 51(2)
- AG.12 UTILITY CERTIFICATE.** If the applicant wishes to obtain a utility certificate on the basis of an international application instead of a patent, the applicant, when performing the acts referred to in PCT Article 22 or 39(1), shall so indicate to the designated Office.
- PA Sec. 21(1)
49(1)
- AG.13 CONVERSION.** An international application for a patent may be converted into a utility certificate application and vice-versa at any time before the grant of a patent. The conversion is subject to the payment of a fee indicated in Annex AG.I.

FEES

(Currency: East Carribean dollar)

Patents

Filing fee	800
Fee for each claim in excess of 20	10
Fee for each divisional application	400
Fee for publication of the application	75
Fee for grant	1,000
Fee for publication of grant of patent	50
	plus amount payable to publisher
Annual fees:	
— for the 2 nd year	200
— for the 3 rd year	300
— for the 4 th year	400
— for the 5 th year	500
— for the 6 th year	600
— for the 7 th year	700
— for the 8 th year	800
— for the 9 th year	900
— for the 10 th year	1000
— for the 11 th year	1,100
— for the 12 th year	1,200
— for the 13 th year	1,300
— for the 14 th year	1,400
— for the 15 th year	1,500
— for the 16 th year	1,600
— for the 17 th year	1,700
— for the 18 th year	1,800
— for the 19 th year	1,900
— for the 20 th year	2,000
Fee for late payment of the annual fee	400
Fee for conversion of application	400
Fee for reinstatement of rights	800
Fee for restoration of the right of priority	800

Utility certificates:

Filing fee	400
Fee for each divisional application	200
Fee for conversion	400

How can payment of fees be effected?

All fees must be paid in East Carribean dollar; payments may be made in cash, by check or by any other means prescribed by the Registrar upon consultation with and subject to the written consent by the Minister. Fees that are paid by check, shall be made to the Registrar. All payments must indicate the application number (national, if already known; international, if the national number is not yet known), the name of the applicant and the category of fee being paid.

FORM NO. 7

In the matter of Patent Application No

I

APPOINT

Of

to be my attorney and generally in relation to my interest in the patent comprised in the above-mentioned title to do anything and everything that I myself could do, and for me and in my name to execute all such instruments to do all such acts, matter and things as may be necessary or expedient for carrying out the powers hereby given.

Signed by Date
(Applicant)

I,(Notary Public) certify that

..... (applicant) did personally stand before me, and after the contents of this instrument has been read and explained did sign this instrument and did acknowledge doing so freely and voluntary for the uses, purposes, and considerations set forth above.

Signed by Date
(Notary Public)