

**INTELLECTUAL PROPERTY OFFICE
(SAINT KITTS AND NEVIS)
AS
DESIGNATED (OR ELECTED) OFFICE**

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List of abbreviations:

Office: Intellectual Property Office (Saint Kitts and Nevis)

PA: Patents Act of December 31, 2002

PR: Patents Regulations of the Patents Act of December 31, 2002

SUMMARY**Designated
(or elected) Office****SUMMARY****KN****INTELLECTUAL PROPERTY OFFICE
(SAINT KITTS AND NEVIS)****KN****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: East Caribbean dollar (XCD) For patent: Filing fee: XCD 400 For utility certificate: Filing fee: XCD 400
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>):	Statement justifying the applicant's right to the patent where the applicant is not the inventor ^{2, 3} Evidence of entitlement to claim priority where the applicant is not the applicant who filed the earlier application ^{2, 3} Instrument of assignment of the international application if the applicant has changed after the international filing date Appointment of an agent if the applicant is not a resident of Saint Kitts and Nevis
Who can act as agent?	Any attorney or lawyer registered in Saint Kitts and Nevis
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i>)?	Yes, the Office applies both the "unintentional" and the "due care" criteria to 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 of two months from the date of the invitation.

³ 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

- PR Sec. 3 **KN.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase. This form should preferably (but need not) be used.
- KN.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).
- KN.03 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex KN.I.
- PA Sec. 17 **KN.04 LACK OF UNITY OF INVENTION.** In case of lack of unity of invention, the applicant shall file divisional applications in respect of the additional inventions claimed in the international application and pay filing fees for each divisional application.
- PA Sec. 60 **KN.05 APPOINTMENT OF AGENT.** If the applicant is not resident in Saint Kitts and Nevis, an agent shall be appointed. Any attorney or lawyer resident in Saint Kitts and Nevis and registered to practice in Saint Kitts and Nevis may act as agent.
- PA Sec. 18
PCT Art. 28
41 **KN.06 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend the international application at any time before a patent is granted, provided that the scope of the subject matter of the application is not broadened thereby.
- PA Sec. 27 **KN.07 ANNUAL FEES.** Annual fees shall be paid to the Office each year starting one year after the filing date. A period of grace of six months shall be allowed for the late payment of the annual fee on payment of the prescribed surcharge. The amounts of the annual fees and the surcharge are indicated in Annex KN.I.
- PCT Art. 24(2)
48(2)
PCT Rule 82*bis* **KN.08 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
- PCT Art. 25
PCT Rule 51 **KN.09 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.
- PA Sec. 48-51
PCT Art. 4(3)
43
PCT Rule 49*bis*.1(c)
76.5 **KN.10 UTILITY CERTIFICATE.** If the applicant wishes to obtain a utility certificate instead of a patent in Saint Kitts and Nevis on the basis of an international application, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.
- PA Sec. 21
52 **KN.11 CONVERSION.** An international application for a patent may be converted into an application for a utility certificate, and vice versa, at any time before the patent or the utility certificate is granted or before the application is refused, upon request of the applicant and upon the payment of the prescribed fee. The fee for conversion is indicated in Annex KN.I.
- PCT Rule 49*ter*.2 **KN.12 RESTORATION OF THE RIGHT OF PRIORITY.** Where the international application was filed within two months from the end of the period for claiming priority of an earlier application, a request for restoration of the right of priority may be made to the Office in accordance with the national law (see National Phase, paragraphs 6.006 to 6.011). Such a request will be allowed if the Office is satisfied that the failure to file the application within the 12-month priority period occurred in spite of due care required by the circumstances or was unintentional. The time limit for filing the request is one month from the date of entry into the national phase.

FEES

(Currency: East Caribbean dollar)

Patents

Filing fee	400
Fee for publication.	50
Fee for amendment of the application	75
Annual fees:	
— for the 1 st to the 3 rd year, per year	100
— for the 4 th to the 7 th year, per year	300
— for the 8 th to the 9 th year, per year	350
— for the 10 th to the 13 th year, per year.	400
— for the 14 th to the 20 th year, per year	50
Surcharge for late payment of annual fees	50
Opposition fee	100
Fee for restoration of the right of priority.	50

Utility certificates

Filing fee	400
Fee for conversion	50

How can payment of fees be effected?

The payment of fees should be effected in East Caribbean dollar. 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 type of fee being paid.

Fees should be paid by cheque to the Accountant General.