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# INTELLECTUAL PROPERTY OFFICE OF PAPUA NEW GUINEA

AS  
DESIGNATED (OR ELECTED) OFFICE

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### List of abbreviations:

Office: Intellectual Property Office of Papua New Guinea

PGPA: Papua New Guinea Patents and Industrial Designs Act 2000

PGPR: Papua New Guinea Patents and Industrial Designs Regulations 2002

**SUMMARY****Designated  
(or elected) Office****SUMMARY****PG****INTELLECTUAL PROPERTY OFFICE  
OF PAPUA NEW GUINEA****PG****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 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, both as originally filed and as amended), 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?	The applicant should only send a copy of the international application if he has not received Form PCT/IB/308 and 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).
National fee:	Currency: Kina (PGK) Filing fee: <sup>1</sup> PGK 1,000 If the application includes nucleotide and/or amino acid sequence listings filed on a compact disk or by other electronic means: PGK 1,500 Each divisional application for a patent: PGK 300 Annual fee for the second year: PGK 170
Exemptions, reductions or refunds of the national fee:	None

*[Continued on next page]*<sup>1</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

**SUMMARY****Designated  
(or elected) Office****SUMMARY****PG****INTELLECTUAL PROPERTY OFFICE  
OF PAPUA NEW GUINEA****PG***[Continued]*

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

Appointment of an agent if the applicant is not resident in Papua New Guinea. An instrument appointing the agent (authorization or power of attorney) is required.<sup>2</sup>

Name and address of the inventor if they have not been furnished in the "Request" part of the international application<sup>3,4</sup>

Evidence of entitlement to file where the applicant is not the inventor<sup>3,4</sup>

Evidence of entitlement to claim priority where the applicant is not the applicant who filed the earlier application<sup>3,4</sup>

Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)<sup>4</sup>

Who can act as agent?

Any natural or legal person resident in Papua New Guinea

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

<sup>2</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>3</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

<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 of two months from the date of receipt of the invitation.

## THE PROCEDURE IN THE NATIONAL PHASE

- PGPR Sec. 4      PG.01    **LANGUAGE OF PROCEEDINGS.** The language of proceedings is English. Any document forming part of the application or submitted to the Office shall be in English or be accompanied by an English translation.
- PG.02    **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex PG.I.
- PGPA Sec. 31(2), (3)  
PGPR Sec. 28      PG.03    **ANNUAL FEES.** The prescribed annual fees are to be paid in advance for each year, commencing one year after the filing of the patent application. The annual fee may be paid until six months after the date on which it became due provided that an additional fee as prescribed is also paid.
- PGPR Sec. 26(1)      PG.04    **FEE FOR GRANT AND PUBLICATION.** A fee for grant and publication must be paid before the grant of the patent. The amount of the said fee is indicated in Annex PG.I.
- PGPA Sec. 54  
PGPR Sec. 7, 36,  
39      PG.05    **APPOINTMENT OF AGENT, POWER OF ATTORNEY AND ADDRESS FOR SERVICE.** If the applicant is not resident in Papua New Guinea, an agent must be appointed. The appointment of an agent shall be by a power of attorney. The power of attorney appointing an agent may be filed together with the application or within two months from its filing date. The address of the agent shall be treated as the address of service, i.e. the address to which communications to the person or persons who appointed the agent shall be transmitted.
- PCT Art. 28  
41  
PGPA Sec. 22      PG.06    **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may, at any time before a patent is granted, make amendments to his application, provided that the amendment does not go beyond the disclosure in the initial application.
- PCT Art. 25  
PCT Rule 51  
PGPA Sec. 7  
PGPR Sec. 43      PG.07    **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. Before any adverse decision is made, the applicant is afforded the opportunity of being heard by filing a request for a hearing. The request for such a hearing shall be in writing and shall be subject to payment of the prescribed fee.
- PCT Art. 24(2)  
48(2)  
PCT Rule 82*bis*      PG.08    **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

## FEES

(Currency: Kina)

Application for a patent . . . . .	1,000
In a patent application, if the application includes nucleotide and/or amino acid sequence listings filed on a compact disk or by other electronic means. . . . .	1,500
Each divisional application for a patent. . . . .	300
Amendment of application at the instance of the applicant. . . . .	170
Correction of application at the instance of the Registrar . . . . .	50
Preparation of abstract by the Registrar. . . . .	100
Amendment of application on invitation of the Registrar . . . . .	50
Grant and publication fee . . . . .	100
Filing notice of opposition to grant of patent/utility model/industrial design certificate. . . . .	1,200
Annual fees:	
— for the 2 <sup>nd</sup> year . . . . .	170
— for the 3 <sup>rd</sup> year . . . . .	200
— for the 4 <sup>th</sup> year . . . . .	240
— for the 5 <sup>th</sup> year . . . . .	270
— for the 6 <sup>th</sup> year . . . . .	330
— for the 7 <sup>th</sup> year . . . . .	400
— for the 8 <sup>th</sup> year . . . . .	460
— for the 9 <sup>th</sup> year . . . . .	550
— for the 10 <sup>th</sup> year . . . . .	640
— for the 11 <sup>th</sup> year . . . . .	700
— for the 12 <sup>th</sup> year . . . . .	750
— for the 13 <sup>th</sup> year . . . . .	800
— for the 14 <sup>th</sup> year . . . . .	900
— for the 15 <sup>th</sup> year . . . . .	1,000
— for the 16 <sup>th</sup> year . . . . .	1,100
— for the 17 <sup>th</sup> year . . . . .	1,200
— for the 18 <sup>th</sup> year . . . . .	1,300
— for the 19 <sup>th</sup> year . . . . .	1,400
— for the 20 <sup>th</sup> year . . . . .	0
Surcharge for late payment of the annual fees . . . . .	In addition to any other fee payable in relation to this item – 200 for each month, or part of a month, in the period between the anniversary and the day when the fee is paid

### How can payment of fees be effected?

Fees are to be paid in the Papua New Guinea currency, which is the Papua New Guinea Kina (PGK).

Currently, the mode of payment for overseas applicants is by bank drafts/cheques made payable to the "Investment Promotion Authority".