

ETHIOPIA

Industrial Property Regulation

Inventions, Minor Inventions and Industrial Designs Council of Ministers

Regulation

No. 12/1997

ENTRY INTO FORCE: March 6, 1997

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SCHEDULE II FEES

CHAPTER I GENERAL

1. Short Title

These Regulations may be cited as "Inventions, Minor Inventions and Industrial Designs Council of Ministers Regulation No. 12/1997."

2. Definitions

In these Regulations, unless the context otherwise requires:

(1) "Commission" shall mean the Ethiopian Science and Technology Commission.

(2) "Examiner" shall mean a person designated by the Commission to examine an application for a patent, utility model certificate or certificate of registration of an industrial design.

(3) "Patentee" shall mean the owner of a patent or a patent of introduction.

(4) "Proclamation" shall mean the "Proclamation Concerning Inventions, Minor Inventions and Industrial Designs, proclamation No.123/1995."

3. Fees

The fees to be paid in accordance with Article 53(2) of the proclamation shall be based on schedule I (schedule of fees) annexed to these regulations.

4. Forms

(1) The forms referred to in these Regulations are those set out in schedule II (schedule of forms) annexed to and forming part of these regulations.

(2) Copies of the printed forms shall be furnished free of charge by the Commission.

5. Language of Documents and Translations

(1) Any Application shall be submitted in the English or Amharic language.

(2) Any document forming part of an application or submitted to the Commission pursuant to the Proclamation or these Regulations and which is in a Language other than English or Amharic shall be accompanied by a translation into English or Amharic.

6. Indication of Name, Address, Nationality and Residence

(1) Names of natural persons except Ethiopians shall be indicated by the person's family name and given name(s), the family name being indicated

before the given name(s), the names of legal entities shall be indicated by their full official designations.

(2) Any address shall indicate the full address of the applicant in particular post office box, telegraphic, telex & fax number.

(3) Nationality shall be indicated by the name of the state of which a person is a national; legal entities shall indicate the name of the state under whose law they are constituted and full particulars of their registered head office.

(4) Residence shall be indicated by the name of the state of which a person is a resident.

7. Signature by Partnerships, Companies and Associations

(1) A document purporting to be signed for or on behalf of a partnership or a company or an association shall be signed by persons who are authorized to sign the document.

(2) A document to be signed in accordance with sub article (1) of this article shall have the seal of the partnership; company or association.

8. Representation

The power of attorney appointing an agent may be filed together with the application or within two months from its filing date. Where the appointment is not made in accordance with article 9(7) of the proclamation and article 48 of these regulations, any procedural steps taken by the agent other than the filing of the application shall be deemed not to have been taken.

CHAPTER II PATENTS

SECTION 1 APPLICATION AND PROCEDURE FOR GRANT OF PATENTS

9. Classification of Patents

The Commission shall apply the International Patent Classification, as adopted under the Strasbourg Agreement of March 24, 1971 and updated in its subsequent editions, for all purposes relating to the grant and publication of patents, as well as for the maintenance of classified search files.

10. Request for Grant of Patent

(1) The request for the grant of a patent shall be made on Form No.1 and shall be signed by each applicant.

(2) The request shall indicate each applicant's name, address, nationality and residence.

(3) Where the applicant is the inventor, the request shall contain a statement to that effect, and, where he is not, it shall indicate each inventor's name and address and be accompanied by a statement justifying the applicant's right to the patent.

(4) If the applicant is represented by an agent, the request shall so indicate and state the agent's name and address.

(5) The title of the invention shall be short, preferably from two to seven words, and precise.

11. Description

(1) The description shall first state the title of the invention as appearing in the request and shall:-

(a) specify the technical field to which the invention relates;

(b) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and preferably cite documents reflecting such art;

(c) specify the task which the invention is designed to fulfil;

(d) disclose the invention in a manner sufficiently clear and complete so as to enable a person having ordinary skill in the art to carry it out, and state its advantageous effects, if any, with reference to the background art;

- (e) state the merits or effective results of the invention as compared with the prior art;
- (f) briefly describe the figures in the drawings, if any;
- (g) set forth at least one mode contemplated by the applicant for carrying out the invention; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any;
- (h) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and in which it can be made and used, or, if it can only be used, the way in which it can be used.

(2) The manner and order specified in sub-article (1) of this Article shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more concise presentation.

(3) The description of the invention may contain chemical or mathematical formulae but no commercial advertising.

(4) The description may only contain material which will contribute to the elaboration of the invention and if a newly joined word or a professional word which has not generally been accepted must be used, it shall be explained.

12. Claims

(1) The claim shall define clearly and concisely the matter for which protection is sought in terms of the technical features of the invention and shall pertain to either product or process.

(2) The number of the claims shall be reasonable taking into account the nature of the invention; where there are several claims, they shall be numbered consecutively in Arabic numerals.

(3) The technical terminology used in the claims shall be consistent with that used in the description. The claims may contain chemical or mathematical formulae but not drawings.

(4) Whenever appropriate a claim shall contain:

(a) a statement indicating those technical features of the invention which are necessary for the definition of the latter but which, in combination, are part of the prior art,

(b) a characterizing portion--preceded by the words " characterized in that," "characterized by," "wherein the improvement comprises," or any other words to the same effect--stating concisely the technical feature which, in combination with the features stated under sub-article 4(a) of this article, is desired to be protected.

(5) A claim shall not, except where absolutely necessary, rely in respect of the technical features of the invention on references to the description or drawings; in particular, it shall not rely on such references as " as described in part. . . of the description," or " as illustrated in figure . . . of the drawings."

(6) Where the application contains drawings, the technical features mentioned in a claim shall preferably be followed by the reference signs relating to such features; when used, the reference signs shall preferably be placed between parentheses; if inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made.

(7) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.

(8) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word "canceled".

13. Drawings

(1) Drawings forming part of an application for a patent shall be on sheets, the usable surface area of which shall not exceed 26.2 cm by 17cm. The sheets shall not contain frames round the usable or used surface. The minimum margins shall be as follows:

top	2.5 cm
left side	2.5 cm
right side	1.5 cm
bottom	1.0 cm

(2) Drawings shall be executed as follows:

(a) without colouring in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;

(b) cross sections shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;

(c) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing it shall be represented graphically;

(d) all numbers, letters and reference signs appearing in the drawings shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters;

(e) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;

(f) the height of the numbers and letters shall not be less than 0.32 cm and for the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;

(g) the same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, clearly separated from one another. The different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets;

(h) reference signs not mentioned in the description or claims shall not appear in the drawings, and vice versa .The same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;

(i) the drawings shall not contain textual matter, except, when required for the understanding of the drawings, a single word or words such as "water", "steam", "open", "closed", "section on AA" and in the case of electric circuits and block schematic or flow sheet diagrams, a few short catch words,

(j) the sheets of the drawings shall be numbered in accordance with Article 16(7) of these regulations.

(3) Flow sheets and diagrams are considered as drawings.

14. ABSTRACT

(1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art thereby

assisting the user in formulating an opinion on whether there is a need for consulting the application itself.

(2) The abstract shall contain:

(a) a summary of the disclosure as contained in the description, the claims, and any drawings, indicating the technical field to which the invention pertains and drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention; and

(b) where applicable, the chemical formula which, among all the formula contained in the application, best characterizes the invention.

(3) The abstract must be as concise as the disclosure permits and shall not contain statements on the alleged merits or value of the claimed invention or in its speculative application.

(4) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign, placed between parentheses.

(5) The abstract shall be accompanied by the most illustrative of any drawings furnished by the applicant.

15. Measures, Terminology and Signs

(1) Units of weights and measures shall be expressed in terms of the metric system.

(2) Temperature shall be expressed in degree centigrade.

(3) Density shall be expressed in metric units.

(4) For indications of heat, energy, light, sound and magnetism, as well as for mathematical formulae and electrical units, rules in general use shall be observed; for chemical formulae, the symbols, atomic weights and molecular formulae, in general use, shall be employed.

(5) In general, only such technical terms, signs and symbols shall be used as are generally accepted in the art.

(6) The terminology and the signs shall be consistent throughout the application.

16. Number of Copies and Physical Requirements

(1) Subject to Article 21(7) of these regulations, the application and any accompanying statements or documents shall be filed in three copies, but the Commission may require the applicant to supply additional copies.

(2) All elements of the application shall be so presented as to enable direct reproduction by photography, electrostatic processes, photo-offset and micro filming.

(3) Only one side of each sheet contained in the application shall be used.

(4) All elements of the application shall be on paper which is flexible, strong, white, smooth, non-shiny and durable.

(5) The size of the sheets shall be A4(29.7 cm x 21 cm).

(6) Subject to Article 13(1) of these regulations, the minimum margins of sheets shall be as follows:

(a) upper margin of each page, except the first page: 20mm

(b) upper margin of the first page : 30mm

(c) side margin adjacent to the binding: 25mm

(d) other side margin : 20mm

(e) bottom margin : 20mm

(7) (a) All sheets shall be numbered at the top of the sheet, in the middle, in consecutive Arabic numerals.

(b) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order: the request, the description, the claims, the abstract, the drawings.

(c) The sequential numbering of the sheets shall be effected by using three separate series of numbering, the first series applying to the request only and commencing with the first sheet of the request, the second series commencing with the first sheet of description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.

(8) The text matter of the application shall be typed; graphic symbols, chemical or mathematical formulae and certain characters, if necessary,

may be handwritten or drawn.

17. Unity of Invention

(1) Article 9(2) of the proclamation shall be construed as permitting, in particular, one of the following three possibilities:

(a) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the said product, and the inclusion in the same application of an independent claim for a use of the said product ;
or

(b) in addition to an independent claim for a given process, the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the said process; or

(c) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the process.

(2) Subject to article 9(2) of the proclamation, it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.

(3) Subject to article 9(2) of the proclamation, it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

(4) The fact that a patent has been granted on an application that did not comply with the requirement of unity of invention under article 9 (2) of the proclamation shall not be a ground for the invalidation of the patent.

18. Amendment and Division of Application

(1) The applicant may, up to the time when the application is in order for grant, amend the application, provided that the amendment shall not go beyond the disclosure in the initial application.

(2) The applicant may, up to the time when the application is in order for grant, divide the application into two or more applications, provided that each divisional application shall not go beyond the disclosure in the initial application.

(3) Each divisional application shall be entitled to the filing date and, where applicable, the priority date of the initial application.

(4) A divisional application shall contain a reference to the initial application.

(5) If the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application must contain a request to that effect; in such a case, the declaration of priority and the documents furnished in accordance with article 20 of these regulations for the initial application shall be deemed to relate also to the divisional application.

(6) Where the priorities of two or more earlier applications were claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.

19. Disclosures to be Disregarded for Prior Art Purposes

An applicant who wishes a disclosure of the invention to be disregarded, in accordance with Article 3(3) of the proclamation, for prior art purposes, shall so indicate on the application, and shall furnish, in writing, with the application, or within one month of filing the application, full particulars of the disclosure; where the disclosure was made at an exhibition, the applicant shall file, within the same period, a duly authenticated certificate issued by the authority responsible for the exhibition containing particulars of the exhibition and stating that the invention was in fact exhibited there.

20. Declaration of Priority & Translation of Earlier Application

(1) The declaration referred to in Article 11 (2) of the proclamation shall indicate:

(a) the date of the earlier application;

(b) the number of the earlier application, subject to sub-article (2) of this article;

(c) the symbol of the International Patent Classification which has been allocated to the earlier application, subject to sub-article (3) of this article;

(d) the state in which the earlier application was filed or, where the earlier application is a regional or an international application, the states for which it was filed;

(e) Where the earlier application is a regional or an international

application, the office with which it was filed,

(2) Where at the time of filing the declaration referred to in article 11 (2) of the proclamation the number of the earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed.

(3) Where a symbol of the International Patent Classification has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in sub-article (1) of this article, the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the declaration referred to in sub-article (1) of this article.

(5) The period for furnishing the certified copy of the earlier application, referred to in article 11(2) of the proclamation, shall be three months from the date of the request by the commission; where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.

(6) Where the earlier application is in a language other than English or Amharic, the applicant shall, within six months from the date of the request made under sub-article 15 of this article furnish a translation into English or Amharic of the earlier application.

(7) Unless the Commission requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

21. An Applicant from Abroad

(1) Documents furnished pursuant to article 10(2) of the proclamation and this article may be used, only for facilitating the evaluation of the novelty and inventive step of the invention for which the patent application is being made.

(2) The applicant from abroad may submit comments on any documents furnished by him under this article.

(3) Where an application for a patent is filed by any foreigner, foreign

enterprise or other foreign organization having no habitual residence or business office in Ethiopia the Commission may, when there is doubt, require the applicant to submit the following documents:

- (a) a certificate concerning the nationality of the applicant;
- (b) a certificate concerning the seat of the headquarter of the foreign enterprise or other foreign organization;
- (c) a testimonial showing that the country to which the foreigner, foreign enterprise or other foreign organization belongs, recognizes that Ethiopian citizens or entities are, under the same conditions applied to its nationals, entitled to patent rights in that country.

22. Time for Furnishing Information Concerning Corresponding Foreign Applications, Patents and other Titles of Protection

(1) The time limits to be specified for furnishing the information requested under Article 10 of the proclamation shall not be less than two or more than six months from the date such a request is made; upon a reasoned request by the applicant, the Commission may extend such time limit.

(2) If the applicant replies that the documents requested under Article 10 of the proclamation are not yet available, the Commission may suspend the procedure for the examination of application until such time as the documents are furnished.

23. Withdrawal of Application

(1) An application shall be withdrawn by written declaration submitted to the Commission and signed by the applicant.

(2) The application fee shall not be refunded if the application is withdrawn.

24. Marking Application

(1) Upon receipt, the Commission shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters ET, slant, the letter P, slant, the last two numbers of the year in which the initial papers were received, slant, and a five digit number allotted in the sequential order in which applications are received; where any corrections or other later filed documents are received on different dates, the Commission shall also mark their actual date of receipt in the appropriate place of the request for grant of the patent (Form No 1).

(2) The application number allotted under sub-article (1) of this article shall be quoted in all subsequent communications concerning the application.

25. According and Notifying Filing Date

(1) The Commission shall examine, in order to accord a filing date, whether the application fulfils the requirements of Article 12(1) of the proclamation.

(2) The invitation to file any correction, under Article 12(2) of the proclamation, shall be in writing, it shall specify the correction or corrections required and request that these be filed within two months from the date of the invitation, together with the payment of the prescribed fee.

(3) Once the Commission accords a filing date, it shall notify the applicant in writing; if the application is treated as if it had not been filed, under Article 12(2) of the proclamation, the Commission shall notify the applicant in writing specifying the reasons.

SECTION 2 EXAMINATION OF APPLICATION

26. Exclusion From Being Examiner

An examiner shall, on his own initiative or upon the request of the applicant or any other interested party, be excluded from exercising his function where, he

- (1) is a close relative of the applicant or the patent agent,
- (2) has an interest in the application for patent, or
- (3) has such other kinds of relations with the applicant or the patent agent that might influence the impartial examination of the application.

27. Examination as to Form

(1) In addition to the requirements of article 9(3) and (4)(a) of the proclamation and the Regulations pertaining thereto, the requirements of Articles 5, 8, 9(7) and (8) and 10 of the proclamation shall be considered formal requirements for the purpose of the proclamation.

(2) Where the Commission finds that the conditions referred to in Article 13(1) of the proclamation and sub-Article (1) of this article are not fulfilled it shall invite the applicant, in writing, to file the required correction within two months from the date of the invitation, together

with the payment of the prescribed fee.

(3) Where the applicant does not comply with the invitation to correct a deficiency, or where despite the corrections submitted by the applicant, the Commission is of the opinion that the conditions referred to in sub-article (1) of this article are not fulfilled, it shall reject the application and notify the applicant, in writing, stating the reasons.

(4) Refusal of the application shall not affect its filing date which shall remain valid.

28. Examination As To Substance

(1) Subject to article 13(3) of the proclamation, substantive examination shall be undertaken by experienced technical and legal experts designated by the Commission.

(2) Subject to the payment of the prescribed search and examination fee, the Commission may, for the purpose of the examination under article 13(3), transmit the application, together with all relevant documents, to an examining authority which has concluded an arrangement to this effect with the Commission, requesting a search and examination report.

(3) An application shall be examined as to whether the requirements of articles 3, 4, 7, 9(2), (4)(b) and (c) and (5) of the proclamation and the regulations pertaining thereto are fulfilled.

(4) Where, taking due account of the conclusions of the search and examination report, the Commission is of the opinion that the conditions referred to in the proclamation are not fulfilled, it shall notify the applicant in writing, inviting him, several times if necessary, to amend or divide his application within a specified period; such specified period shall not be less than two or more than six months from the date of the invitation. The invitation shall be made on Form No 2.

(5) Any amendment under sub-article (4) of this article and under article 18 of these regulations shall be made together with the prescribed fee.

(6) Where the applicant does not comply with the said invitation or where, despite any observation, amendment or division submitted by the applicant, the Commission, taking due account of the conclusions of the search and examination report, is of the opinion that the conditions referred to

in the proclamation and these Regulations are not fulfilled, it shall reject the application and notify the applicant of the same in writing.

SECTION 3 ISSUANCE AND CONTENTS OF PATENTS

29. Decision to Grant or Refuse to Grant Patent

(1) Where two or more applications for grant of a patent for the same invention, having the same filing or, where applicable, the same priority date, are filed by the same applicant, the Commission may, on that ground, refuse to grant a patent in pursuance of more than one of the applications.

(2) Where the Commission, taking due account of the conclusions of the search and examination report, is of the opinion, subject to article 28 of these regulations, that the conditions referred to in Article 13(3) of the proclamation are fulfilled, it shall grant a patent.

(3) The Commission shall notify the applicant, in writing, of its decision to grant or to refuse to grant a patent, attaching a copy of the search and examination report upon which the decision is based and, in the case of a refusal, stating the reasons therefor, and in the case of a decision to grant a patent, requesting the applicant to pay the grant and publication fee within three months from the date of the notification.

30. Grant of Patent

(1) When the payment of the grant and publication fee is made within three months from the date of the notification of the decision to grant the patent, the Commission shall grant the patent in accordance with article 14(1) of the proclamation and the provisions of this article.

(2) The Commission shall allot to each patent it grants a Patent publication number in the sequential order of the grant.

(3) The patent shall be:

(a) granted on Form No 3 and shall contain in addition to the information indicated under sub-article (2) of this article the date of publication of the patent, the documents or references cited of the prior art, the description, the claims and the drawings, if any,

(b) deemed to be granted on the date the Commission publishes a reference to the grant in accordance with article 14(2) (a) of the proclamation.

31. Publication of Reference to the Grant of Patent

The publication of the reference to the grant of the patent shall include:-

- (1) the number of the patent,
- (2) the name and address of the owner of the patent,
- (3) the name and address of the inventor, except where he has asked not to be named in the patent,
- (4) the name and address of the agent, if any,
- (5) the filing date and number of the application,
- (6) if priority has been claimed and the claim has been accepted, a statement of the priority, the priority date and the name of the country or countries in which or for which the earlier application was filed,
- (7) the effective date of grant of the patent,
- (8) the title of the invention,
- (9) the abstract,
- (10) the most illustrative of the drawings, if any, and
- (11) the symbol of the International Patent Classification.

32. Issuance of Certificate of Grant of Patent

The certificate of grant of a patent shall be issued on Form No. 4, shall be signed by the commissioner and shall contain:

- (1) the number of the patent,
- (2) the name and address of the owner of the patent,
- (3) the filing date and, where applicable, priority date of the application,
- (4) the effective date of grant of the patent, and
- (5) the title of the invention.

33. Extension of duration of a Patent

The request to extend the duration of a patent, under Article 16 of the proclamation, shall be made in writing to the Commission, and shall be accompanied by a statement signed by the owner of the patent setting out particulars of the working of the invention in Ethiopia.

SECTION 4 EXPLOITATION OF PATENTED INVENTION BY AUTHORIZED PERSONS

34. Exploitation of Patented Invention by Government or by Third Persons Authorized by Government

(1) The Commission shall, before making a decision under Article 25(2) of the proclamation, give the patentee, beneficiaries of compulsory licences, and any other persons whose participation it considers useful, at least 21 days written notice of the date on which they may be heard; the patentee shall give all licencees written notice of the hearing and

they shall have the right to participate therein.

(2) The Commission shall make its decision, after the hearing in writing, stating the grounds upon which it is based, and, if it has decided that the invention shall be exploited under article 25(2) of the proclamation, stating the terms of the exploitation.

(3) The commission shall record and publish the decision and notify, in writing, the patentee and other participants in the hearing.

(4) If the decision of the Commission with regard to remuneration is the subject of an appeal, the registrar of the court shall notify the commission of the court's decision once it becomes final and the commission shall record the decision and publish it.

35. Request for Compulsory Licences

The request for grant of a compulsory licence, under article 29 of the proclamation, shall be made to the Commission on Form No. 6, together with the payment of the prescribed fee; it shall be accompanied by:

(1) evidence that his invention is dependent on a patented invention and that it is difficult to make use of it without the use of the latter,

(2) evidence that the patentee has received a request, from the person requesting the compulsory licence, for a licence contract but that the latter has been unable to obtain such a licence on reasonable terms and within a reasonable time and,

(3) an indication of the plan according to which the person requesting the compulsory licence intends to work the patented invention, including evidence that he has the ability to do so in Ethiopia.

36. Acceptance or Refusal of Request for Compulsory Licence

(1) The Commission shall, within three months from the date of the request of grant of a compulsory licence, examine whether the requirements of article 29 of the proclamation and article 35 of these regulations are prima facie satisfied.

(2) Where the Commission, upon examination,

(a) finds that the requirements are not satisfied, it shall reject the request and, in writing, notify the person requesting the compulsory licence,

(b) finds that the requirements are satisfied, it shall forth with send a copy of the request to the patentee, the beneficiaries of compulsory

licence and to persons exploiting the patented invention under article 25(2) of the proclamation, and invite them to submit observation thereon, in writing, to the Commission within three months from the date of the invitation.

(3) The patentee shall forthwith, in writing, notify all licensees of the request, and the licensees shall have the right to submit observations thereon, in writing, to the Commission within three months of the date of the invitation issued under sub-article (2) of this article.

(4) The Commission shall forthwith notify the person requesting the compulsory licence of any observations submitted under sub-article (2) and (3) of this article.

(5) The Commission shall then convene a hearing to which it shall invite the person requesting the compulsory licence, the patentee and the persons who submitted observations under sub-article (2) and (3) of this article giving them at least one month's written notice of the date set for the hearing.

37. Decision to Grant or Refuse Compulsory Licence

(1) After the hearing, under article 36(5) of these regulations, if the Commission finds that the conditions for the grant of a compulsory licence are fulfilled, it shall grant the licence, otherwise, it shall refuse it.

(2) The decision to grant or to refuse a compulsory licence shall be in writing, shall state the grounds upon which it is based and, in the case of a decision to grant the compulsory licence, shall specify, in particular,

- (a) the period for which the licence is granted,
- (b) to which of the acts referred to in article 22(1) of the proclamation the licence extends,
- (c) the time limit within which the beneficiary of the compulsory licence must commence working the patented invention, and
- (d) the terms regarding payment of remuneration

(3) The Commission shall record and publish the decision to grant or to refuse the compulsory licence and transmit a copy thereof to the person requesting the compulsory licence, the patentee and the persons who submitted observations under article 36(2) and (3) of the Regulations.

38. Invalidation

(1) Where the provisions of article 36(1) of the proclamation apply only to some of the claims or some parts of a claim, such claims or parts of a claim shall be invalidated.

(2) The patentee shall, in writing, notify any licensee of any court proceeding instituted for the invalidation of the patent; the person requesting invalidation shall so notify beneficiaries of compulsory licences granted under article 30 of the proclamation and, where the ground of invalidity invoked is that the patentee is not the inventor or his successor in title, also the person alleged to have the right to the patent.

CHAPTER III UTILITY MODEL CERTIFICATES

39. Application of Provisions Relating to Patents

(1) Articles 3(1), (3) and (4) of the proclamation shall not apply in the case of applications for utility model certificates.

(2) Article 16 of the proclamation shall not apply in the case of utility model certificates.

(3) In proceedings under article 45 in conjunction with article 36 of the proclamation, the court shall invalidate the utility model certificate on the grounds that:

(a) the claimed invention did not qualify for a utility model certificate having regard to the provisions of articles 39 and 45 in conjunction with article 3(5) of the proclamation,

(b) the description and the claims do not comply with the requirements prescribed by article 45 in conjunction with article 9(4)(b) and (c) of the proclamation and the regulations pertaining thereto,

(c) any drawing which is necessary for the understanding of the invention has not been furnished,

(d) the owner of the utility model certificate is not the inventor or his successor in title, or

(e) the claimed invention did not qualify for protection under article 40 of the proclamation.

(4) The provisions of the Articles set out in chapter II of these Regulations shall apply, mutatis mutandis to utility model certificates, subject to the following exceptions:

(a) the letter P, in Article 24 of the Regulations shall be read as the letters UM,

(b) article 28 of these regulations shall not apply, and

(c) the reference in Article 38 of these Regulations to Article 36(1) of the proclamation shall be read as a reference to Article 45 of the proclamation and sub-article (3) of this Article.

(5) A request, under Article 43 of the proclamation, for the conversion of an application for a patent into an application for a utility model certificate, or vice versa, shall be signed by the applicant and shall be accompanied by the prescribed fee. The Commission shall within two months of the receipt of the request notify the applicant of its decision thereon, in writing, and where it refuses the request, it shall state

the reasons.

CHAPTER IV INDUSTRIAL DESIGNS

40. Application of Provisions Relating to Patents

Articles 20, 23 and 24 of these Regulations shall apply mutatis mutandis to industrial designs and for this purpose the letter P, in Article 24(1) of these Regulations, shall be read as the letters ID.

41. Application for Registration of an Industrial Design

(1) The application for registration of an industrial design shall be made on Form No.7 and shall be signed by each applicant.

(2) The application shall indicate each applicant's name, address, nationality, and residence.

(3) Where the applicant is the creator, the request shall contain a statement to that effect, and where he is not, it shall indicate each creator's name and address and be accompanied by the statement justifying the applicant's right to the registration of the industrial design.

(4) If the applicant is represented by an agent, the request shall so indicate and state the agent's name and address.

42. Number and Size of Representations and Specimen

(1) The application shall be accompanied by the following:-

(a) if the industrial design is two-dimensional, by four graphic representations or four drawings or tracings; or

(b) if the industrial design is three-dimensional, by four graphic representations. or four drawings or tracings of each of the different sides of the industrial design; and

(c) a printing block or printing blocks of such dimensions as the Commission may consider appropriate.

(2) A specimen shall be of a size not exceeding 20 centimetres x 20 centimetres x 20 centimetres. No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimetres x 20 centimetres. Such representations, drawings or tracings, shall be affixed on four sheets of hard and durable paper of A4 size. Drawings and tracings shall be made in black ink.

43. According and Notifying Filing Date; Examination

(1) The Commission shall accord as the filing date the date of receipt

of the application, provided that, at the time of the receipt, the application contains indications allowing the identity of the applicant to be established and the required graphic representation of the article embodying the industrial design. Article 12(2) of the proclamation shall apply mutatis mutandis.

(2) The invitation to file any correction under articles 12(2) and 51 of the proclamation and sub-article (1) of this Article shall be in writing; it shall specify the correction or corrections required and request that these be filed within two months from the date of the said invitation, together with the payment of the prescribed fee.

(3) Once the Commission accords a filing date, it shall so notify the applicant in writing; if the application is treated as if it had not been filed under articles 12(2) and 51 of the proclamation and sub-Article (1) of this article, the Commission shall notify the applicant in writing, specifying the reasons.

(4) Where the Commission finds that the requirements set out in Article 48(1) of the proclamation and Article 41 and 42 of these Regulations are not fulfilled, it shall invite the applicant, in writing, to file the required correction within two months from the date of the invitation, together with the payment of the prescribed fee; if the applicant does not comply with the invitation to correct a deficiency or, where, despite corrections submitted by the applicant, the Commission is of the opinion that the said conditions are not fulfilled, it shall reject the application and notify the applicant, in writing, stating the reasons.

(5) Refusal of the application shall not affect its filing date which shall remain valid.

44. Decision to Grant or to Refuse Application

The Commission shall notify the applicant, in writing, of its decision to grant or to refuse the application and, in the case of a decision to grant the application, it shall request the applicant to pay the registration and publication fee within one month from the date of the notification.

45. Registration of Industrial Design, Publication of Reference thereto; Issuance of Certificate

(1) Subject to the payment of the registration and publication fee within

the period prescribed in Article 44 of these Regulations, the Commission shall register the industrial design in accordance with Article 48(2) of the proclamation and this Article.

(2) The Commission shall allot to each industrial design it registers a number in the sequential order of registration.

(3) The registration of an industrial design shall include a representation of the industrial design and shall specify.-

(a) the number of the industrial design;

(b) the name and address of the registered owner;

(c) the name and address of the agent, if any;

(d) the name and address of the creator, except where he has asked not to be named in the registration;

(e) if priority has been claimed, and the claim has been accepted, the priority date and the country or countries in which or for which the earlier application was filed; and

(f) the kind of products for which the industrial design is to be used.

(4) The publication of the reference to the registration of an industrial design under Articles 14(2)(a) and 51 of the proclamation, shall contain the particulars specified in sub-Article (3) of this Article.

(5) The certificate of registration of an industrial design shall be issued on Form No. 8.

46. Renewal of Registration

(1) The renewal of the registration of an industrial design may be made by the registered owner or his agent during the period referred to in Article 50(2) of the proclamation. Article 33 of these regulations shall apply mutatis mutandis.

(2) The renewal shall be made by payment of the renewal fee within the period specified in Article 50(2) of the proclamation or, upon payment of the prescribed surcharge, within the grace period allowed under articles 17(1) and 52 of the proclamation.

(3) The renewal of an industrial design registration shall be recorded in the register and shall be published.

(4) The Commission shall issue to the registered owner a certificate of

renewal which shall contain:

- (a) the registration number of the industrial design;
- (b) the date of renewal and the date at expiry;
- (c) the name and address of the registered owner; and
- (d) an indication of the kind of products for which the industrial design has been registered.

CHAPTER V MISCELLANEOUS PROVISIONS

47. Changes in Ownership

(1) Any change in the ownership of a patent, a utility model certificate or a certificate of registration of an industrial design or in the ownership of an application therefor, shall be in writing and shall, at the request of any interested party, to the Commission, be recorded and, except in the case of an application, be published by the Commission. Such change shall have no effect against third parties until such recording is effected.

(2) The request, under sub-Article (1) hereof, for the recording of a change of ownership of a title granted under the proclamation or of an application thereof shall be made to the Commission on Form No. 9 and shall be subject to payment of the prescribed fee.

(3) The publication of the change of ownership shall specify,

(a) the title of protection concerned;

(b) the filing date, the priority date, if any, and the date of registration or grant;

(c) the owner and the new owner; and

(d) the nature of the change of ownership.

48. Appointment of Agent, Address for Service

The appointment of an agent shall be by a power of attorney which shall be signed by the applicant or, if there are more than one, by each applicant. The address of the agent shall, for all purposes connected with the proclamation and these regulations, be used to communicate to the person or persons who appointed the agent.

49. Excluded Days

When the last day for doing any act or taking any proceeding falls on a day when the office of the Commission is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the office of the Commission is next open for business.

50. Registers and Official Gazette

(1) The Commission shall maintain separate registers for patents, utility model certificates and certificates of registration of industrial designs. All the recording provided for in the proclamation and these regulations shall be effected in the said registers.

(2) The Commission shall publish in the official gazette all the publications provided for in the proclamation and these regulations.

51. Consultation of Registers; Request for Extracts therefrom and for Copies of Documents

(1) Subject to payment of the prescribed fee, any person may consult the registers and may obtain extracts therefrom.

(2) Requests for certified copies of extracts from a register or for copies of documents shall be made to the Commission in writing.

52. Correction of Errors

(1) The Commission may correct any error of translation, clerical error or mistake in any application or document filed with it or in any recording effected pursuant to the proclamation or these regulations.

(2) Corrections of errors under sub-article (1) of this article may be made by the Commission upon receipt of a request in writing or its own initiative. Corrections made shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by the Commission.

53. Hearing

(1) Before exercising adversely to any person any discretionary power given to the Commission by the proclamation or these regulations, the Commission shall notify such person, in writing, of the opportunity to be heard thereon, and indicating a time limit which shall not be less than one month, for filing a request for a hearing.

(2) The request for a hearing shall be in writing.

(3) Upon receiving such request, the Commission shall give the person applying, and any other interested persons, at least two weeks' notice, in writing, of the date and time of the hearing.

54. Service by Mail

(1) Any notice, application or other document sent to the Commission by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the ordinary course of the mail. In proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent

by registered mail.

(2) Sub-Article (1) of this Article does not apply to the accordance of the filing date.

55. Forms

The forms annexed to these regulations shall be used in all cases to which they are applicable and shall be modified as directed by the Commission to meet other cases.

56. Effective Date

These Regulations shall come into force on the date of their publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 6th day of March, 1977

SCHDULE I FEES

Matter or Proceeding	Amount of Fee in USD		Form
	INDIVIDUALS	FIRMS	
A. PATENTS AND UTILITY MODEL CERTIFICATES			
Application for a patent (Article 9 of the proclamation and Article 10 of the Regulations)	17.5	70	No. 1
Each divisional application for a patent (Article 18 of the Regulations)	17.5	70	No. 1
Application for a utility model certificate (Articles 9 and 45 of the proclamation and Articles 10 and 40 of the Regulations)	8.75	35	No. 1
Each divisional application for a utility model certificate (Articles 19 and 40 of the Regulations)	17.5	70	No. 1
Correction of application on request of the commission article 27(2) of the regulations)	2.5	10	
Amendment of application at instance of applicant and on invitation of the commission (Article 28(4) and (5) of the Proclamation)	2.5	10	
Fee for search and examination carried out by the commission or an examining authority (Article 13(2) of the proclamation and Article 28(2) of the Regulations)	50	200	
Grant and publication fee for patents (Article 30(1) of the Regulations)	56.25	225	
Grant and publication fee for utility model certificates (Article 30 and 40 of the Regulations)	56.25	225	

Annual fees for patents (Article 17(1) of the proclamation)			
2nd year	18.75	75	
3rd year	18.75	75	
4th year	18.75	75	
5th year	18.75	75	
6th year	18.75	75	
7th year	18.75	75	
8th year	18.75	75	
9th year	18.75	75	
10th year	18.75	75	
11th year	18.75	75	
12th year	43.75	175	
13th year	43.75	175	
14th year	43.75	175	
15th year	43.75	175	
Where the term is extended, for each year	50	200	
Annual fees for utility model certificates (Articles 17(1) and 45 of the proclamation)			
2nd year	7.5	30	
3rd year	7.5	30	
4th year	7.5	30	
5th year	7.5	30	
Where the term is extended, for each year	12.5	50	
Surcharge for late payment of annual fee for patent (Article 17(1) of the proclamation)	10% overdue	10% overdue	
Surcharge for late payment of annual fee for utility model certificate (Articles 17(1) and 45 of the proclamation)	10% overdue	10% overdue	
Request for extension of duration of a patent (Article 16 of the proclamation)	50	200	
Request for extension of duration for utility model certificate (Article 16 and 45 of the proclamation)	12.5	50	
Request for compulsory license (Article 29 of the proclamation and Article 35 of the Regulations)	18.75	75	No. 6
Request for Patent of introduction (Article 18 of the proclamation)	18.75	75	No. 10
Annual fee for patent of introduction	12.5	50	
Request for conversion of a patent application into an application for a utility model certificate and vice versa (Article 43 of the proclamation)	8.75	35	
B. INDUSTRIAL DESIGNS			
Application fee for an industrial design (Article 47(4) of the proclamation)	6.25	25	No. 7
Correction of application on request of Commission (Article 43(4) of the regulations)	2.5	10	
Registration and publication fee (Article 46(1) of the regulations)	56.25	225	
Request for extension of duration (Article	7.5	30	

50(2) of the proclamation)			
Renewal fee (Article 50(2) of the proclamation and Article 47(2) of the Regulations)	8.75	35	
Surcharge for late payment of renewal fee (Articles 17(1) and 51 of the proclamation and Article 47(2) of the regulations)	10% overdue	10% overdue	
C.GENERAL			
Filing request for recordal of change in ownership (Article 48(2) of the regulations)	50	200	No. 9
Certified copies of documents per page (Article 52 of the regulations)	0.50	0.50	

SCHEDULE FORMS II(omit)