

SUDAN

Patents Regulations

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1. Title and Entry into Force of the Regulations

These Regulations may be cited as "the Patents Regulations, 1981" and shall enter into force on the date of their signature.

2. Definitions

In these Regulations:

(a) the words and expressions cited therein and defined in the Patents Act, 1971 shall have the same meaning as in the said Act.

(b) Unless the context otherwise requires, "form" means any of the forms indicated in the Second Schedule joined to these Regulations;

"fees" mean the fees indicated in the Second Schedule joined to these Regulations;

"the Act" means the Patents Act, 1971;

"elected domicile" means the address designated in the Democratic Republic of the Sudan by a foreign applicant for a patent who has no address in the Sudan;

"the Registrar" means the head of the General Service for Commercial Registrations;

"agent" means the authorized agent in accordance with Rule 12;

"patent" means the patent of invention granted under Rule 6.

3. Patent Application

Subject to the provisions of Section 12 of the Act, a patent application shall be made to the Registrar on Form No. 1, which is annexed to these Regulations.

4. Requirements for Applications and Drawings of Inventions

(1) Subject to the provisions of subsection (2) of this Rule, the following conditions shall be observed in respect of patent applications:

(a) Applications shall be presented on sheets of paper of A4 size (29.7 cm X 21 cm).

(b) The margins shall be as follows:

(i) top of first sheet: 8 cm;

(ii) top of other sheets: 2 cm;

(iii) where the margin is on left side of the sheet: 2.5 cm;

(iv) bottom: 2 cm;

(v) where the margin is on the right side of the sheet: 2 cm.

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

(d) Temperatures shall be expressed in degrees centigrade.

- (e) Density shall be expressed in metric units.
- (f) Indications of heat, light, energy, sound and magnetism, as well as mathematical formulae, electrical units and chemical formulae, shall be expressed in conformity with the rules of international practice.
- (g) All applications shall be so presented as to admit direct reproduction by electrostatic processes, photo offset, microfilming and photography.
- (h) Only one side of each sheet of paper shall be used. All sheets shall be free from creases or cracks, deletions, erasures, interlineations and alterations. They shall not be folded.
- (i) All sheets of paper used shall be numbered in consecutive order. The numbers shall be placed at the top of the sheet in the middle.

(2) As far as the drawing, if any, of an invention is concerned, the following requirements shall be observed:

- (a) Deep black ink shall be used to execute drawings.
- (b) Lines shall be clear and sufficiently separated from one another.
- (c) Shading lines shall be reduced.
- (d) Indications of scale shall be sufficiently clear and shall be limited to those parts where necessary for proper understanding. Where the scale is given, it shall be represented graphically rather than in writing.
- (e) The letters and numbers used shall be given uniformly in the different parts of the drawing. They shall be related to the parts to which they refer by neat, small lines.
- (f) The letters and numbers referring to any part of the drawing, as well as the lines separating them from the drawing, shall be written in ink.
- (g) The sheet of the drawing shall be free from anything that could hinder its photographic reproduction.
- (h) The drawing shall be prepared on an A4-size sheet (29.7 cm X 21 cm) with a right and left margin of 2 cm. More than one sheet may be used, provided that each sheet is numbered in consecutive order.
- (i) Where one sheet of paper comprises more than one figure, a sufficient space shall be left between each figure.

5. Indications Concerning Drawings

- (1) Any sheet of paper bearing a drawing shall contain the following indications:
 - (a) The applicant's name written on the top of the sheet on the left side.
 - (b) The number of sheets on which the drawing was prepared, as well as the consecutive number of each sheet written on the top on the right side.
 - (c) The word "original" on the top of the sheet on the right side written beneath the indication mentioned in paragraph (b).

(d) The date of presentation of the sheet bearing the drawing written on the top of the sheet of the left side beneath the indication mentioned in paragraph (a).

(e) The signature of the applicant or his agent written on the bottom of the sheet on the right side.

(2) A sheet of paper bearing a drawing shall not contain any indication concerning the description or the title of the invention.

(3) A certified copy of the sheet bearing the drawing shall be submitted, provided that it contains the indications mentioned in paragraph (1), as well as the indication "certified copy".

6. Grant and Renewal of a Patent

(1) The Registrar shall issue to the inventor a patent document on Form No. 7, which is annexed to these Regulations.

(2) Subject to Section 25(1) of the Act, an application for the renewal of the patent shall be made to the Registrar on Form No. 6, which is annexed to these Regulations, and shall be accompanied by the prescribed fee.

7. Publication Fee in the Official Gazette

Then informed of the grant of a patent, the inventor shall pay to the Registrar the prescribed fee for publication in the Official Gazette.

8. Assignment and Transfer by Succession of Patents

Application for the assignment or transfer by succession of a patent shall be made to the Registrar on Forms No. 3 or 4, respectively, which are annexed to these Regulations, subject to the payment of the prescribed fee.

9. Use of Foreign Languages

Where necessary, the Registrar may authorize the applicant to use a foreign language. If the foreign language used is not comprehensible to the Registrar, the latter may request that the applicant join a translation into Arabic or English to his application.

10. Patent Register

The Registrar shall maintain a Patent Register in which he shall record all patents granted in the Democratic Republic of the Sudan, as indicated in Form No. 10, which is annexed to these Regulations.

11. To Obtain a Copy of a Patent

(1) Any person may obtain copies of patents registered at the Patent Office on payment of the prescribed fee.

(2) The Registrar shall sign and set the seal of the Patent Office on the copies of patents he issues, if it is intended that they be used abroad.

12. Persons Authorized to Work as Patent Agents

The following persons may work as patent agents:

(a) lawyers authorized to work in the Sudan under the Legal Profession Act, 1970, or any substitute act;

(b) chartered accountants authorized to work in the Sudan;

(c) nationals of the Sudan graduated from a Sudanese University or in possession of an equivalent degree;

(d) any Sudanese national with at least five years of experience in the field of patents.

13. Licensing of Patent Agents

(1) Any person entitled to work as a patent agent who wishes to work as such shall make an application for a license to the Registrar on Form No. 2, which is annexed to these Regulations, and shall include all necessary qualifications and documents, as well as the prescribed fee.

(2) The licensing of patent agents shall be renewed annually during the month of January on payment of the prescribed fee.

(3) The Registrar shall maintain a register in which he shall record the names of those entitled to work as patent agents in the Sudan, as indicated in Form No. 11 annexed to these Regulations.

(4) Where an agent fails to pay the renewal fee within 30 days following notification in writing by registered letter, his name shall be cancelled from the Register; the date on which the registered letter is sent shall be considered as the beginning of the notification period.

(5) The Minister may withdraw the license of a patent agent or limit it, as he deems necessary, where doing so is in the public interest.

14. Grant of a Patent Application Certificate

(1) A patent applicant may request that he be delivered a certificate

proving the fact that he filed his application in the Sudan, where he wishes to lodge an application for a patent abroad. The certificate shall contain an indication of the purpose for which it was granted and shall be accompanied by a copy of the patent application and its annexes. The application shall be made on Form No. 5, which is annexed to these Regulations, and the applicant shall pay the prescribed fee.

(2) The Registrar shall issue the certificate on Form No. 8, in accordance with the provisions of paragraph (1).

15. Correction of Written Errors

The patentee may ask the Registrar to correct any written error in the patent application, the description, the patent document or in any statement mentioned in the Patent Register. If the patentee is responsible for such an error, he shall pay the prescribed fee.

16. Request for Information Concerning the Contents of Patents

The Registrar shall request patent applicants or their agents to furnish the information relating to the contents of patents provided for in Section 19(1) of the Act in Arabic or English for publication in the Official Gazette on payment of the prescribed fee.

17. Publication of Assignment and Transfer by Succession of Patent Applications

The Registrar shall publish in the Official Gazette any assignment and transfer by succession of a patent application or of the patent itself, registered under Section 26(3) of the Act on payment of the prescribed fee.

18. Publication of Contractual Licenses

The Registrar shall publish in the Official Gazette any contractual license registered under Section 28(3) of the Act on payment of the prescribed fee.

19. Publication of Compulsory Licenses

The Registrar shall publish in the Official Gazette any decision of the Court granting a compulsory license in accordance with Section 44(4) of the Act on payment of the prescribed fee.

20. Publication of Licenses of Right

The Registrar shall publish in the Official Gazette the mention "Licenses

of Right" under Section 45(1) of the Act on payment of the prescribed fee.

21. Publication of Surrender of a Patent

The Registrar shall publish in the Official Gazette any surrender of a patent registered under Section 46(3) of the Act on payment of the prescribed fee.

22. Publication of Decisions of Revocation and Nullity Taken by the Court

The Registrar shall publish in the Official Gazette the declaration of revocation or nullity of a patent issued by the Court under Section 47(1) of the Act, after entering it in the Register. The publication fee in the Official Gazette shall be paid by the beneficiary of the judgment.