

REGISTERED AGENTS

58.(1) Subject to the provisions of Section 175 of the Act and regulations made under the Act a persons shall be qualified to be registered as an Agent if such a person.

(i) is an Attorney-at-Law of the Supreme Court of Sri Lanka ; or

(ii) (a) has passed the examination as specified hereinafter ; and

(b) has been successful at the interview conducted by the Director General ; or

(iii) a corporate body or a firm qualified under Subsection (4) of Section 175 of the Act.

(2) (i) The Director General may conduct an examination on his own or with the assistance of Sri Lanka Law College or Sri Lanka Institute of Development Administration, as and when he considers necessary, for the admission and registration of Agents.

(ii) The Director General shall cause to be called for an application from any person possessing the required qualifications under paragraph (iii) for the examinations from time to time.

(iii) The persons who ;

(a) have passed the G. C. E. (A. L.) Examination in four subjects (old syllabus) and 3 subjects (new syllabus) at not more than two sittings ;

(b) have Credit passes at G. C. E. (O. L.) in English and Sinhala or Tamil as a subject ; and

(c) not less than 18 years of age ;

shall be qualified to apply for the examination.

(3) The examination will have 2 papers on the following subjects :

(i) Intellectual Property Law

(ii) Administration of Intellectual Property and International Conventions.

(4) Syllabus–

(i) Intellectual Property Law :

The candidates will be tested on their knowledge on the principles of Intellectual Property Law as provided in the Intellectual Property Act No. 36 of 2003. This 3 hour paper will contain 12 questions and the candidates are required to answer 8 questions. One answer will carry a maximum of 12.5 marks and total marks will be 100. Pass marks will be 45.

(ii) Administration of Intellectual Property and International Conventions.

This paper will consist of two parts - (a) and (b)

(a) Administration of Intellectual Property :

The candidates will be tested on their knowledge on the regulations made under the Intellectual Property Law, the preparations and prosecution of applications relating to trademarks, patents, industrial designs, integrated circuits etc., functions, duties and responsibilities of Agents and work practices in the Intellectual Property Office.

(b) International Conventions :

The candidates will be tested on their knowledge on international conventions on intellectual property administered by the WIPO and the UPOV Convention and the TRIPS Agreement and their application to Sri Lanka.

This three hour paper will contain 12 questions and the candidates are required to answer 8 questions. It is necessary to choose minimum of 2 questions from each part. One answer will carry a maximum of 12.5 marks and total marks will be 100. Pass mark shall be 45.

- (5) The candidate shall pay the examination fee as decided by the Examination Authorities referred to above.
- (6) Those who have passed the examination shall be interviewed by the Director General. At the interview the Director General shall examine the required qualifications of the candidate for the examination. The Director General shall also examine whether the candidate is fit and proper person to function as a registered Agent. The Director General shall satisfy himself about the good character and behaviour of the candidate, his leadership qualities and communication skills.
- (7) No person shall be entitled to be registered as an Agent if such person–
- (a) has been judged by a competent Court to be of unsound mind ; or
 - (b) having been judged as an insolvent or bankrupt has not been granted by a competent Court a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from inevitable losses or misfortune ; or
 - (c) has been convicted of a crime, except minor traffic offences, by a competent Court whether in Sri Lanka or elsewhere and has not been granted a free pardon ; or
 - (d) cease to have qualifications specified in paragraph (1) of this regulation.
 - (e) has been removed from the Register by the Director General

- (8) (i) Those who possess the qualifications required under Section 175 of the Act and regulations made thereunder shall be entitled to be registered as Agents in the Register of Agents subject to the payment of the fee specified in the second schedule hereto. The application for the registration shall be substantially set out in the Form A 01 of the Schedule hereto.
- (ii) The Director General shall maintain a Register of Agents for the registration of those qualified to act as Agents under Section 175 of the Act or these regulations.
- (iii) The full name and address of the Agent shall be placed in the Register together with the particulars of the registration as an Agent.
- (iv) Any Attorney-at-Law qualified to be registered under Section 175 of the Act may make an application for the registration of his name as an Agent to the Director General substantially set out in the Form A 01 of the first schedule hereto with the fee specified in the second schedule hereto. He shall forward the Attorney-at-Law Certificate to the Director General for examination and return together with a copy of the same.
- (v) Any corporate body or firm qualified to be registered under Section 175 of the Act may make an application for the registration of its name as an Agent to the Director General substantially set out in the Form A 01 of the first schedule hereto with the fee specified in the second schedule hereto. Such body or firm shall forward to the Director General necessary evidence to establish its qualifications to act as an Agent.
- (9) The Director General shall issue, upon the registration of the Agent in the Register of Agents certificate of registration to the Agent certifying the fact that his name is registered as an Agent and he is entitled to function as an Agent under the Intellectual Property Act.
- (10) (i) The Director General shall remove the name of any Agent from the Register if-
- (a) such Agent has made a written application for such removal ; or
- (b) such Agent is dead ; or
- (c) any Agent who has ceased to have the qualifications specified under Sections 175 of the Act or the regulations made thereunder.
- (d) the Director General considers that the name of such person should be removed from the Register for any act of negligence, dishonesty, misconduct or immoral act committed by such an Agent.
- (ii) An Agent who has not paid the renewal fee specified in the second schedule hereto within a period of two weeks from the expiry of his registration.
- (iii) Before making the decision under Regulations 10 (i) (d) the Director General shall call upon the person concerned to show cause why his registration should not be cancelled and shall make such inquiry as the Director General may consider necessary.
- (11) The Director General shall cause to be published a list of the registered Agents. He shall also cause to be published the removal of the Agents from the Register of Agent.
- (12) Any reference made to Agent in these regulations means the Agent duly registered under Section 175 of the Act.