

Guidelines for Applicants

Please refer to the guidelines for applicants before filling the application form P 01.

- All cages (whenever relevant) in the application form (P 01) must be filled.
- Applications must be prepared according to this format (P 01) only.
- Applications can be submitted under following three categories.

For Local Patent Applications:

Category	Fee Structure with Examination fee	With VAT 15%
Student	Rs 2000.00	Rs 2300.00
Individuals	Rs 3500.00	Rs 4025.00
Others	Rs 7000.00	Rs 8050.00

For PCT Applications:

Category	Fee Structure without Examination fee	With VAT 15%
Student	Rs 1000.00	Rs 1150.00
Individuals	Rs 2500.00	Rs 2875.00
Others	Rs 6000.00	Rs 6900.00

- Two copies of the complete application with all relevant attachments/ documents should be submitted to:

National Intellectual Property Office of Sri Lanka
3rd Floor, Samagam Medura, D.R. Wijewardena Mawatha
Colombo 10.

Guidelines for filling the Application form P 01

Page – 1

Cage I – Request for the grant of the patent.

Cage II - TITLE OF THE INVENTION

The title of the invention must be descriptive and specific and it should introduce the invention without any abbreviations and should indicate the category of the invention.

Eg. *A Process for folding wrapping paper for chocolates*
An apparatus for cooking
A method for making a warm beverage
A composition for treating malaria
A device for mounting a telephone

Cage III – APPLICANT

Applicant/s hold/s the right to the patent.

Applicant/s can be either an individual/s, a company/ies, an institute/s or University/ies.

Name :

The applicant/s name/s should be indicated by the full name with family name(s).

Eg : ***Herath Mudiyasnselage Ranjith Kumara Herath***

Address :

Address/es should be indicated in such a way as to satisfy the requirements for prompt postal delivery at the address indicated and must consist of all the relevant administrative units up to and including the house number if any. The address must also include the country.

Eg: ***No: 125, Jawatte Road, Colombo 05, Sri Lanka.***

(If there is more than one applicant, please provide details on a separate sheet.)

Postal Address for service if non-resident in Sri Lanka :

Applicants having neither their residence nor their principal place of business within the Sri Lanka ("non-resident applicants") must be represented by a professional representative and act through him in all proceedings established by NIPO. In such cases a professional representative must be appointed in due time and their address/es should be indicated to satisfy the requirements for prompt postal delivery.

Telephone Number/ Fax/ E-mail :

It is recommended that the telephone number, facsimile number and e-mail address of the applicant, named first in the request, be given, if no agent or common representative is indicated.

Cage IV – INVENTOR

Inventor is the person who contributes to the development of the invention. There may be a group of inventors.

Name/Address

The inventor/s name/s should be indicated by the full name with family name(s).

(If there is more than one inventor, please provide details on a separate sheet.)

Note: Provisions in the Establishment Code is applicable to government officials.

Page – 2

Cage V – AGENT (if any)

If any agent/representative is appointed by the applicant, this cage should be filled.

When the application is filed through an agent (please refer NIPO website for registered agents), name and address of the agent should be stated. Non-resident applicants are required to file their

applications through an agent and a power of attorney should be attached to the application.
(Resident/ local applicants can file applications without appointing an agent.)

Cage VI – BASIS OF APPLICANT’S RIGHT TO THE PATENT

Cross relevant check box where applicable.

(When the applicant/s is/are not the inventor/s, either a statement should be submitted justifying applicant’s right to the patent or Inventor’s consent letter/s should be submitted.)

Cage VII – Request to forgo inclusion of name in the registration

The inventor will be named as such in the patent, unless by a declaration in writing signed by him or on his behalf and submitted to the Director-General, indicating his willingness to forgo his name being included in the patent. This declaration should be furnished where applicable.

Cage VIII – DIVISIONAL APPLICATION

A divisional patent application (sometimes referred to as a divisional application or simply a divisional) is a type of patent application which contains matter from a previously filed application (the so-called **parent application**). Whilst a divisional application is filed later than the parent application, it may retain its parent’s filing date, and will generally claim the same priority.

Divisional applications are generally used in cases where the parent application may lack unity of invention; that is, the parent application describes more than one invention and the applicant is required to split the parent application into one or more divisional applications each claiming only a single invention.

If the application is a Divisional application, cross the relevant check box. State the Initial application no. and the date of filing of Initial application. This cage is only applicable when there are multiple inventions, which cannot be incorporated in to a single inventive concept.

Page – 3

Cage IX – DISCLOSURE TO BE DISREGARDED FOR PRIOR ART PURPOSES

If there is any disclosure of the invention before the filing of the patent application (within 1 year), the date of disclosure should be stated. A statement specifying the disclosure in detail should be furnished with the application.

Note: Applicants are instructed to avoid disclosing the details of the invention to a third party without a non-disclosure agreement signed between the two parties.

Cage X – PRIORITY CLAIM (*only if applicable*)

When filing an application, the date of filing of the first application can be claimed for the same invention, if the application is filed under Patent Cooperation Treaty (PCT) or Paris Convention (Direct filing).

- PCT national phase entry applications should be filed within 30 months from the date of filing of initial application.
- When the application is filed through the Paris Convention (Direct route) priority date can be claimed by filing an application within 12 months from the initial filing date.

If priority of an earlier application is claimed, following details should be given;

Country : US
Filing Date : (i) 29/07/2010 (ii) 20/07/2011
Application Number : (i) 12/846, 402 (ii) PCT/US2011/044668
If regional or international application indicate the national office or inter : USPTO
– Governmental organization with which it was filed
IPC : A61B 5/00

A certified priority document should be attached. State the Issuing Authority.

Cage XI - SEARCH REPORT (cross the appropriate box)

A - If an International type Search Report has been issued by an International Searching Authority please enclose two copies of the Search report and cross the check box “A” and mention the name of the Searching Authority in the space given.

B - If an International type Search Report has been requested and will be filed within 3 months from the date of its issue, cross the check box “B” and state the Searching Authority

C - If International type Search Report is not available and wish to refer to a local examiner for a prior art search, cross the check box “C”. The local examination fee will be charged.

Page - 4

Cage XII

Applicant should state the Date and Reference No. of any application for a patent filed by the applicant abroad, if any, which relates to the same invention and the country/ countries where the application has been made.

eg. 30/10/1995 95202935.3 European Patent Office

Cage XIII

Declaration

(The applicant declares that he or his predecessor in title has not obtained a patent abroad before this application was filed relevant to the same or essentially the same invention as that claimed in this application.)

Cage XIV – SIGNATURE OF APPLICANT AND DATE

Applicant's signature and date should be placed. When the applicant is a company/institution/ university, signature of the CEO of company/ Head of Institution/ Vice Chancellor of University

should be placed with the stamp. When more than one applicant is involved, all applicants should place their signatures clearly.

Cage XV – CHECK LIST

*(A) Patent specification prepared according to the below format should be submitted with the completed application form in **duplicate**. Patent specification should comprise **separate sections** of Description, Claims, Abstract and Drawings (if any). All pages of the patent specification should be numbered. Use only **plain, white, A4 size** papers and type set documents are preferable. All text should be in one column.*

Description

Title of the invention

This should be appeared as in the request (Form P01).

Technical Field

Specify the technical field to which the invention relates. Field of the invention should describe the scope of the invention and subject matter of the invention on which it relates.

Background art

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. Applicant/s can preferably cite the documents reflecting such art. This section should describe what others have done in the field, and what problems have not been solved by prior work. Prior art details obtained from patent databases such as granted patents and patent applications which have been filed all over the world as well as research publications could be referred to complete the background details.(Prior art means everything disclosed to the public, anywhere in the world, by written publication, oral disclosure, use or in any other way, prior to the filing of the present patent application).

Technical problem

Specific technical problem/s address/es by the invention should be described allowing clear understanding of the technical problem/s.

Technical Solution

The solution/s provided through the invention should be described.

Brief description of drawings

Briefly describe the figures in drawings if any.

Eg. Fig. 1 shows a perspective view of an embodiment

Fig.2 shows a detailed view of an embodiment

Advantageous effects

State the advantageous effects of the invention when compared to the existing solutions/inventions.

Mode for invention

Disclose the invention in such terms that it can be understood and in manner sufficiently clear and complete for the invention to be evaluated as to its novelty, inventive step and industrial application and to be carried out by a person having ordinary skill in the art. The best mode for carrying out the invention in terms of examples, where appropriate, and with reference to the drawings should be described.

Industrial Applicability

State the industrial applications of invention.

Claims

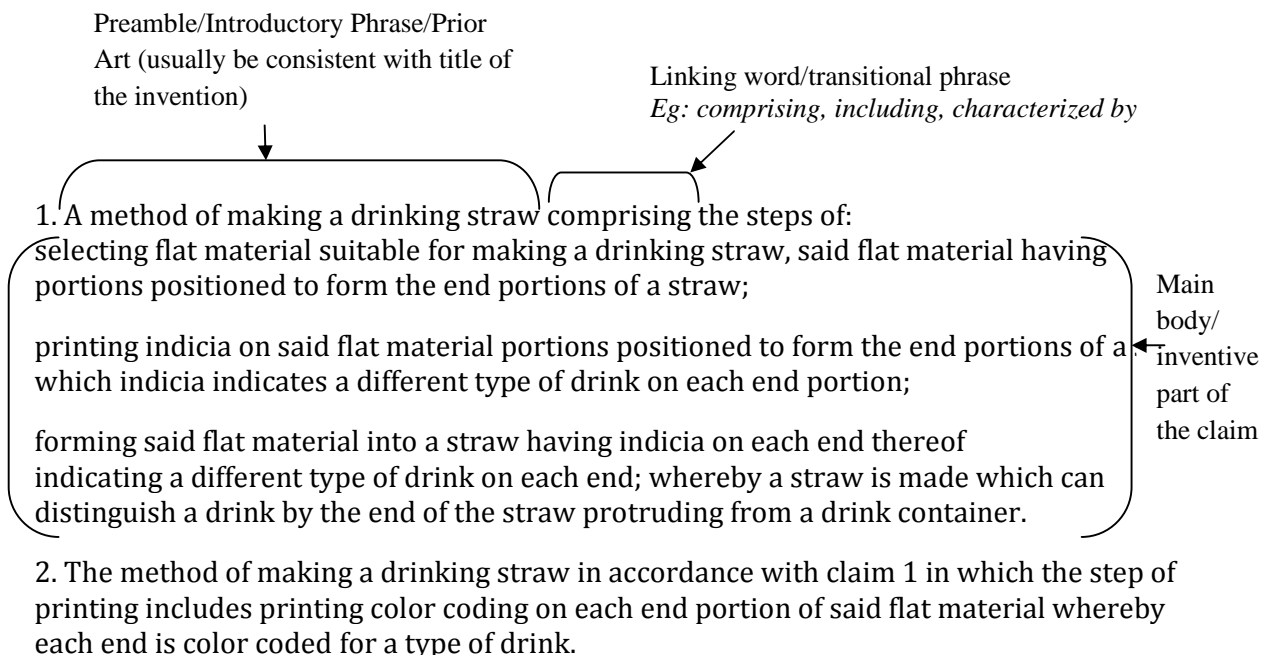
The purpose of the claims is that they define the invention that believed to be new and an inventive (advance) over the prior art and hence claims define the monopoly that applicant will acquire as the holder of the patent. Each claim is usually drafted as a single sentence and must include all the essential constructional features that considered to be inter-related to result the invention. It means that there must be at least one main claim which gives all the essential features and their inter relation. Other claims may introduce additional features of the invention if desired.

Important: Claims can be drafted only for technical features of the invention and commercial advantages or other non-technical matters cannot be stated. Claims must be clear and concise and be supported by the description and should be based on the description. This means the claims must be fully explained in the description. If there are several claims, shall be numbered consecutively in Arabic numerals. Claims should be drafted in correct format.

- Each claim should consist of an introduction, linking word and body.

Examples of claims:

First two claims of Patent No. US57222219 entitled “Method of making a drinking straw”



- Generally, the first claim is called “Independent Claim” which reflects the whole picture of the invention.
- The claim which depends on a claim or several claims is called dependent claim. Generally, the subsequent claims of an independent claim are Dependent Claims.

Abstract

The abstract is a brief summary of the invention. It should be a summary of the disclosure as contained in the description, the claims and any drawings. The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words).

Drawings

The drawings show the technical details of the invention in an abstract and visual way. Drawings are not always a necessary part of the application. If the invention is for a process or a method of doing something, drawings usually are not required.

- *The drawings shall not contain text matter except to the extent required for the understanding of the drawings.*
- *Drawings shall be executed in well-defined, lines and strokes.*
- *All numbers and reference lines should be appeared clear.*
- *The same sheet of drawings may contain several figures.*
- *The different figures shall be numbered consecutively and independently of the numbering of the sheets.*
- *Reference signs not mentioned in the description shall not appear in the drawings, and vice versa.*
- *If the drawings contain a large number of reference signs, it is strongly recommended to attach a separate sheet listing all reference signs and the features denoted by them.*
- *Flow charts may be used, specially for process patents.*

(B) Following documents should be attached whenever relevant.

- A power of attorney (refer Cage V)
- A declaration not to name the inventor in the patent (refer Cage VII)
- A statement justifying applicant’s right to the patent (refer Cage VI)
- A statement that certain disclosures be disregarded (refer Cage IX)
- An International type- Search report (refer Cage XI)
- Priority documents (refer Cage X)
- Cash, cheque, money order, bankers drafts or postal order for the payment of application fee
- Examination fee (refer Fee structure)
- Other documents (specify)