

Examination in the PCT National Phase Participants from Sri Lanka

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National Intellectual Property Office in Sri Lanka (NIPO)

Outline

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Country Profile

Sri Lanka (formerly Ceylon) is an island nation south of India in the Indian Ocean.

Capitals: Colombo , Sri Jayewardenepura

Population: 20.97 million (2015) World Bank



Overview of IP Office

- The National Intellectual Property Office of Sri Lanka established under the Intellectual Property Act No 36 of 2003 is mandated with the administration of the intellectual Property System in Sri Lanka.
- It was first established on January 1, 1982 with the same mandate under the provisions of Code of intellectual property Act no 52 of 1979.

Vision

To become a leading development oriented government agency offering quality based services with enhanced productivity.

Mission

To actively contribute to the development of the country by ensuring that the Intellectual Property System fosters an environment conducive to innovative and creative activity, investment and entrepreneurship.

Organization Chart

Director General

Additional Director General
(Vacant)

Director (Legal) (Vacant)

Director
(Information and Examination) (Vacant)

Deputy Director (Legal)
(Vacant)

Deputy Director
(Information and Examination)
(Vacant)

Assistant
Director (Legal)

Assistant
Director
(Information
and Examination)

Accountant

Assistant Director
(Administrative) (Vacant)

Trade Mark
Division

Patent Division

Industrial Design
Division

Accounts
Division

Administrative
officer

Administration
Division

Functions

- (i) Administration of intellectual property including the activities relating to registration and post registration of marks, patents, industrial designs, layout designs of integrated circuits and collective societies

- (ii) Collection and dissemination of Intellectual property information.

- (iii) Promotion of awareness in the subject of intellectual property.

(iv) Promotion of the use of intellectual property system in the development pr

(v) Fulfillment of international obligations of Sri Lanka relating to intellectual

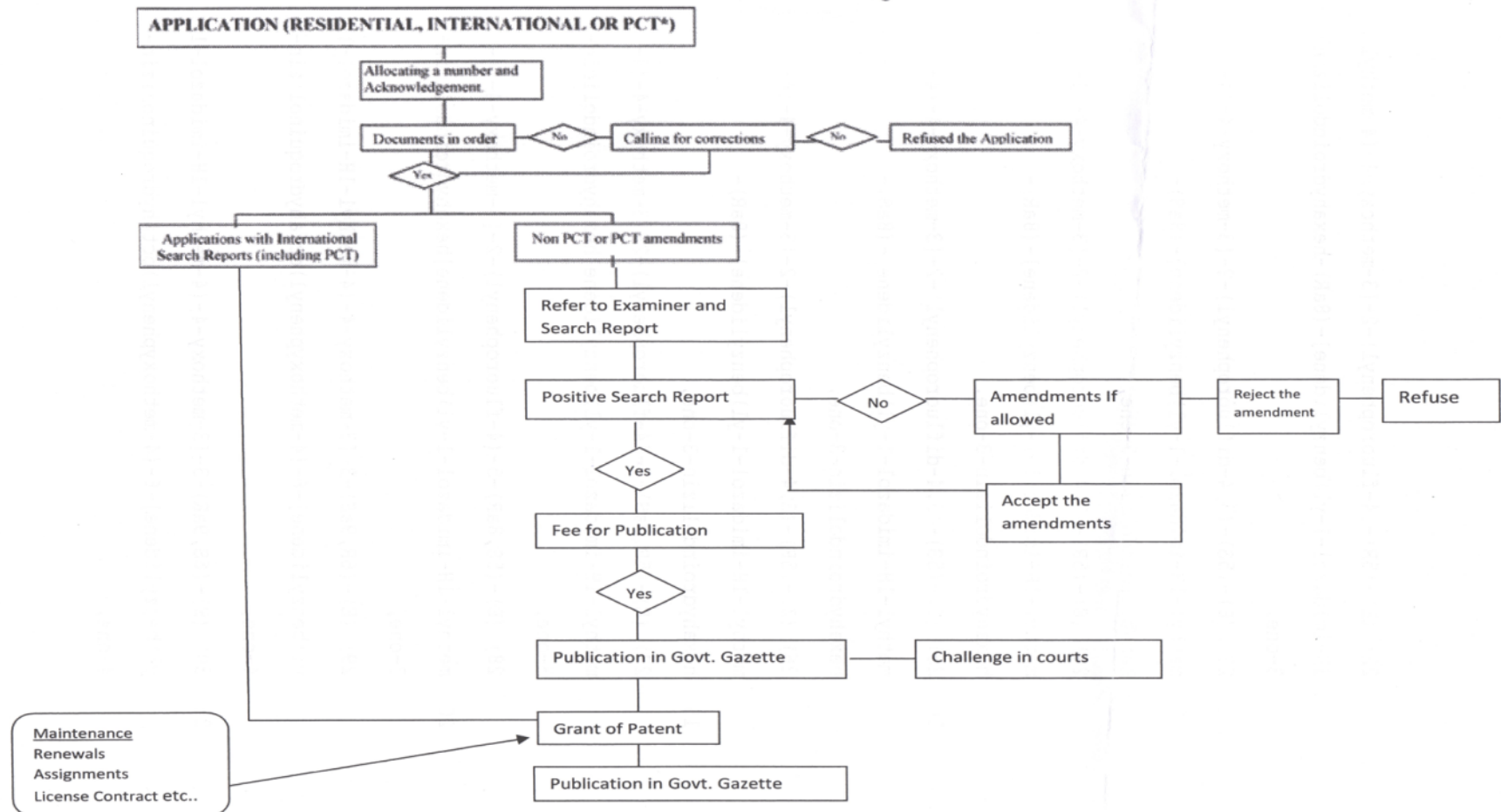
(vi) Proposing policies on Intellectual Property.

(vii) Facilitation of enforcement of IP rights including dispute resolution in the

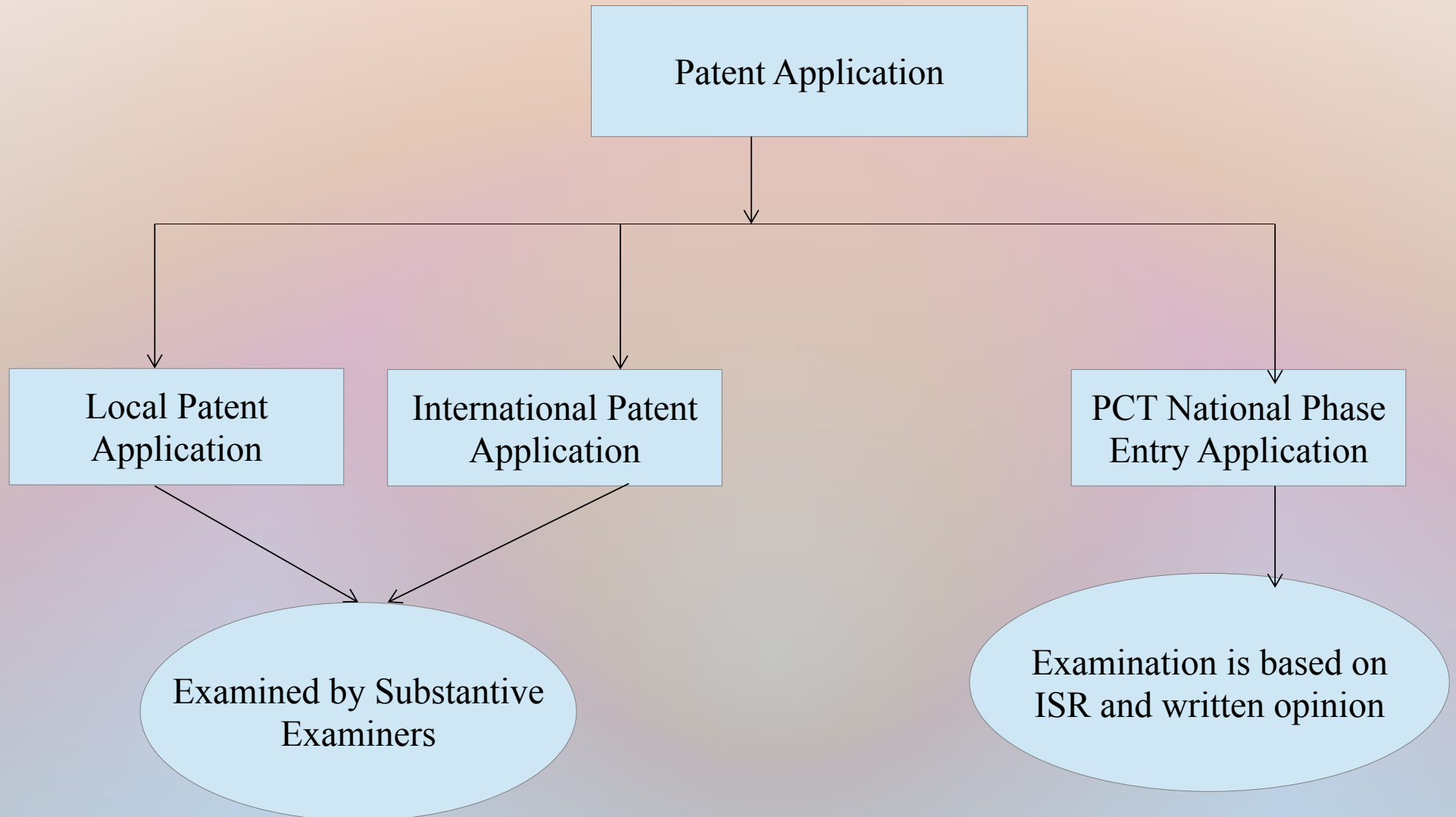
(viii) Registration and administration of Intellectual Property Agents.

Patent Registration Procedure (Residential, International, PCT)

Flowchart of the Registration Procedure



Patent Application Examination Procedure (Residential, International, PCT)



• **First Patent Application**

PCT

(1) Filing of a local patent application (in the majority of cases)

• **International Phase**

(2) Filing of a PCT application

(3) International search report (ISR) and written opinion

(4) International publication

(5) Optional supplementary international search

(6) Optional international preliminary examination

• **National Phase**

(7) Processing of the PCT application (2) before national and / or regional patent offices.

PCT Examination Procedure

Formality Examination National Phase

- Application Fee
- Title of the Invention
- Applicant name and Address
- Inventor name and Address
- English Translation of the PCT publication and ISR
- Power of Attorney
- International filling date
- Intentional application number
- Priority date (PCT Application should be filed within 30 months from the Priority date)

ISR (International Search Report)

Check the search results of the ISR and check the Novelty, Inventive step and Industrially applicability of claims

- **Written Opinion**

- Check the unity of invention and whether subject matter is non patentable

- **International Preliminary Report on Patentability** for amended claims

- **Patent Family data**

Compare the claims with claims of granted patents

We accept applications with,

- Positive search result indicated in ISR(All claims are “A”)
- Claims which are similar to the claims of granted patents.
- All claims are novel ,inventive and industrially applicable according to the Written opinion and ISR



Action

Granting Patent

We reject/ inform defects applications with,

- Negative search result indicated in ISR(claims are “X” and “Y”)
- Claims which are different to the claims of granted patents.
- Claims are not novel ,inventive and industrially applicable according to the Written opinion and ISR
- The invention lacks unity
- Subject matter relates to methods of treating human / animal body



Action

Inform defects / refusal / to submit amendments

Non Patentable Subject Matters

1. Discoveries, scientific theories and mathematical methods.
2. Plants, animals and other micro organism other than transgenic micro organism and an essentially biological process for
3. Schemes, rules, or methods for doing business, performing purely mental acts or playing games.
4. Methods for the treatment of the human or animal body by surgery or therapy, and diagnostic methods practiced on the
5. An invention which is useful in the utilization of special nuclear material or atomic energy in an atomic weapon
6. Any invention, the prevention within Sri Lanka of the commercial exploitation of which is necessary to protect the public

Year	Number of PCT applications filed	Number of granted PCT applications
2012	191	29
2013	202	166
2014	235	207
2015	264	219
2016	288	82
2017 (Jan - May)	82	30

Thank You