

REPUBLIC
OF
SOUTH AFRICA



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SUID-AFRIKA

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JULIE 1997

No. 18143

PROCLAMATION by the President of the Republic of South Africa

No. R. 42, 1997

PATENTS AMENDMENT ACT, 1986 (ACT NO. 44 OF 1986)

In terms of Section 2(2) of the Patents Amendment Act, 1986 (Act no. 44 of 1986), I hereby, by means of the accompanying proclamation in English determine **14 July 1997** as the date on which section 2 of the Patents Amendment Act, 1986 shall come into operation and in terms of section 96 of the Patents Act, 1978 (Act No. 57 of 1978), I hereby determine 14 July 1997 as the date on which section 32(6) of the Patents Act, 1978 shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Tenth day of July, One thousand Nine hundred and Ninety-seven.

T. MBEKI
Acting President

By Order of the President-in-Cabinet:

A. ERWIN
Minister of the Cabinet

GOVERNMENT NOTICE

DEPARTEMENT OF TRADE AND INDUSTRY

No. R. 963

11 July 1997

PATENTS ACT, 1978**AMENDMENT OF PATENT REGULATIONS, 1978**

The Minister of Trade and Industry has, with the concurrence with the Minister of Finance in respect of matters prescribing the payment of fees and the tariff of such fees, under section 91 of the Patents Act, 1978 (Act No. 57 of 1978), further amended the Patent Regulations, 1978, published under Government Notice No. R.2470 of 15 December 1978, as set out in the Schedule.

SCHEDULE

1. The following regulation is hereby inserted after regulation 28:

"Microbiological processes and products"

28A (1) If the complete specification accompanying an application claims as an invention a microbiological process or a product thereof and requires for the performance of the invention the use of a micro-organism which is not available to the public on the date of lodging the application and which cannot be made or obtained on the basis of the description in the specification, the following provisions shall apply:

- (a) Not later than the date of lodging the application, a culture of the micro-organism shall be deposited with a depositary institution which has acquired the status of international depositary authority as provided for in the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure;
- (b) Subject to subregulation (2), the complete specification shall state the name, or a recognised abbreviation, of the international depositary

authority with which the culture was deposited and the accession number given to the deposit by the international depositary authority; and

- (c) The complete specification, as lodged, shall give such relevant information as is available to the applicant on the characteristics of the micro-organism.

(2) Where the information specified in subregulation (1)(b) is not contained in the complete specification as lodged, it may be added to the complete specification in accordance with section 50(1)(b) of the Act at any time before the date of publication in terms of section 42 of the Act or before coming open to public inspection in terms of section 43(3) of the Act, whichever is the earlier.

(3) The communication of the information provided for in subregulation (1) shall be considered as constituting the unreserved and irrevocable consent of the applicant to make the deposited culture available to the public in accordance with this regulation from the date contemplated in subregulation (2).

(4) A sample of the deposited culture shall be furnished to any person (hereinafter referred to as the "requesting party") from the date contemplated in subregulation (2) provided that the requesting party makes a valid request therefor to the international depositary authority with which the culture is deposited.

(5) A request for the furnishing of a sample of the deposited culture shall be valid if it is lodged on Form P23 as set out in Schedule 2 and the Registrar has certified on that form that a patent or patent application referring to the deposit of the culture has been published in terms of section 42 of the Act or has come open to public inspection in terms of section 43(3) of the Act, as the case may be, and that the requesting party is entitled to the furnishing of a sample of the deposited culture.

- (6) (a) The Registrar shall not make the certification referred to in subregulation (5) unless the Registrar has received a request on Form P24 as set out in Schedule 2.
- (b) The request shall contain an undertaking from the requesting party vis-à-vis the patentee that the requesting party shall not make the deposited culture, or any culture derived therefrom, available to any third party until the patent application has been abandoned or has lapsed, or until the patent ceases to have effect by way of expiration, revocation, voluntary surrender, or lapsing without the possibility of renewal in accordance with section 46 of the Act, as the case may be.
- (7) An undertaking given on Form P24 as set out in Schedule 2 in accordance with subregulation (6) shall not prevent the requesting party concerned from depositing with an international depository authority a derived culture or the culture itself necessary for the purpose of complying with section 32(6) of the Act.
- (8) For the purpose of subregulation (6) or (7), a derived culture shall be deemed to be any culture of the micro-organism which exhibits those characteristics of the deposited culture which are essential to the carrying out of the invention described in the complete specification in which reference is made to the deposited culture.
- (9) Where the patentee is notified-
- (a) by the international depository authority with which the culture of the micro-organism has been deposited that the depository institution is unable, for any reason, to furnish samples of the culture; or
- (b) in writing by a requesting party that the depository institution with which the culture of the micro-organism has been deposited is unable, for any reason, to satisfy a valid request

by the requesting party for the furnishing of a sample of the culture,

and, if a culture of the micro-organism has not been transferred to or deposited with another international depositary authority from which samples of the culture can be furnished, the patentee shall, within a period of six months from the date on which he was so notified-

(i) make a new deposit of a culture of the micro-organism with the international depositary authority with which the original deposit was made;

(ii) furnish to the international depositary authority with which the new deposit is made a statement alleging that the newly deposited culture is the same as that originally deposited; and

(iii) apply to substitute, in the complete specification of the patent, in accordance with section 50(1)(b) of the Act, the accession number given to the new deposit and, where applicable, the name of the international depositary authority with which the new deposit has been made.

(10) Where the patentee has been notified in terms of subregulation (9) by a requesting party, the patentee shall, within two months of complying with subregulation (9)(i) to (iii), inform the requesting party of the accession number of the new deposit and, where applicable, the name of the international depositary authority with which the new deposit has been made.

(11) On compliance with the provisions of subregulation (1) and (2) and, where applicable, subregulation (9), the complete specification shall be deemed fully to describe and ascertain the invention and the manner in which it is to be performed in so far as the relevant micro-organism is concerned."

2. Schedule 1 is hereby amended by the addition of the following item:

"23 Request for a certificate from the registrar authorising the release of a sample from a depositary institution in terms of section 32(6) (reg. 28A(6)) 24 100,00."

3. Schedule 2 is hereby amended by the addition of the forms set out in the Annexure.

4. These Regulations shall come into operation on 14 July 1997.

ANNEXURE

Form P23

To be completed in
duplicate**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION
OF THE DEPOSIT OF MICROORGANISMS FOR THE
PURPOSES OF PATENT PROCEDURE****REQUEST¹
FOR THE FURNISHING OF SAMPLES
OF DEPOSITED MICROORGANISMS
[pursuant to Rule 11.3(a)]**

To :

**NAME AND ADDRESS OF
INTERNATIONAL DEPOSITARY AUTHORITY****THE UNDERSIGNED HEREBY REQUESTS THE FURNISHING OF A SAMPLE OF THE MICROORGANISM IDENTIFIED
HEREUNDER, IN ACCORDANCE WITH THE RULE 11.3(a) OF THE REGULATIONS UNDER THE BUDAPEST TREATY**

I. IDENTIFICATION OF THE MICROORGANISM		
Accession number of the deposit:		
II. PATENT APPLICATION OR PATENT REFERRING TO THE MICROORGANISM		
<input type="checkbox"/> ²	Patent application No. Filed by (name, address):	filed on
<input type="checkbox"/> ²	International Application (PCT) No. Filed by (name, address):	filed on
<input type="checkbox"/> ²	Patent ³ No. Granted to (name, address):	granted on

¹ The request must be sent to the competent industrial property office which, in conformity with its own applicable procedure, will either transmit it directly to the international depository authority or send it back to the certified party for transmission to the international depository authority.

² Mark with a cross the applicable box.

³ Reference to a "patent" shall be construed as reference to patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition.

III. REQUEST FOR INFORMATION	
The undersigned:	
<input type="checkbox"/> ² requests	
<input type="checkbox"/> ² does not request	
an indication of the conditions which the international depository authority employs for the cultivation and storage of the microorganism.	
IV. CERTIFIED PARTY	
Name:	Signature ⁴ :
Address:	Date:

² Mark with a cross the applicable box.

⁴ Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural person(s) signing on behalf of the legal entity should accompany the signature(s).

Form P23 (second page)

CERTIFICATION

It is hereby certified that:

- (1) ² the patent application specified under II above, referring to the deposit of the microorganism identified under I above, has been filed with this Office for the grant of a patent and its subject matter involves the said microorganism or the use thereof
- ² the international application specified under II above, referring to the deposit of the microorganism identified under I above, designates for the grant of a patent the State party to the Patent Cooperation Treaty (PCT) for which this office is the "designated Office" within the meaning of the said Treaty, and the subject of that international application involves the said microorganism or the use thereof
- ² the patent specified under II above, referring to the deposit of the microorganism identified under I above, has been granted by this Office and its subject matter involves the said microorganism or its use thereof
- (2) ² publication for the purpose of patent procedure has been effected
- ⁵ by this office
- ⁵ by the International Bureau of the World Intellectual Property Organization as an international publication under the Patent Cooperation Treaty (PCT)
- or
- ² the certified party has a right to a sample before publication in accordance with⁶:
- (3) ² the certified party has a right to a sample of the microorganism identified under I above under the law governing patent procedure before this Office and this Office is satisfied that the conditions, if any, prescribed by the said law have actually been fulfilled
- or
- ² the certified party has affixed his signature on a form before this Office and, as a consequence of the signature of the said form, the conditions for furnishing a sample of the microorganism identified under I above to the certified party are deemed to be fulfilled in accordance with the law governing patent procedure before this Office

The Registrar of Patents
South African Patent Office
Zanza Building
116 Proes Street
Pretoria
South Africa

Signature:

Date:

² Mark with a cross the applicable box.

⁵ If only one box applies, mark with a cross that box; if both boxes apply, mark with a cross one of the two boxes (choose one).

⁶ Cite the applicable provision of the law, including any court decision.

REPUBLIC OF SOUTH AFRICA
PATENTS ACT, 1978
REQUEST FOR A CERTIFICATE FROM THE REGISTRAR AUTHORIZING
THE RELEASE OF A SAMPLE FROM A DEPOSITARY INSTITUTION
[Section 32(6) - Regulation 28A]

Official Patent/Application No.	Lodging Date	Reference

Full name(s) of patentee(s)/applicant(s)

Full name of requesting party(ies)

Address for service of requesting party(ies)

Title of invention

I/We,

(a) hereby declare that-

1. I/We am/are the requesting party(ies) mentioned above or

I/We have been authorised by the requesting party(ies) to make this declaration in the capacity of of the requesting party(ies);

2. The micro-organism deposited at under Accession No. is referred to on page of the complete specification of Patent/Application No.; and

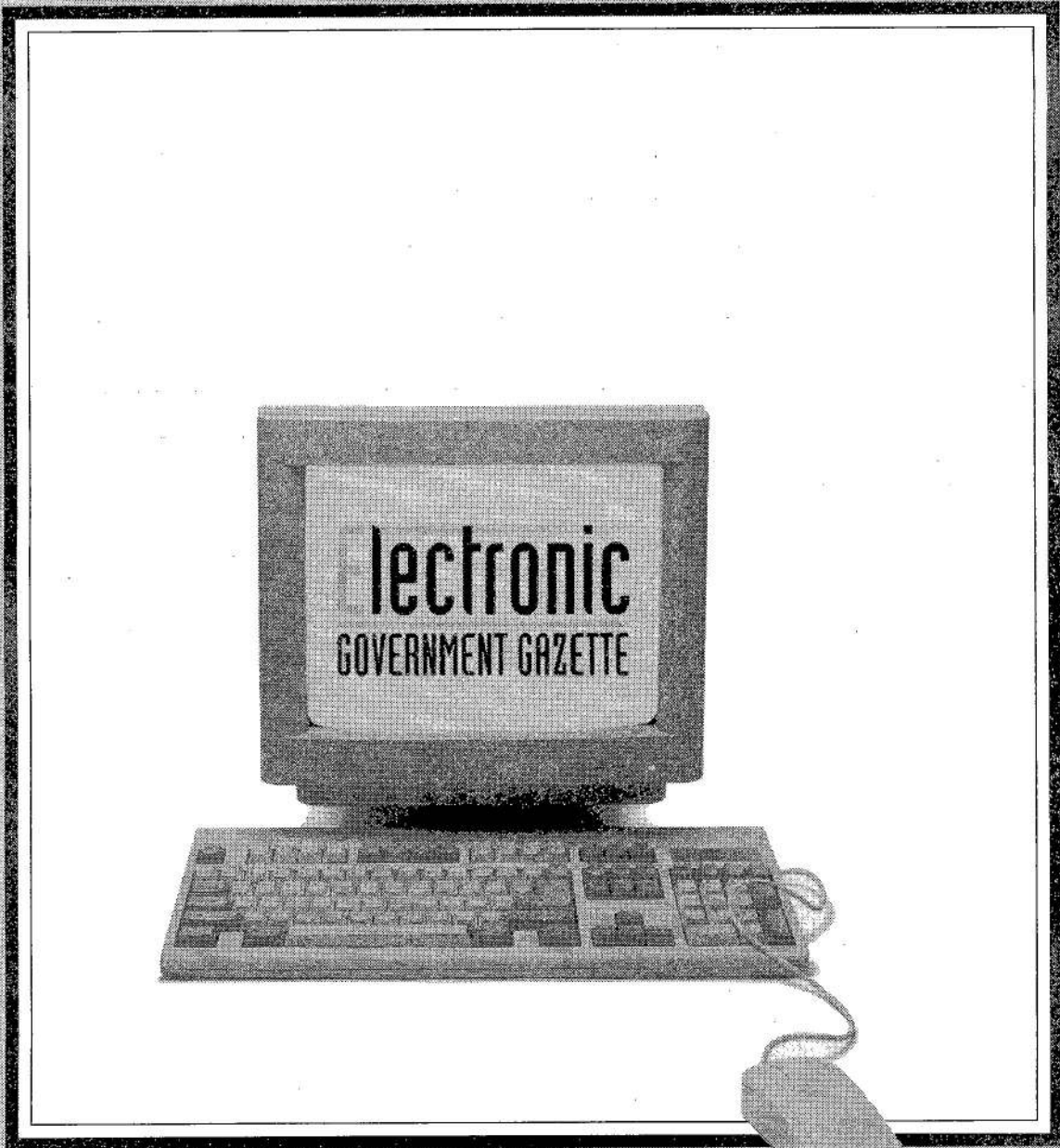
(b) hereby undertake vis-a-vis the patentee(s)/applicant(s), that if a sample of the said micro-organism is furnished to me/us, not to make the deposited culture or any culture derived therefrom available to any third party until the patent application has been abandoned or has lapsed or until the patent ceases to have effect by way of expiration, revocation, voluntary surrender, or lapsing without the possibility of renewal in accordance with Section 46 of the Act; provided that this undertaking shall not prevent me/us from depositing with an international depositary authority a derived culture or the culture itself necessary for the purpose of complying with Section 32(6) of the Act; and

(c) accordingly request that the attached Form P23 be certified by the Registrar and forwarded to me/us.

Signed at, this day of 19.....

Received
Official date stamp
Registrar of Patents

.....
Signature of requesting party(ies)



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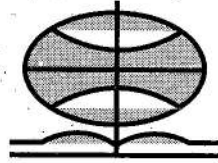
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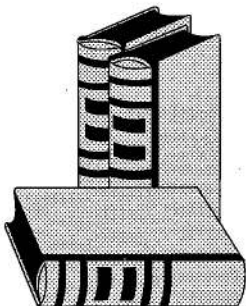
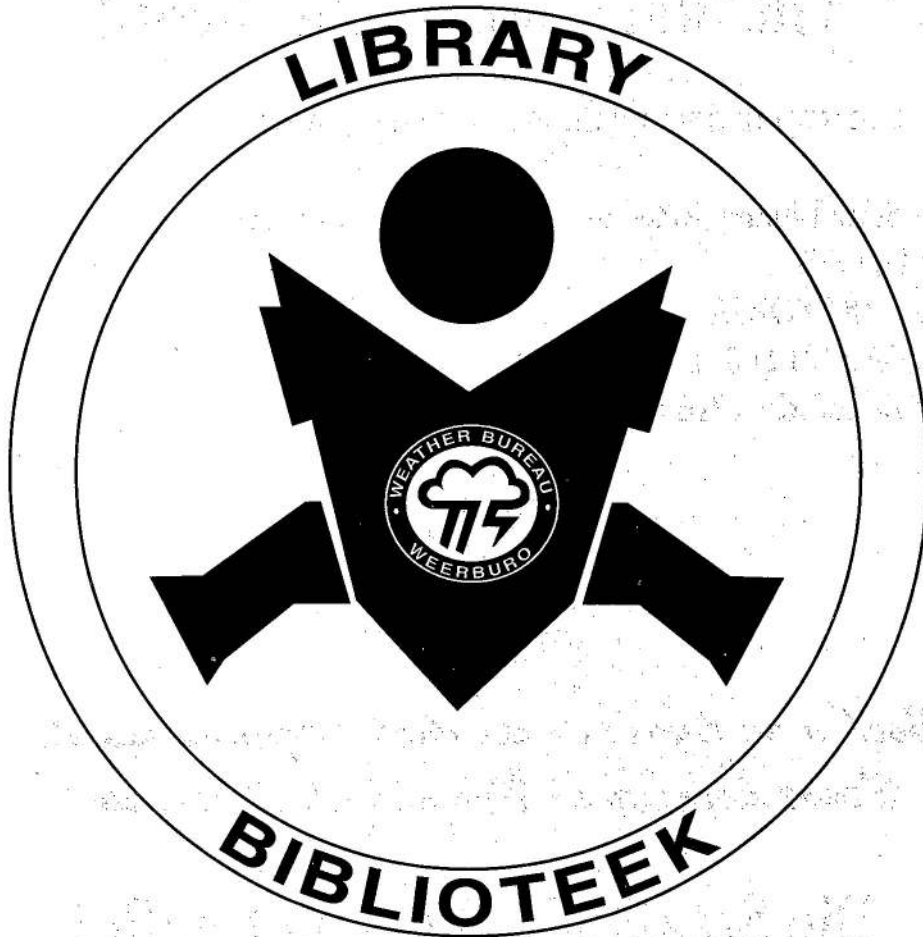
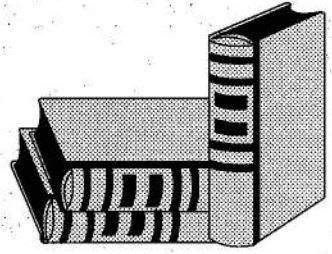
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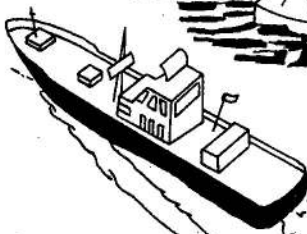
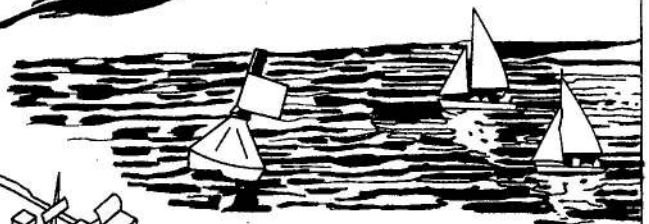
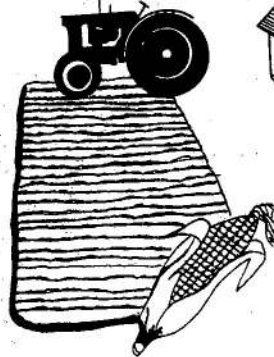
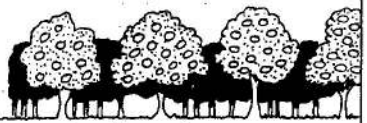
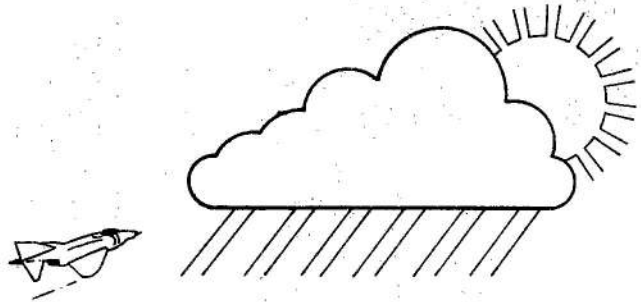
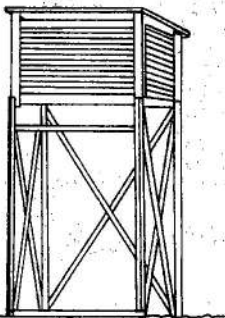
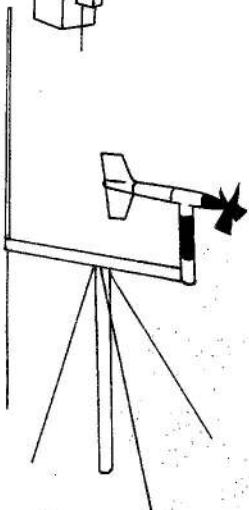


Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

SA WEATHER BUREAU SA WEERBURO

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THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM
DIE WEERBURU: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

CONTENTS

No.	Page No.	Gazette No.
PROCLAMATION		
R. 42 Patents Act (57/1978): Commencement of section 32 (6).....	1	18143
GOVERNMENT NOTICE		
Trade and Industry, Department of Government Notice		
R. 963 Patents Act (57/1978): Amendment of Patent Regulations, 1978.....	2	18143
