



INTELLECTUAL PROPERTY OFFICE OF PAPUA NEW GUINEA

THE PATENT APPLICATION PROCESS IN PAPUA NEW GUINEA

1. A Patent application must be filed with the IPOPNG using Form No.1 (application form) with a cover letter. The Description of the invention; Claims of new or improved features of the invention, Drawings (if any) and Abstract (brief description) must be filed together with the application form (Form No.1) plus the application fee of PGK1000.00.

For PCT applications that intend to enter national phase in PNG, the applicant is required to provide the PCT Request with the cover letter to inform the office. Also enclose the International Bureau's Publication Sheet, the full description, Claims, figures (if any), Abstract with the lodgement fee of PGK1000.00.

The office also accepts direct deposits into the official bank account here in Port Moresby, PNG.

2. The IPOPNG will accord the patent application a Filing Date and an official reference number. If the fee is not paid when lodging the application, the IPO will not consider the application as filed, until the fee is paid. A filing Date given to the application is very important because if two or more people have made the same invention separately and apply for a patent separately to the IPO, the person whose application has the earliest filing date, shall have the right to the patent.
3. The IPOPNG will then check that all documents required by the patent law to complete the application are submitted. If you (applicant) have applied for a patent for the same invention in an overseas country or regional patent office, before applying for a patent for the same invention with IPOPNG, you must state this in the appropriate section of the application form. When you state this earlier 'foreign application' in the application form, it is called a "priority declaration" if you want to claim priority which is optional.
4. The IPOPNG will check the application against the Patents and Industrial Designs Act 2000 and then write to the applicant requesting (in the case of a priority declaration being made), documents such as a certified copy of the earlier 'foreign application', translation of the application if the earlier application was in a language other than English; copies of search and examination results from the earlier application; copy of the patent, if it has been granted from the overseas application; and copy of a decision to grant or invalidate the invention.

5. [OPTIONAL] The office also accepts classifications for conventional applications that are disclosed upon lodgement of the application by the owner. This is not applicable for PCT entries.
6. If the applicant is not the inventor; then a Statement Justifying the Right of the applicant must be submitted to IPOPNG (the Statement Justifying the Applicant's Right can be obtained from the IPOPNG). If you are using an agent/law firm to lodge your application you must also submit a Power of Attorney appointing the agent/law firm to act on your behalf. All correspondence from the IPOPNG will then be directed to you through your agent.
7. When all documentation and information is complete (this may take up to 18 months); then the IPOPNG will send an examination request to the applicant giving him/her the option to proceed to examination. The official examination request will outline 4 options of examination in which the applicant may wish to pursue with the office.
8. By selecting one option, the applicant is not restricted to that option but has the freedom to alternate between two options if he/she sees that the option chosen initially is time consuming. This is normally allowed for applicant's who decide for their application to proceed to substantive examination at IP Australia.
9. Once an applicant has lodged an application for a patent, he/she must pay an annual fee to maintain the application or patent. The date on which the annual fee is due is the anniversary of the Filing Date. The fee can be paid in advance of the due date. The annual fee can be paid up to six months after the due date, provided that the late surcharge fee (K200) is included in the payment.

WHAT IS PATENTABLE?

For an invention to be patentable, it must fulfill the following requirements:

- It must be new – it must not have been disclosed to the public anywhere in the world in any form.
- It must involve an inventive step – it must not be obvious to a person skilled in that field.
- It must be industrially applicable – an invention can be something that can be made or used in any kind of industry such as agriculture, fishery, services or handicrafts.

A patentable invention is an invention that solves a particular technical problem in the field of technology.

This field of technology referred to can be:

1. Mining & Chemical Processing
2. Agriculture & Food Processing
3. Pharmaceutical/Medical
4. Engineering
5. Sustainable Power
6. Green Energy
7. Personal or Domestic Articles
8. Electrical/IT

It is essential to note that IPOPNG currently does not deal with applications relating to Utility Models and Inter-grated Circuits.

WHAT KIND OF INVENTION IS NOT PATENTABLE?

An invention, the commercial exploitation of which would –

- Be contrary to public order or morality; or
- Seriously prejudice the environment
- A discovery or scientific theory or mathematical method;
- Or scheme, rule or method for;
 1. doing business
 2. performing purely mental acts
 3. playing games
- Diagnostic, therapeutic and surgical methods except for products to be used for the mentioned methods on Humans or animals.

Consequently, IPOPNG does not allow Swiss Style claims, Method of Use Claims, Method of Treatment Claims or Therapeutic Claims for the purpose of allowing flexibilities with regard to unpatentable subject matters.