



Intellectual Property Office of Papua New Guinea

FORMALITY REQUIREMENTS FOR A NEW PATENT APPLICATION

In accordance with the Patent and Industrial Designs Regulation 2002 the following physical requirements are considered mandatory for all clients to comply with when filing new applications for registration.

FILING A REQUEST FOR REGISTRATION OF PATENT IN PAPUA NEW GUINEA

1. Request for grant of registration of patent in accordance with Section 9(1) – (5);

- (1) The request for the grant of a patent shall be made on Form No.1 and shall be signed by each applicant.
- (2) The request shall indicate each applicant's name, address, nationality and residence.
- (3) Where the applicant is the inventor, the request shall contain a statement to that effect, and, where he is not, it shall indicate each inventor's name and address and be accompanied by the statement justifying the applicant's right to the patent.
- (4) If the applicant is represented by an agent, the request shall indicate and state the agent's name and address.
- (5) The title of the invention shall be short preferably from two to seven words and precise.

2. The invention description as filed in accordance with Section 10 (1) and (2);

- (1) The description shall first state the title of the invention as appearing in the request and shall -
 - (a) specify the technical field to which the invention relates; and
 - (b) 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, and, preferably, cite the documents reflecting such art; and
 - (c) disclose the invention in such terms that it can be understood and state its advantageous effects, if any, with reference to the background art; and
- (d) briefly describe the figures in the drawings, if any; and
- (e) set forth at least one mode contemplated by the applicant for carrying out the invention and this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any; and
- (f) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or, if it can only be used, the way in which it can be used.

(2) The manner and order specified in paragraph (1) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more concise presentation.

3. The invention claims as filed in accordance with Section 11(1) to (7);

(1) The number of the claims shall be reasonable taking into account the nature of the invention and if there are several claims, they shall be numbered consecutively in Arabic numerals.

(2) The claims shall define the invention in terms of the technical features of the invention.

(3) Whenever appropriate, claims shall contain –

(a) a statement indicating those technical features of the invention which are necessary for the definition of the latter but which, in combination, are part of the prior art; and

(b) a characterizing portion –preceded by the words “characterized in that,” “characterized by,” “wherein the improvement comprises,” or any other words to the same effect-stating concisely the technical features which, in combination with the features stated under subsection (1), it is desired to protect.

(4) Claims shall not, except where absolutely necessary, rely in respect of the technical features of the invention on references to the description or drawings; in particular, they shall not rely on such references as “as described in part of the description,” or “as illustrated in figure ... of the drawings.”

(5) Where the application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features; when used, the reference signs shall preferably be placed between parentheses; if inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made.

(6) Any claim submitted after filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.

(7) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word “cancelled.”

4. The invention drawings as filed in accordance with Section 12 (1) to (4);

(1) Drawings forming part of an application for a patent shall be on sheets the usable surface area of which shall not exceed 26.2 cm by 17 cm.

(2) The sheets shall not contain frames round the usable or used surface and the minimum margins shall be as follows:-

| | |
|-------------|---------|
| top: | 2.5 cm; |
| left side: | 2.5 cm; |
| right side: | 1.5 cm; |
| bottom: | 1.0 cm; |

(3) Drawings shall be executed as follows:-

(a) without coloring in durable, black sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction; and

(b) cross-sections shall be indicated by hatching, which does not impede the clear reading of the reference signs and leading lines; and

- (c) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing it shall be represented graphically; and
- (d) all numbers, letters and reference signs appearing in the drawings shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters; and
- (e) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;
- (f) the height of the numbers and letters shall not be less than 0.32 cm and for the lettering of drawings, the Latin and, where customary, the Greek alphabet shall be used; and
- (g) the same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, clearly separated from one another. The different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets; and
- (h) reference signs not mentioned in the description or claims shall not appear in the drawings, and vice versa.
- (i) the drawings shall not contain textual matter,
- (j) the sheets of the drawings shall be numbered in accordance with Section 15(7) below.

(4) Flow sheets and diagrams are considered drawings.

5. The invention abstract as filed in accordance with Section 13 (1) to (6);

- (1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art.
- (2) The abstract shall consist of the following:-
 - (a) a summary of the disclosure as contained in the description, the claims, and any drawings, indicating the technical field to which the invention pertains and drafted in a way which allows the clear understanding of the technical problem the gist of the solution of that problem through the invention and the principal use or uses of the invention; and
 - (b) where applicable, the chemical formula which, among all the formulae contained in the application, best characterizes the invention.
- (3) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words).
- (4) The abstract shall not contain statements on the alleged merits or value of the invention or on its speculative application.
- (5) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign, placed between parentheses.
- (6) The abstract shall be accompanied by the most illustrative of any drawings furnished by the applicant.

6. The measures, terminology and signs as disclosed in the description, claims and abstract in accordance with Section 14 (1) to (6);

- (1) Units of weights and measures shall be expressed in terms of the metric system.
- (2) Temperatures shall be expressed in degrees centigrade (Celsius).
- (3) Density shall be expressed in metric units.
- (4) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, rules in general use shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.
- (5) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.
- (6) The terminology and the signs shall be consistent throughout the application.

7. The number of copies and physical requirements of the application as filed in accordance with Section 15 (1) to (11);

- (1) Subject to Section 19(7), the application and any accompanying statements or documents shall be filed in three copies, but the Registrar may require the applicant to supply additional copies.
- (2) All elements of the application shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming.
- (3) Only one side of each sheet contained in the application shall be used.
- (4) All elements of the application shall be on paper, which is flexible, strong, white, smooth, non-shiny and durable.
- (5) The size of the sheets shall be A4 (29.7cm x 21cm), although the Registrar may accept sheets of other sizes.
- (6) The minimum margins of sheets shall be as follows:-
 - (a) upper margin of each page, except the first page: 20 mm; and
 - (b) upper margin of the first page: 30 mm; and
 - (c) side margin adjacent to the binding: 25 mm; and
 - (d) other side margin: 20 mm; and
 - (e) bottom margin : 20 mm
- (7) All sheets shall be numbered at the top of the sheet, in the middle, in consecutive Arabic numerals.
- (8) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order: the request, the description, the claims, the abstract, the drawings.
- (9) The sequential numbering of the sheets shall be effected by using three separate series of numbering, the first series applying to the request only and commencing with the first sheet of the request, the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.

- (10) The text matter of the application shall be typed; graphic symbols, chemical or mathematical formulae and certain characters, if necessary, may be handwritten or drawn.
- (11) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without colorings.