

September 2011

## Patents for Inventions

### Republic of South Africa Patents Act No. 57 of 1978

*Hierdie pamflet is ook in Afrikaans beskikbaar*

#### 1. Introduction

##### 1.1 Patent protection

Provided the requirements prescribed by the Patents Act No. 57 of 1978 are complied with, an applicant may obtain the grant of a South African patent for an invention.

##### 1.2 Design protection

If an article has a novel appearance (eg. by virtue of its shape, configuration, ornamentation and/or pattern), protection may be obtained for such an appearance by registering the 'design' of the article under the Designs Act No. 195 of 1993. Some articles or certain features of an article may be registrable both under the Patents Act and the Designs Act. Further information in regard to the registration of designs will be supplied upon request.

##### 1.3 Trade mark protection

Trade mark protection and/or service mark protection in terms of the Trade Marks Act No. 194 of 1993 can be extremely valuable in connection with the exploitation of an invention. Please let us know if you are interested in such protection, so that we can advise you fully.

#### 2. What is a patentable invention

**2.1** A patent may be granted for any new invention which involves an inventive step and which is capable of being used or applied in trade or industry or agriculture (section 25(1)).

**2.2** Certain inventions are excluded from patentability:

**2.2.1** Anything which consists of a discovery; a scientific theory; a mathematical method; a literary, dramatic, musical or artistic work or any other aesthetic creation; a scheme, rule or method for performing a mental act, playing a game or doing business; a program for a computer; or the presentation of information, is not regarded as an invention for the purposes of the Patents Act (section 25(2)).

These provisions prevent anything from being treated as an invention for the purposes of the Patents Act only to the extent to which a patent or an application for a patent **relates to that thing as such** (section 25(3)). This means that an invention incorporating one or more of these items as mere features of the invention, may still be patentable.

**2.2.2** A patent will not be granted for an invention, the publication or exploitation of which can generally be expected to encourage offensive or immoral behaviour (section 25(4)(a)).

**2.2.3** A patent will not be granted for any variety of animal or plant or any essentially biological process for the production of animals or plants, not being a microbiological process or the product of such a process (section 25(4)(b)). It is, however, possible to obtain protection for plant varieties by the grant of plant breeders' rights in terms of the Plant Breeders' Rights Act No. 15 of 1976. If information in this regard is required, please let us know.

**2.2.4** An invention consisting of a method of treatment of the human or animal body by surgery or therapy or of diagnosis practised on the human or animal body, is not patentable (section 25(11)). However, a substance or composition for use in such a method of treatment or diagnosis is patentable even if the substance or composition itself is known, provided its use in the method of treatment is 'new' (section 25(9) and 25(12)).

**2.2.5** A patent will not be granted for anything contrary to well established natural laws (eg perpetual motion devices - section 36(1)).

**2.3** To be patentable, an invention has to be **new** and has to involve **an inventive step**. These two requirements are discussed below.

#### 3. Requirement of novelty

The most important pre-requisite for the patentability of an invention, is that it must be 'new' as defined in the Act.

### 3.1 Definition of 'new'

An invention is deemed to be 'new' if it does not form part of the state of the art immediately before the priority date of the invention (section 25(5)). The state of the art for the determination of novelty has a wider scope than it has for the determination of obviousness (see paragraph 4.2).

### 3.2 State of the art

The state of the art comprises all matter (whether a product, a process, information about either, or anything else) which has been made available to the public (whether in the Republic or elsewhere) by written or oral description, by use or in any other way (section 25(6)).

The state of the art for purposes of determining novelty also comprises matter contained in a patent application in the RSA and which is, or will become, open to public inspection and where such matter has an earlier priority date (section 25(7)).

### 3.3 Secret use

An invention used secretly and on a commercial scale within the Republic will also be deemed to form part of the state of the art for the purposes of determining novelty (section 25(8)).

### 3.4 Necessity for secrecy before filing

The inventor and/or applicant should ensure that the invention is kept secret until such time as a patent application for the invention has been filed at the Patent Office, Pretoria. If, before a patent application is filed, it is necessary to disclose details of the invention to other persons, eg. to a draftsman for the purpose of preparing drawings illustrating the invention, or to commercial interests in order to obtain financial assistance, such disclosure should be made under a pledge of secrecy which should preferably be in writing. A record should be kept of what is disclosed in order to be able to prove at a later date what in fact was disclosed. **A non-confidential disclosure of the invention before the patent application is filed may destroy the novelty of the invention and can rule out any hope of obtaining valid patent protection for the invention.**

### 3.5 Unauthorised disclosure

Unauthorised disclosure of an invention by another before the filing of a patent application can be excused provided that the applicant files the application with all reasonable diligence after having learned of the disclosure (section 26(a)).

### 3.6 Reasonable technical trial

Disclosure, use or knowledge of the invention prior to the priority date of the invention, as a result of the invention being worked in the RSA by way of reasonable technical trial or experiment by the applicant or patentee or a predecessor in title, can also be excused (section 26(b)).

## 4. Requirement of inventiveness

The other important factor determining whether an invention is patentable, is whether or not it involves an 'inventive step' and thus merits patent protection. This involves an enquiry into whether or not the invention is obvious.

**4.1** An invention is deemed to involve an inventive step if it is not obvious to a person skilled in the art, having regard to any matter which, immediately before the priority date of the invention, forms part of the 'state of the art' as set out in paragraph 3.2 (section 25(10) read with section 25(6)). Special provisions apply in regard to inventiveness in the case of patents of addition (section 39(6)).

**4.2** For the determination of **obviousness** (in contradistinction to **novelty**) the relevant 'state of the art' is of limited scope. Thus the subject matter as set out in paragraphs 3.3 and 3.4 is not taken into account and will not form part of the 'state of the art' when obviousness is assessed.

## 5. Who may apply for a patent

**5.1** An application for a patent in respect of an invention may be made by the inventor or by any other person acquiring from the inventor the right to apply (ie. an assignee), or by both such inventor and such other person (section 27(1)).

**5.2** A patent application may be filed in the name of an assignee (eg a natural person or a company), who has obtained a written assignment of the invention from the inventor. In the absence of an agreement to the contrary, joint inventors or joint applicants may apply for a patent in equal undivided shares (section 27(2)).

**5.3** A person who is not an inventor but who is a co-applicant with the inventor must nonetheless obtain assignment of rights from the inventor to enable that person to apply as a co-applicant with the inventor.

**5.4** Where joint applicants apply for a patent it is advisable for them to enter into a written agreement defining their rights and obligations.

**5.5** If the inventor or applicant enters into arrangements for the sale or licensing of the invention, a proper written agreement should be concluded so as to avoid misunderstandings and litigation.

**5.6** If an application is to be filed in the name of an assignee, it is sufficient for filing a patent application in this country if an assignment of the invention for this country only, is obtained. It is, however, advisable to conclude an agreement at the same time in terms of which the respective rights of the assignor and the assignee are defined for other countries as well. Failure to do so may result in delay if applications are to be filed by the assignee at a later date in other countries, and if the inventor is then not available to sign the necessary documents to effect such filing.

## 6. Information necessary for the preparation and filing of a patent application

For purposes of drafting a patent specification and preparing the application documents, the following information is required, namely:

**6.1** A full description of the invention and its novel features, accompanied (where applicable) by sketches, drawings or photographs, or a model of the invention. If sketches or drawings are provided, it is preferable that these be drawn on A4 sized sheets (210 mm x 297 mm), or if the sketches or drawings are of such dimensions as to be traceable on sheets of this size. The various parts of the

invention should be numbered in the sketches and the description should refer to the numbered parts and should describe the manner in which they interact to achieve the desired result.

**6.2** An explanation of how the invention constitutes an advance or improvement on existing devices or processes of a similar nature. This can be done by giving a short description of similar prior processes or devices, and by pointing out the main process steps or structural features which distinguish the invention from the prior processes or devices.

**6.3** Details of any alternative forms of the invention or possible modifications of the invention which are required to be covered in a patent specification for the invention.

**6.4** The full name(s), residential address(es), occupation(s), and nationality(ies) of the inventor(s) and the applicant(s).

**6.5** Where applicable, the full names and capacity of the declarant(s) who will sign on behalf of an applicant, eg. in the case of a company applicant.

### **6.6 Inventorship**

It is essential to name the actual inventor(s) because a wrong statement of inventorship may invalidate a patent. The actual inventor is the person or persons who invented the entire invention. Thus, it cannot be a company or a person who acquired the invention from someone else, either locally or abroad. Furthermore, a draftsman or model builder who merely carries out the instructions of the inventor, cannot be regarded as an inventor.

### **6.7 Micro-organisms**

Special considerations apply in respect of inventions comprising, or making use of, micro-organisms. Further information in this regard can be supplied on request.

## **7. Methods of applying for a patent**

**7.1** There are two ways in which an application for a patent may be filed, namely either:

- as a 'provisional' patent application, accompanied by a provisional specification **fairly** describing the invention. A complete patent application has to be filed within twelve months from the provisional application (ie. it must be 'completed' within twelve months - see 7.5); or
- as a 'complete' patent application in the first instance, accompanied by a complete specification **fully** describing the invention and the manner in which it is to be performed together with illustrative drawings (where applicable) and claims defining the subject matter for which protection is claimed.

**7.2** If a provisional application is not followed by the filing of a complete application within twelve months, it lapses. An extension of three months may be obtained for filing the complete application. (See 7.5.)

### **7.3 Provisional patent application**

The filing of a provisional patent application first has substantial advantages over filing a complete patent application in the first instance, namely:

- A provisional patent application can usually be filed with the minimum of delay because claims to the inventive features of the invention are not required in a provisional patent specification, and informal drawings can be used to illustrate the invention.

- The charges for filing a provisional patent application are less than those for the filing of a complete application in the first instance.

- The filing of a provisional patent application secures a priority date for the applicant's rights in the same way as the filing of a complete application.

- A provisional application affords an opportunity for the novelty, technical merit, and commercial prospects of the invention to be investigated before further patenting costs are incurred (refer further to paragraphs 9 and 13 below).

- Developments and improvements which occur after filing of the provisional patent application can be covered in a later application, eg in the complete patent application or in a further provisional patent application.

### **7.4 Complete patent application**

The filing of a complete patent application in the first instance, instead of a provisional patent application, is only advisable if the applicant is completely satisfied that the invention has been perfected and that further improvements or modifications thereto are unlikely. In a complete specification, the invention and the manner in which it is to be put into practice must be **fully** described. The filing of a complete patent application in the first instance has the following disadvantages:

- The preparation and filing of the complete patent specification, involving as it does the drafting of claims, preparation of formal drawings, and a detailed description of the invention, takes longer than a provisional patent specification. Filing can therefore not be effected as expeditiously as in the case of a provisional patent application.

- A complete patent application in the first instance affords only limited opportunity at a later stage to cover, in the same eventual patent, developments or improvements made to the invention after filing. Additional matter which may fairly be associated with the matter described in the specification can only be introduced by way of a supplementary disclosure prior to the publication of the acceptance of the complete specification (see paragraph 10.3). The new matter receives the date of lodging the supplementary disclosure.

### **7.5 Complete patent application based on a provisional patent application**

If a provisional patent application is filed first, which is the normally recommended course, it will be necessary, within a period of twelve months after the date of filing the provisional patent application, to file a complete application at the Patent Office accompanied by a complete specification with claims and drawings (where applicable) and containing a full description of the invention, preferably in its perfected form, including all developments and improvements. Failure to do so results in the lapsing of the provisional patent application. Upon payment of the prescribed fee, a three month extension may be obtained

for filing the complete application. In filing the complete specification, priority is claimed from the date of the provisional application.

## **8. Charges for filing patent applications in the RSA**

Our charges (including disbursements) depend on the complexity of the invention and the application procedure adopted (see paragraph 7). At the date of printing this pamphlet, our charges for drafting and filing a provisional patent application are, for simple to average cases, about R10000 to R20000, and for more complex cases about R20000 to R30000. In rare cases, costs can even be higher. More work, and thus higher charges, may be involved in preparing complete applications, e.g. if there are substantial developments and improvements to the invention, but our charges in this respect are, for simple to average cases, about R10000 to R20000. Where a complete specification is to be filed in the first instance (see 7.4) or for complex cases, the costs may be even higher. We can provide a closer estimate upon receipt of details of the invention and instructions regarding the application procedure to be adopted.

## **9. Effect of filing a patent application**

**9.1** Having filed a provisional patent application for the invention, the applicant may exploit the invention and may disclose it to others without such disclosure in itself affecting the validity of any patent which may be obtained on the patent application. The applicant should, however:

- keep important developments and improvements secret or cover them by new applications (see 13.1 below);
- exercise caution in exploiting, disclosing or otherwise dealing with the invention, after the patent application has been filed, if testing and developing the invention can take more than twelve months, thus delaying the filing of a complete application.

If the invention is kept secret after filing, the applicant retains the option to re-file the application if more time is required, provided the novelty of the invention is still satisfied. After disclosure, the applicant is compelled either to proceed with completion by the due date, or to allow the application to become abandoned. By disclosure, the right to re-file is forfeited and this can be a disadvantage if a promising or important invention has only been partially developed or tested, and the application is prematurely completed. On the other hand, the risks involved in disclosure may be acceptable if the applicant wishes to obtain an early indication of the commercial potential of the invention.

**9.2** The filing of a provisional patent application affords the applicant a right in the nature of an option:

- The applicant acquires a preferent right over later applicants to obtain a patent for the invention in the RSA, provided a complete application is filed within twelve months (or within a three months' extension) of the original filing date of the provisional application.
- The option applies also to convention countries abroad, provided convention applications are filed within twelve months of the filing date of the provisional application (see 14 below). Note that the three month extension is **not** available for convention applications abroad.

**9.3** The filing of a patent application does not entitle the applicant to restrain others from making, using or disposing of a similar invention. This right to exclude others only arises after the grant of a patent.

**9.4** An applicant's right to exploit the invention is subject to such exploitation not infringing the rights of others (see 11 and 13.2.1 below).

## **10. Procedure after a complete patent application has been filed**

**10.1** When an application is initially filed, the Patent Office issues a filing receipt giving the application number and filing date.

**10.2** A complete application is formally examined by the Patent Office. If all the formal requirements of the Patents Act and Regulations have been complied with, the registrar 'accepts' the complete specification. The registrar issues a written notice which gives the date of acceptance of the specification and which contains a statement that on publication of the acceptance in the Patent Journal, the patent concerned shall be deemed to have been sealed and granted as from the date of publication.

**10.3** The acceptance is then advertised in the Patent Journal. The application documents (which have been kept secret by the Patent Office up to this stage) then become open to public inspection. Except under exceptional circumstances, the patent may only be enforced against others 9 months after grant.

**10.4** The examination by the Patent Office is for formal correctness only. Examination is **not** for novelty of subject matter or for obviousness. The grant of a patent is no guarantee that the invention is 'new'. Nor is it a guarantee that the patent is valid, nor that the patent cannot be revoked, nor that the exploitation of the invention will not infringe an existing patent. It is the duty of the applicant to investigate the novelty of the invention and to satisfy himself regarding the strength of the patent. This is not the duty of the Patent Office.

## **11. Effect of a patent**

**11.1** A patent, when granted, confers upon the patentee in the Republic of South Africa, for the duration of the patent (as long as it is maintained in force - see 12 below), the right to exclude other persons from

- making,
- using,
- exercising,
- disposing or offering to dispose of, or
- importing

the invention, so that he shall have and enjoy the whole profit and advantage accruing by reason of the invention (section 45(1)).

**11.2** The sale in South Africa of a patented article by or on behalf of a patentee or his licensee shall, subject to other patent rights, give the purchaser the right to use and dispose of that article (section 45(2)).

**11.3** The fact that a patent has been granted, does not mean that it cannot be revoked. At any time after the grant of a patent, any person has the right to apply for the revocation of the patent on any of the grounds prescribed

by the Act, eg. that the invention was not 'new' at the date on which the application was filed at the Patent Office, or that it was 'obvious'.

**11.4** The grant of a patent does not entitle a patentee to exploit the invention. It merely entitles him to exclude others from competing with him (see 11.1 above). The right to exploit depends upon whether or not prior rights are held by other parties. (See also 13.2.1 below.)

## **12. Term of a patent and its maintenance**

**12.1** The term of a patent is 20 years dating from the date of filing the complete application subject to the patent being maintained in force by the payment of the prescribed renewal fees.

**12.2** In order to maintain the patent in force, it is necessary for annual renewal fees to be paid, commencing at the end of the third year after the filing of the complete application. Failure to pay the renewal fees timeously results in the lapsing of the patent. It is, however, possible to pay renewal fees within an extended period of six months upon payment of the prescribed extension fees. At the present time, renewal charges are about R965 per annum for the first three years; this amount increases up to about R1041 per annum for the last two years. Substantial savings can be made by paying a number of, if not all, renewal fees in advance. Further information will be given upon request.

## **13. What an applicant should do after filing a provisional patent application**

### **13.1 Developments and improvements**

Once a provisional patent application has been filed the applicant should try to develop the invention into a commercially exploitable form. If, in doing so, important improvements are made which are not covered in the provisional patent application, it would be advisable to keep the improvements secret until a further provisional patent application has been filed which specifically describes the improvements. Otherwise the improvements should be kept secret until they have been incorporated in the complete specification and the complete patent application has been filed. A single complete specification can be based on the subject matter of two or more provisional patent applications, provided the complete specification is filed within 12 months of the first filed provisional patent application. The complete specification must disclose the best method of performing the invention known to the applicant at the time when the complete patent application is filed.

### **13.2 Searches - infringement and novelty**

It is advisable, although not essential, for the applicant to have the following searches conducted:

**13.2.1 An infringement search** can be conducted at the Patent Office in Pretoria (at a cost of from about R5000 or more). This is to ascertain whether or not exploitation of the invention would infringe a prior patent in the RSA in the name of some other person. If there is such a patent, it may result in the applicant or his licensee being sued for an interdict and damages.

An infringement search is advisable before heavy capital costs are incurred in commencing exploitation of an invention.

**13.2.2 A novelty search** can be conducted at the Patent Office in Pretoria (at a cost of about R5000 to R10000 or more) and/or at a Patent Office in one or more foreign countries (such as the UK, USA, Netherlands or Germany), in order to ascertain the extent to which the invention is novel. Such searches should be done **before** filing patent applications abroad on an extensive scale. The cost of a foreign search may be about R20000 or more, depending upon the field to be covered.

**13.2.3** Novelty searches should preferably be conducted in the countries where there is the best chance of locating any relevant prior art. Thus, best results are obtainable from searches in countries where there is a high level of patent activity in the field of the invention. However, no search can ever be regarded as conclusive as to novelty, partly due to the nature of the novelty requirements (see paragraph 3), and partly because no guarantee can be given that in a search all relevant disclosures will be located. If further information on searches is required, please let us know.

### **13.3 Commercial value and patentability**

**13.3.1** An assessment of the commercial value of an invention can be obtained by exploiting it (after an application has been filed) to determine whether or not there is a market for the invention. An assessment can also be obtained by conducting a market research survey.

**13.3.2** The patentability of an invention is not necessarily a measure of its commercial value. Thus an invention may have adequate subject matter to be patentable; yet it may have little commercial value. On the other hand, an invention may have little subject matter and the prospect of getting a valid patent for it may be small; yet the applicant may nevertheless be prepared to take the risk of filing at least a provisional patent application because the invention has commercial potential. After filing the patent application the technical merit of the invention and its commercial value must be investigated in order to decide whether or not completion of the application is worthwhile. Even a weak patent application can often deter competition sufficiently to make its filing worthwhile.

**13.3.3** The applicant should, therefore, satisfy himself that the invention has sufficient commercial value to warrant the expenditure contemplated. This must be done before a decision is made to complete the application and before becoming heavily involved financially, either by way of exploitation of the invention or by way of patenting it on a large scale. In coming to a decision, it should be borne in mind that the commercial value of an invention depends not only on its inventive merit but also on the energy with which it is exploited and on the demand for the invention.

### **13.4 Marking**

Articles in accordance with the invention, and any packaging or advertising therefor, should be marked with the patent application number eg. "RSA Pat Appln No. 97/1234".

## **14. Patent protection in countries other than South Africa**

For more detailed information please ask for a copy of our foreign pamphlet.

#### 14.1 Separate patent in each country

If the applicant wishes to obtain patent protection for the invention in any country outside the RSA, separate patent protection must be obtained in each country. This is normally achieved by a separate patent application in each country or by a regional or PCT patent application (see 14.7 and 14.8 below). In order to claim the benefits of the International Convention (see 14.3 below) applications in other countries must be filed as complete patent applications in the first instance within twelve months from the filing date of the **first application** in the RSA (regardless of whether such application was a provisional or a complete application). A patent granted in this country affords rights in South Africa only, and not in any neighbouring country such as Namibia, Botswana, Lesotho or Swaziland, nor any other country in the world.

#### 14.2 Costs

At the date of printing this pamphlet, the initial charges for filing individual patent applications of average length and complexity in most English-speaking countries are at an average of about R15000 to R30000 per country (provided that a basic complete specification for South Africa has already been prepared). Where translation of a complete specification has to be done, heavier initial charges (almost double or even more), must be expected. The initial filing costs of regional or PCT applications are between about R20000 and R60000. In addition, further charges become payable in countries where technical examinations of patent specifications take place. The amount of these further charges will depend upon the number and nature of objections raised by foreign patent office examiners and upon the amount of work necessary for amending the applications and specifications to meet these objections. As a result of examinations, patent applications in foreign countries may remain pending for periods of up to five years or more.

#### 14.3 Convention countries (for list see end of pamphlet)

South Africa is a signatory of the Paris Convention for the Protection of Industrial Property, as are most of the important countries of the world. A list of convention countries as published by the World Intellectual Property Organisation (WIPO) is given in paragraph 14.5. In terms of the Patents Act (section 1) a country or a group of countries will qualify as a 'convention country' under the Act after proclamation in the Government Gazette. Further information in this regard will be furnished on request.

Every country has its own novelty and other requirements which must be satisfied before a valid patent for an invention can be granted in that country. In terms of the Paris Convention, if an applicant for a South African patent files a corresponding application in another convention country within a year of the date of filing of the first RSA application, the priority of that first South African filing date can be claimed in respect of the application in the convention country. The effective date at which the novelty requirements of that country need to be satisfied will then be the date of filing of the RSA application. The practical effect is that, having filed the RSA application, the applicant may then disclose the invention without such disclosure's prejudicing the validity of any subsequent applications in **convention** countries, as long as these subsequent applications are filed within a year of the first filed RSA application.

#### 14.4 Non-convention countries

If patent protection for an invention is required in a country which is not a member of the Paris Convention, a patent application in that country should be filed while the invention is still 'new' in the country concerned, ie. normally before the invention is published, used or disclosed in the RSA or elsewhere. It will be noted that Taiwan and a number of South and Central American countries are not members of the Paris Convention.

Although certain countries are not members of the Paris Convention, convention priority can still be claimed in terms of a reciprocal arrangement.

The position in regard to some of the countries previously part of the USSR has not been determined yet. Further information will be given on request.

#### 14.5 Former TBV states

The position regarding Transkei, Bophuthatswana and Venda has been resolved by specific legislation (the Transkei, Bophuthatswana and Venda Intellectual Property Laws Rationalisation Act No. 107 of 1996).

This Act came into force on 1 January 1998. Further information in regard to these former independent states will be supplied on request.

#### 14.6 Applications in EPO, Eurasia, ARIPO and OAPI

A patent application filed at the European Patent Office (EPO) can also claim priority from a South African patent application, and vice versa. It is also possible to file regional convention patent applications in Africa, one for a number of English speaking African countries (ARIPO) and another for a number of French speaking African countries (OAPI). EPO, Eurasian, ARIPO, and OAPI patent applications are dealt with in more detail in our foreign pamphlet.

#### 14.7 PCT applications

The Patent Cooperation Treaty is an international agreement, concluded in 1970 and administered by the World Intellectual Property Organisation (WIPO). In terms of the PCT, a national or resident of any member country can file a single PCT application designating any number of other member countries as designated countries in which patent protection is to be obtained. This procedure entails a number of advantages (including cost advantages) where a national or resident of a PCT member country wishes to file multiple corresponding patent applications in other PCT member countries.

There are currently more than 120 PCT member countries. South Africa acceded to the PCT on 16 March 1999. Since this date, South African nationals or residents are thus entitled to use the PCT filing procedure for international patent applications (where applications can be filed at the South African Patent Office or at the International Bureau in Geneva, Switzerland).

**States Party to the PCT and the Paris Convention  
and Members of the World Trade Organization**

State/Member	PCT (144)	Paris (173)	WTO (153)	State/Member	PCT	Paris	WTO
Albania (AL) ° (EP)	X	X	X	Guatemala (GT)	X	X	X
Algeria (DZ)	X	X	-	Guinea (GN) (OA)#	X	X	X
Andorra (AD)	-	X	-	Guinea-Bissau (GW) (OA)#	X	X	X
Angola (AO) (PCT & PC from 27/9/07)	X	X	X	Guyana (GY)	-	X	X
Antigua and Barbuda (AG)	X	X	X	Haiti (HT)	-	X	X
Argentina (AR)	-	X	X	Holy See (VA)	-	X	-
Armenia (AM) (EA)	X	X	X	Honduras (HN)	X	X	X
Australia (AU)	X	X	X	Hong Kong, China (HK)	-	-	X
Austria (AT) (EP)	X	X	X	Hungary (HU) (EP)	X	X	X
Azerbaijan (AZ) (EA)	X	X	-	Iceland (IS) (EP)	X	X	X
Bahamas (BS)	-	X	-	India (IN)	X	X	X
Bahrain (BH)	X	X	X	Indonesia (ID)	X	X	X
Bangladesh (BD)	-	X	X	Iran (Islamic Republic of) (IR)	-	X	-
Barbados (BB)	X	X	X	Iraq (IQ)	-	X	-
Belarus (BY) (EA)	X	X	-	Ireland (IE) (EP)#	X	X	X
Belgium (BE) (EP)#	X	X	X	Israel (IL)	X	X	X
Belize (BZ)	X	X	X	Italy (IT) (EP)#	X	X	X
Benin (BJ) (OA)#	X	X	X	Jamaica (JM)	-	X	X
Bhutan (BT)	-	X	-	Japan (JP)	X	X	X
Bolivia (BO)	-	X	X	Jordan (JO)	-	X	X
Bosnia and Herzegovina (BA) °	X	X	-	Kazakhstan (KZ) (EA)	X	X	-
Botswana (BW) (AP)	X	X	X	Kenya (KE) (AP)	X	X	X
Brazil (BR)	X	X	X	Kuwait (KW)	-	-	X
Brunei Darussalam (BN)	-	-	X	Kyrgyzstan (KG) (EA)	X	X	X
Bulgaria (BG) (EP)	X	X	X	Lao People's Democratic Republic (LA)	X	X	-
Burkina Faso (BF) (OA)#	X	X	X	Latvia (LV) °# (EP)	X	X	X
Burundi (BI)	-	X	X	Lebanon (LB)	-	X	-
Cambodia (KH)	-	X	X	Lesotho (LS) (AP)	X	X	X
Cameroon (CM) (OA)#	X	X	X	Liberia (LR) (AP)	X	X	-
Canada (CA)	X	X	X	Libyan Arab Jamahiriya (LY)	X	X	-
Cape Verde (CV)	-	-	X	Liechtenstein (LI) (EP)	X	X	X
Central African Republic (CF) (OA)#	X	X	X	Lithuania (LT) ° (EP)	X	X	X
Chad (TD) (OA)#	X	X	X	Luxembourg (LU) (EP)	X	X	X
Chile (CL) (PCT from 2 June 2009)	X	X	X	Macao, China (MO)	-	-	X
China (CN)	X	X	X	Madagascar (MG)	X	X	X
Colombia (CO)	X	X	X	Malawi (MW) (AP)	X	X	X
Comoros (KM)	X	X	-	Malaysia (MY)	X	X	X
Congo (CG) (OA)#	X	X	X	Maldives (MV)	-	-	X
Costa Rica (CR)	X	X	X	Mali (ML) (OA)#	X	X	X
Côte d'Ivoire (CI) (OA)#	X	X	X	Malta (MT) (EP)	X	X	X
Croatia (HR) ° (EP)	X	X	X	Mauritania (MR) (OA)#	X	X	X
Cuba (CU)	X	X	X	Mauritius (MU)	-	X	X
Cyprus (CY) (EP)#	X	X	X	Mexico (MX)	X	X	X
Czech Republic (CZ) (EP)	X	X	X	Monaco (MC) (EP)#	X	X	-
Democratic People's Republic of Korea (KP)	X	X	-	Mongolia (MN)	X	X	X
Democratic Republic of the Congo (CD)	-	X	X	Montenegro (ME)	X	X	-
Denmark (DK) * (EP)	X	X	X	Morocco (MA)	X	X	X
Djibouti (DJ)	-	X	X	Mozambique (MZ) (AP)	X	X	X
Dominica (DM)	X	X	X	Myanmar (MM)	-	-	X
Dominican Republic (DO)	X	X	X	Namibia (NA) (AP)	X	X	X
Ecuador (EC)	X	X	X	Nepal (NP)	-	X	X
Egypt (EG)	X	X	X	Netherlands (NL) (EP)#	X	X	X
El Salvador (SV)	X	X	X	New Zealand (NZ)	X	X	X
Equatorial Guinea (GQ) (OA)#	X	X	-	Nicaragua (NI)	X	X	X
Estonia (EE) (EP)	X	X	X	Niger (NE) (OA)#	X	X	X
European Communities (EU)	-	-	X	Nigeria (NG)	X	X	X
Fiji (FJ)	-	-	X	Norway (NO) (EP)	X	X	X
Finland (FI) (EP)	X	X	X	Oman (OM)	X	X	X
France (FR) (EP)#	X	X	X	Pakistan (PK)	-	X	X
Gabon (GA) (OA)#	X	X	X	Panama (PA)	-	X	X
Gambia (GM) (AP)	X	X	X	Papua New Guinea (PG)	X	X	X
Georgia (GE)	X	X	X	Paraguay (PY)	-	X	X
Germany (DE) (EP)	X	X	X	Peru (PE) (PCT from 6 June 2009)	X	X	X
Ghana (GH) (AP)	X	X	X	Philippines (PH)	X	X	X
Greece (GR) (EP)#	X	X	X	Poland (PL) (EP)	X	X	X
Grenada (GD)	X	X	X	Portugal (PT) ** (EP)	X	X	X

**States Party to the PCT and the Paris Convention  
and Members of the World Trade Organization**

State/Member	PCT (144)	Paris (173)	WTO (153)	State/Member	PCT	Paris	WTO
Qatar (QA)	X	X	X	Sweden (SE) (EP)	X	X	X
Republic of Korea (KR)	X	X	X	Switzerland (CH) (EP)	X	X	X
Republic of Moldova (MD) (EA)	X	X	X	Syrian Arab Republic (SY)	X	X	-
Romania (RO) (EP)	X	X	X	Taiwan, Province of China (TW)	-	-	X
Russian Federation (RU) (EA)	X	X	-	Tajikistan (TJ) (EA)	X	X	-
Rwanda (RW) (AP) (PCT from 1/9/11)	X	X	X	Thailand (TH) (PCT from 24 Dec 2009)	X	X	X
Saint Kitts and Nevis (KN)	X	X	X	The former Yugoslav Republic of Macedonia (MK) ° (EP)	X	X	X
Saint Lucia (LC)	X	X	X	Togo (TG) (OA)#	X	X	X
Saint Vincent and the Grenadines (VC)	X	X	X	Tonga (TO)	-	X	X
San Marino (SM) (EP)	X	X	-	Trinidad and Tobago (TT)	X	X	X
Sao Tome and Principe (ST) (PCT from 3 July 2008)	X	X	-	Tunisia (TN)	X	X	X
Saudi Arabia (SA)	-	X	X	Turkey (TR) (EP)	X	X	X
Senegal (SN) (OA)#	X	X	X	Turkmenistan (TM) (EA)	X	X	-
Serbia (RS) (EP)	X	X	-	Uganda (UG) (AP)	X	X	X
Seychelles (SC)	X	X	-	Ukraine (UA)	X	X	X
Sierra Leone (SL) (AP)	X	X	X	United Arab Emirates (AE)	X	X	X
Singapore (SG)	X	X	X	United Kingdom (GB) *** (EP)	X	X	X
Slovakia (SK) (EP)	X	X	X	United Republic of Tanzania (TZ) (AP)	X	X	X
Slovenia (SI) (EP)#	X	X	X	United States of America (US) ****	X	X	X
Solomon Islands (SB)	-	-	X	Uruguay (UY)	-	X	X
South Africa (ZA)	X	X	X	Uzbekistan (UZ)	X	X	-
Spain (ES) (EP)	X	X	X	Venezuela (VE)	-	X	X
Sri Lanka (LK)	X	X	X	Viet Nam (VN)	X	X	X
Sudan (SD) (AP)	X	X	-	Yemen (YE)	-	X	-
Suriname (SR)	-	X	X	Zambia (ZM) (AP)	X	X	X
Swaziland (SZ) (AP)#	X	X	X	Zimbabwe (ZW) (AP)	X	X	X

- \* Denmark includes Faroe Islands;
- \*\* Portugal includes Azores and Madeira;
- \*\*\* United Kingdom includes the Isle of Man;
- \*\*\*\* United States of America includes all its territories, e.g. Puerto Rico, Guam, American Samoa and Virgin Islands.
- ° Extension of European patent possible.
- # May only be designated in a PCT application for a regional patent (the "national route" via the PCT has been closed).

Where a state can be designated in a PCT application for a regional patent, the two-letter code for the regional patent concerned is indicated in bold in parentheses (**AP** = ARIPO patent, **EA** = Eurasian patent, **EP** = European patent, **OA** = OAPI patent).

P114. PATENTS FOR INVENTIONS. LOG

	<b>Pretoria</b>	<b>Johannesburg</b>	<b>Cape Town</b>	<b>Durban</b>
	PO Box 1014 Pretoria, 0001 South Africa	PO Box 10155 Johannesburg, 2000 South Africa	PO Box 1513 Cape Town, 8000 South Africa	P O Box 2746 Westway Office Park, 3635 South Africa
<b>Tel. Nos.:</b> (National)	(012) 432 6000	(011) 646-1507	(021) 418 8560	(031) 265 1532
(International)	+27 (12) 432 6000	+27 (11) 646-1507	+27 (21) 418 8560	+27 (31) 265 1532
<b>Fax Nos.:</b> (National)	(012) 432 6599	(011) 646-5082	(021) 419 5729	(031) 265 1537
(International)	+27 (12) 432 6599	+27 (11) 646-5082	+27 (21) 419 5729	+27 (31) 265 1537
<b>e-mail:</b>	mail@adamsadams.co.za	jhb@adamsadams.co.za	cpt@adamsadams.co.za	dbn@adamsadams.co.za
<b>URL:</b>	http://www.adamsadams.co.za			

**Pretoria, Johannesburg, Cape Town & Durban South Africa**

**Partners** Alan Lewis Alan Smith Stephan Ferreira Chris Job Gavin Kotze Tony Seymour Howard Rogers Dario Tanziani Johan du Preez Colin MacKenzie Nelia Hickman Mariette du Plessis Craig Forbes Samantha Copeling Gérard du Plessis Phil Pla-Pillans Louis van der Walt Charné le Roux Russell Bagnall Simon Brown Suzaan Laing Grégor Wolter Joseph Goedhals Blain de Villiers André Visser David Scheepers Megan Moerdijk Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Leander Opperman Jenny Pienaar Danie Dohmen Alexis Apostolidis Roelof Grové Bruce Lister Dieter Welthagen Nicolette Koch Michael Gwala Lauren Ross Bilkis Rassool Manisha Maganbhai-Mooloo James Davies Mandy Gordon Dale Healy Ferdi Myburg Kgabo Serokolo Tarryn Riley Somayya Khan Pearl Mathibela Theresa Wright Neil Taylor

**Senior Consultants** Esmé du Plessis Adrian Schweizer Martin Rotteveel

**Associates** Deborah Marsicano Danie Strachan Godfrey Budeli Lindie Serrurier Tiaan Smuts Nthabisheng Phaswana Nishan Singh Jac Marais Claire Bothma Nicolette Biggar Lezel Buttner Udi Pillay Christophe Van Zyl Werina Griffiths Wilhelm Prozesky Jani Cronje Jessica Axelson Martin Mota Theuns van de Merwe Tumelo Tshaya Kagisho Manyashi  
**Assisted by** Laurika van Deventer Gusta Delpoort Paul Muscat Pieter Coetzee Venashrie Dorasamy Mamarama Matsela Alida Badenhorst Jean-Paul Rudd Buhle Lekokotla Gerda Bouwer Andrew Molver Natasha Sott Phillip Haupt Alison Baker Tracey Moss

**Chief Operating Officer** Stuart Boyd