

**THE INDUSTRIAL PROPERTY ACT  
(Cap 95:03).**

**THE INDUSTRIAL PROPERTY  
REGULATIONS 2010.**

**IN EXERCISE** of the powers conferred on the Minister under sections 45 of the Act, these Regulations are made.

**PART 1- PRELIMINARY**

Citation and  
commencement

**1.** These Regulations may be cited as the Industrial Property Regulations 2010 and comes into force on 1<sup>st</sup> January 2011.

Interpretation

**2.** In these Regulations unless the context otherwise provides -

“Act” means the Industrial Property Act of The Gambia;

“address for service” means the address for service within The Gambia which is stated in the application form for a patent, industrial design or mark or any change thereof recorded under regulation 42;

“agent” means an agent appointed under section 38 of the Act;

“Court” means the High court;

“effective date” means 2<sup>nd</sup> April 2007 when the Act came into force; and

“1916 legislation” means the Trade Marks Act 1916 (formerly Chapter 181) and the Rules made under it, as they were in force at the effective date.

(2) A word or phrase not specifically defined in these Regulations but defined in the Act shall have the meaning assigned to it in the Act.

Forms and Fees

**3.** (1) All applications and processes under these Regulations shall be made or undertaken in the prescribed forms set out in the First Schedule to these Regulations.

(2) Notwithstanding sub-regulation (1), the Registrar General may direct or permit the modification of any form where he or she deems it fit.

(3) A form and the documents and drawings filed with it shall be made of strong, pliable, smooth and durable A4 paper which shall be so presented as to-

(a) allow for direct reproduction in an unlimited number of copies; and

(b) indicate clearly the matters to which they relate.

(4) All sheets filed with a form shall be free from cracks, creases and folds and only one side of a sheet shall be used, except otherwise specified.

(5) The fees to be paid in respect of matters arising under the Act or these Regulations shall be those prescribed in the Second Schedule to these Regulations.

(6) An application or any other matter required to be done under the Act shall not be processed unless the prescribed fee is paid.

Language

**4.** (1) All applications made under the Act or these Regulations shall be in English.

(2) A document forming part of an application or submitted to the Registrar General which is in a language other than English shall be accompanied by a certified English translation.

(3) A translation submitted to the Registrar General pursuant to sub-regulation (2) is presumed to be complete and accurate.

(4) Notwithstanding sub-regulation (3)-

- (a) any interested party may adduce admissible evidence at any time to rebut the presumption in favour of a translated document; or
- (b) the Registrar General may by notice in writing sent to the applicant or agent at any time, require a translation of the document to be certified to his or her satisfaction.

Signed documents

**5.** (1) A document purported to be signed on behalf of a corporation shall be signed by a director, secretary or any other officer of the corporation who satisfies the Registrar General that he or she is authorised to sign it.

(2) A document purported to be signed on behalf of a partnership shall contain the full names of all the partners and shall be signed by one or more of them or by any other person who satisfies the Registrar General that he or she is authorised to sign it.

(3) A document purported to be signed on behalf of any other unincorporated association shall be signed by any person who satisfies the Registrar General that he or she is authorised to sign it.

Agency

**6.** (1) An agent may be appointed orally or in writing.

(2) An application or other proceeding submitted or undertaken by an agent need not be accompanied by a written power of attorney or authorisation of agent.

(3) Notwithstanding sub regulation (2), the Registrar General may at any time, by notice in writing -

- (a) require the agent to produce evidence of his or her authority through an authorisation in Form A1 or in any other manner the Registrar General may reasonably require;
- (b) require the signature of the person appointing the agent on any document or the personal presence of the person.

Failure to comply  
with notice

7. Where a notice issued by the Registrar General under regulation 4(4)(b) or 6(3)(b) has not been complied with, he or she may refuse to recognise or act upon any document or process filed or undertaken by the person in default.

Priority  
Declaration

8. (1) A priority declaration under section 8 or section 28(2) of the Act shall state-

- (a) the date of the earlier application;
- (b) the number of the earlier application, if known; and
- (c) the State or Organisation in which the earlier application was filed.

(2) If the number of the earlier application was not known when the priority declaration was filed, it shall be filed within three months from the filing date of the patent or other application in connection with which the priority declaration was made.

(3) The applicant may, at any time before the grant of a patent or registration of any other

right, amend the contents of the priority declaration.

(4) If the Registrar General requires a copy of the earlier application under section 8(2) of the Act, it shall be furnished within three months from the date of the request.

(5) Under these Regulations, where a priority declaration has been made and accepted by the Registrar General -

- (a) the date of the earlier application is referred to as the “priority date”; and
- (b) the State or Organisation in which the earlier application was filed is referred to as the “priority country”.

## **PART II- PATENTS**

Classification of patents

**9.** The classification, grant and publication of patents as well as the maintenance of classified search files shall be made in accordance with the Strasbourg Agreement of 1971 as revised from time to time.

Application procedure for patents

**10.** (1) The application for a patent shall be made in Form P1.

(2) In addition to the matters specified in section 6 of the Act, the description of the invention shall-

- (a) specify the technical field to which the invention relates;
- (b) indicate the background art and cite the relevant documents reflecting such art;

- (d) mention any advantageous effects of the invention with reference to the background art;
- (e) where applicable, briefly describe the figures in the drawings; and
- (f) indicate explicitly, if it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and how it can be made or used.

Claims to a patent

**11.** (1) Where there are several claims relating to a patent, they shall be numbered consecutively in Arabic numerals.

(2) The claim or claims shall define the invention in terms of its technical features and wherever appropriate contain-

- (a) a statement indicating those technical features of the invention which are necessary for the definition of the invention but which, in combination, are part of the prior art: and
- (b) a characterising portion preceded by the words "characterised in that", "characterised 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 paragraph (a), the claim is aimed at protecting.

(3) A claim shall not rely, in respect of the technical features of the invention, on references or cross-references to any part of the description or drawings except where it is absolutely necessary to do so.

(4) A claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application may, at the discretion of the applicant, be submitted either as a new claim or as an amended claim, together with the prescribed fee.

(5) 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".

#### Abstract

**12.** (1) The abstract attached to an application for a patent shall be so drafted that it can efficiently serve as a scanning tool for searching in the particular art.

(2) The abstract shall consist of a summary of the disclosure as contained in the description, the claims, any drawings indicating the technical field to which the invention pertains and where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.

(3) The summary shall be so drafted as to enable clear understanding of the technical problem, the gist of the solution to that problem through the invention and the principal use or uses of the invention.

(4) The abstract shall be as concise as the disclosure permits and shall not-

(a) as far as practicable exceed one hundred and fifty words (150);

(b) contain statements on the alleged merits or value of the invention or on its speculative application.

Terminologies and indications used in application for a patent

**13.** Throughout the application for a patent-

- (a) the terminology and signs used shall be consistent;
- (b) only such technical terms, signs and symbols as are generally accepted in the field in question shall be used, unless otherwise approved by the Registrar General;
- (c) weights and measures shall be expressed in accordance with the metric system;
- (d) temperatures shall be expressed in degrees centigrade (celsius);
- (e) indications of heat, energy, light, sound and magnetism, including mathematical formulae and electrical units, shall be expressed by using rules of general use; and
- (f) chemical formulae and their symbols, atomic weights, and molecular formulae shall be expressed by using rules in general use.

Divisional applications

**14.** (1) A divisional application made under section 7(3) of the Act shall contain a reference to the initial application.

(2) Where an applicant wishes a divisional application to benefit from any priority claim for the initial application, he or she shall make a request to that effect in the divisional application.

(3) Where a request under sub-regulation (2) is made, the declaration of priority and the



documents furnished with the initial application shall be deemed to apply to the divisional application.

(4) Where priority for two or more earlier applications is claimed for the initial application, a divisional application shall benefit only from the priority that is applicable to it.

Information about  
foreign patents

**15.** The applicant shall furnish the Registrar General with the information or documents relating to corresponding foreign applications under section 9 of the Act within three months from the date of the request.

Withdrawal of  
application for a  
patent

**16.** (1) A withdrawal of an application for a patent under section 6(7) of the Act shall be made in Form P2.

(2) The withdrawal of an application does not entitle the applicant to a refund of the application fee.

Amendment of  
application for a  
patent

**17.** An amendment of an application for a patent under section 7(2) of the Act or of a priority claim under regulation 8(3) shall be made in Form P3.

Marking  
application for a  
patent

**18.** (1) Upon receipt of an application for a patent, the Registrar General shall mark the actual date of receipt and the application number on the application form and each document filed with it.

(2) The application number shall be in the format "GM/P/X/Y"; where-

(a) "X" denotes the year of receipt; and

(b) "Y" is a five-digit number  
denoting the sequential order in which  
patent applications are received.

(3) The application number shall be stated in

all subsequent communications relating to that application.

(4) On receipt of every subsequent document relating to an application, the Registrar General shall mark it with the application number and the date of receipt of that document and shall also mark the original application with the description of the subsequent document and its date of receipt.

Examination of  
application for a  
patent

**19.** (1) Upon receipt of an application for a patent, the Registrar General shall examine whether the application complies with section 10(1) of the Act.

(2) Where the Registrar General considers that section 10(1) of the Act has not been complied with, or that the applicant has failed to include the required drawings, he or she shall request the applicant to make the necessary corrections or to furnish the missing documents, as the case may be.

(3) A request under sub-regulation (2) shall -

- (a) be made in form P4;
- (b) specify the correction to be made or the missing drawing to be filed;
- (c) state the fees to be paid, if any; and
- (d) state the date within which the corrections are to be effected or the missing documents are to be filed.

(4) Where the correction is not made or the document is not filed within the date specified in sub-regulation (3), the application shall be deemed not to have been filed.

(5) Subject to sub-regulation (2), the Registrar General shall notify the applicant in writing of the filing date as soon as he or she is satisfied that section 10 of the Act has been complied

with.

(6) Where the Registrar General refuses to accord a filing date to an application, he or she shall notify the applicant in writing and specify the reasons for his or her decision.

Examination of the substance of the application for a patent

**20.** (1) Where the Registrar General has given a filing date to an application, he or she shall examine the application pursuant to section 10 (3) and (4) of the Act.

(2) Where the Registrar General is satisfied that the conditions set out in section 10 (3) and (4) of the Act have been complied with, he or she shall grant the patent, and the applicant shall be so notified in writing.

(3) Where the Registrar General rejects an application under section 10 (3) or (4) of the Act, he or she shall notify the applicant in writing, and specify the reasons for his or her decision.

(4) A refusal of an application for a patent shall not affect its filing date, which shall remain valid.

Publication of the grant of a patent

**21.** (1) Where the Registrar General has granted a patent, it shall retain the number allocated to it under regulation 18, which shall be used as the publication number of the patent.

(2) The particulars of a patent shall be recorded in form P5 and, in addition to the information indicated in sub regulation (4), shall contain the date of publication of the patent, the documents or references cited of the prior art, the description, the claims and the drawings, if any.

(3) The patent shall be deemed to be granted on the date the Registrar General publishes a

reference to the grant.

(4) The publication of the grant of the patent shall include -

- (a) the number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the address for service;
- (d) the name and address of the inventor, except where he or she has asked not to be named in the patent;
- (e) the filing date;
- (f) where applicable, the priority date and the priority country;
- (g) the effective date of the grant of the patent;
- (h) the title of invention;
- (i) the abstract;
- (j) the most illustrative of the drawings, if any; and
- (k) the symbol of the International Patent Classification.

(3) The certificate granting the patent shall be in form P6.

(4) Any person may obtain a copy of the patent on payment of the prescribed fee.

Exploitation of  
patent by persons  
other than owner

**22.** (1) The Minister shall, before taking a decision under section 12(6) of the Act, consult the Registrar General and give the owner of the patent and any other interested person whose participation the Minister considers necessary, not less than thirty days (30)

written notice to make such written representations as they think fit.

(2) The Minister may grant a hearing to the owner of the patent or any interested person, where he or she is of the view that such a course of action will facilitate his or her decision.

(3) Where the Minister decides that the invention shall be exploited by a Government agency or a third person, he or she shall state the terms and conditions of exploitation and transmit his or her decision to the Registrar General.

(4) The Registrar General shall record, publish and notify the owner of the patent and any interested person of the decision of the Minister in writing.

(5) Where the owner has appealed to the Court under section 12(7) of the Act, the decision of the Court shall be recorded and published by the Registrar General.

Duration of Patent  
and annual Fees

**23.** (1) A request under section 13(2) of the Act shall be made in form P7 and shall be accompanied by a statement of evidence that the patented invention is being worked in The Gambia or that there are circumstances (other than importation) which justify the failure to work it.

(2) The remittance of each annual fee under section 13(3) of the Act shall be accompanied by a statement in form P8.

(3) Upon the lapse of a patent under section 13(3) (c) of the Act, the Registrar General shall record and publish the fact of its lapse.

Non-Voluntary  
Licences

**24.** (1) A request for a non-voluntary licence made under section 14(1) of the Act shall be made in form P9, and in addition to the details therein prescribed shall specify -

- (a) the grounds and the evidence upon which the request is based; and
- (b) the plan according to which the person requesting the non-voluntary licence intends to work the patented invention, including evidence that he or she has ability to do so in The Gambia.

(2) The Registrar General shall, on receipt of the request-

- (a) immediately notify the owner of the patent and any existing licensees; and
- (b) solicit the views of the owner of the patent and any existing licensees which shall reach the Registrar General within thirty days of the date of the notification.

(3) The Registrar General shall, within three months from the expiry of the thirty days referred to in sub-regulation (2)(b) hold a hearing, of which he or she shall give not less than twenty one days' notice to the person requesting the non-voluntary licence, the owner of the patent and any existing licensees.

(4) The parties mentioned in sub-regulation (3) and any other interested party may be heard or allowed to present written representations at the hearing and they shall comply with the directives issued by the Registrar General regarding the conduct of the hearing.

(5) The Registrar General may, before granting a non-voluntary licence, consult such person or authority as he or she thinks fit.

(6) Where the Registrar General grants a non-voluntary licence, he or she shall state the

terms of exploitation and transmit his or her decision to the parties mentioned in sub-regulation (3) and any other interested party.

(7) A decision under sub-regulation (6) shall be recorded and published by the Registrar General.

(8) Where the decision of the Registrar General to grant a licence under sub-regulation (6) is subject to an appeal, he or she shall record and publish the decision once it becomes final.

Invalidation of a patent

**25.** (1) A notice of an application to invalidate a patent under section 15(1) of the Act, and the decision of the Court shall be served on the owner and all licensees.

(2) If the Court finds that the failure to meet the requirements specified in section 15(2) of the Act applies only to some of the claims or parts of a claim, the Court shall make an order for partial invalidation in accordance with that finding.

### **PART III - INDUSTRIAL DESIGNS**

Classification of Industrial designs

**26.** The Registrar General shall apply the latest version of the Locarno Agreement of 1968 establishing an International Classification for Industrial Designs, for the classification of industrial designs.

Application for registration of Industrial designs

**27.** (1) The application for the registration of an industrial design shall be made in form D1, and in addition to the details therein prescribed, shall-

(a) state whether the applicant is the creator and if he or she is not, state the name and address of the creator; and

(b) be accompanied by evidence of the applicant's entitlement to make the

application pursuant to section 22(2) of the Act.

(2) A specimen accompanying the application shall not exceed twenty (20) centimetres by twenty (20) centimetres by twenty (20) centimetres in size.

Forms to be used  
for Industrial  
design processes

**28. (1)** A withdrawal of an application under section 22(4) of the Act shall be made in form D2.

(2) An amendment of an application or priority claim shall be made in form D3.

(3) A request by the Registrar General for correction of an application shall be made in form D4.

(4) The record of particulars of a registered industrial design shall be made in form D5 and the certificate of registration shall be in form D6.

(5) The application number for an industrial design application shall be in the format "GM/D/X/Y"

Procedure for  
registration of  
Industrial designs

**29.** Subject to regulations 28 and 29, regulations 16, 19, 20, 21 and 22 shall apply mutatis mutandis to an application for registration of an industrial design.

Renewal of  
registration of an  
Industrial design

**30. (1)** An application for renewal of the registration of an industrial design shall be made in form D7 within the six months preceding the expiry of the registration, subject to the grace period provided for in section 24(5) of the Act.

(2) Where a registered owner fails to pay the renewal fee or any applicable surcharge, the registration of the industrial design shall not be renewed and the registration shall be removed from the register as from the last expiry date of the registration.



(3) The renewal or lapse of the registration of an industrial design shall be recorded and published.

(4) Upon the renewal of registration, the Registrar General shall issue to the registered owner a certificate of renewal in form D8 containing the details therein prescribed.

Invalidation  
registration

of

**31.** A notice of an application to invalidate the registration of an industrial design under section 25(1) of the Act and of the decision of the Court shall be served on the owner.

#### **PART IV - MARKS AND COLLECTIVE MARKS**

Application  
registration  
mark

for  
of a

**30. (1)** An application may be made for the registration of a mark in respect of-

(a) goods;

(b) services; or

(c) goods and services,

in one or more classes of the International Classification of marks.

(2) An application for the registration of a mark shall be made in form M1 bearing a representation of the mark in the prescribed place and accompanied by three additional representations of the mark.

(3) The representation of the mark on the application form and the additional reproductions shall be identical.

(4) If the Registrar General considers that any representation of a mark is unsuitable for the purposes of the registration of the mark, he or

she may at any time require a suitable representation to be submitted.

(5) If a representation cannot be given in the manner provided for in this regulation, a specimen or copy of the mark may be sent either in full size, on a reduced scale or in such form as the Registrar General may approve.

(6) If colour is claimed as an element of the mark, the application shall state the claim and specify the colour.

(7) If the application is for registration of a Three-Dimensional mark, the application shall state so and the representations shall be such as to illustrate the three dimensions clearly.

(8) An application for registration of a mark which is or contains a word shall be treated as an application to register the word in the graphical form shown on the application unless where the application states that the word is to be registered without regard to its graphical form.

(9) If a mark consists of or contains a word in a language other than English or characters other than Roman, the application shall be accompanied by a transliteration and translation of each of such words and state the language to which each word belongs, unless the Registrar General otherwise directs or permits.

Withdrawal of  
Application for  
registration of a  
mark

**31.** (1) A withdrawal of an application under section 28(3) of the Act shall be made in form M2.

(2) A withdrawal of an application does not entitle the applicant to a refund of the application fee.

Procedure of filing  
application for a  
mark

**32.** (1) Upon receipt of an application under regulation 30, the Registrar General shall

mark on each document making up the application the actual date of receipt and the application number in the format, "GM/M/X/Y", where-

(a) "X" denotes the year of receipt; and

(b) "Y" is a five-digit number denoting the sequential order in which applications for registration of marks are received.

(2) The application number shall be stated in all subsequent communications relating to that application.

(3) On receipt of every subsequent document relating to an application, the Registrar General shall-

(a) mark it with the application number and the date of receipt of that document; and

(b) mark the original application with the description of the subsequent document and its date of receipt in the appropriate place.

(4) The filing date of an application for the registration of a mark shall be the date on which all the following is received-

(a) the name of the applicant;

(b) the address for service;

(c) the prescribed representations of the mark;

(d) a specification of goods or services; and

(e) the prescribed application fee.

(5) Upon receipt of the information prescribed in regulation (4), the Registrar General shall notify the applicant in writing of the application

number and filing date.

Examination of  
application for a  
mark

**33.** (1) Where on examination of the application for registration of a mark, the Registrar General considers that the application is incomplete or defective in a material particular, he or she may request the applicant to make such corrections as he or she thinks fit in form M3 within thirty days.

(2) Where the applicant fails to submit the necessary correction in writing within thirty days, the application shall be deemed to have been withdrawn.

(3) The Registrar General may refuse an application if the corrections requested under sub-regulation (1) do not satisfy him or her, and the applicant shall be informed accordingly.

Examination as to  
registrability

**34.** (1) The Registrar General may either simultaneously with his or her examination under regulation 33 or on completion of that procedure, examine the application in accordance with section 29(1) of the Act and-

(a) accept it without conditions;

(b) accept it subject to conditions (in which case he or she shall notify the applicant of those conditions, giving the applicant not less than thirty days to agree or object); or

(c) reject the application.

(2) Where the Registrar General is satisfied that an application fulfils the conditions set out in section 29(1) of the Act and accepts the application or accepts it subject to any conditions or limitations to which the applicant does not object, the Registrar General shall give the applicant a notice of acceptance in form M4, including a request in form M3 for

payment of the prescribed advertisement fee within three months from the date of the application.

(3) If the applicant wishes the application to be published he or she shall pay the prescribed fee with a notice of payment in form M5.

(4) Upon receipt of form M5 and the prescribed fee, the Registrar General shall publish the application, setting out-

- (a) the filing date and where applicable, the priority date and the priority country;
- (b) a representation of the mark;
- (c) the list of the goods or services with an indication of the corresponding class or classes of the International Classification;
- (d) the name and address of the applicant; and
- (e) the address for service.

(5) If the applicant fails to pay the advertisement fee within the prescribed time, the application shall be deemed to have been withdrawn.

Opposition  
registration  
mark

to  
of a

**35.** (1) A notice of opposition under section 29(2)(b) of the Act shall be in form M6 and in addition to a statement of the grounds of opposition, shall be accompanied by any evidence the person opposing the application may wish to adduce in support of the opposition.

(2) The notice of opposition together with any evidence shall be filed with the Registrar General in duplicate.

(3) When sending the copy of notice of opposition to the applicant under section 29(2) (d) of the Act, the Registrar General shall send the duplicates of the evidence in support provided by the opponent.

(4) A counter-statement filed under section 29(2)(d) of the Act shall be in form M7, and in addition to stating the grounds on which the applicant relies for his or her application, shall be accompanied by any evidence the applicant may wish to adduce in support of his or her application.

(5) The counter-statement together with any evidence shall be filed with the Registrar General in duplicate.

(6) When sending the copy of the counter-statement to the person giving notice of opposition under section 29(2) (e), the Registrar General shall also send the duplicates of the evidence in support provided by the applicant.

(7) The evidence referred to in sub-regulations (1) and (4) shall take the form of written affidavits or statutory declarations, with any exhibits specifically attested to therein, and if made outside The Gambia authenticated by a Notary Public.

(8) In determining the applicant's liability (if any) for costs under section 29(2)(g) of the Act, the Registrar General shall consider whether formal opposition proceedings may have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

Registration of a  
mark

**38. (1)** The Registrar General shall register a mark and issue to the applicant a certificate of registration in form M8 if, within three months after publication of the mark under section 29(2)(a) of the Act -

(a) the registration of the mark has not been opposed; or

(b) the registration of the mark has been opposed and the issue has been decided in the favour of the applicant,

(2) Upon the registration of a mark, the effective date of the registration shall be either the -

(a) the filing date under regulation 32(4); or

(b) the priority date (where applicable);

whichever is earlier.

(3) Upon the registration of a mark it shall retain the number allocated to it under regulation 32(1).

(4) The registration of a mark shall include -

(a) a representation of the mark;

(b) the number of the mark;

(c) the name and address of the registered owner;

(d) the address for service;

(e) the filing date and the effective date determined under sub-regulation (2);

(f) the date on which the registration was actually completed;

(g) where applicable, the priority date and the priority country; and

- (h) the list of goods or services in respect of which the mark is registered with an indication of the corresponding class or classes of the International Classification.

(5) The Registrar General shall not be required to re-publish the mark upon completion of its registration.

Renewal  
registration of a  
mark

**39.** (1) An application for renewal of the registration of a mark shall be made in form M9 within the six months preceding the expiry of the registration; subject to the grace period prescribed under section 31(4)(c).

(2) Subject to sub-regulation (3), where the registered owner of a mark fails to pay the renewal fee or the surcharge where applicable, the registration of the mark shall not be renewed and its registration shall be removed from the register as from the last expiry date of its registration.

(3) Where a mark has been removed from the register for non-payment of the renewal fee, it shall, for the purposes of section 27(2)(f) of the Act (in relation to a new application for the registration of another mark within one year from the date of expiration of the last registration), be deemed to be a mark which is already on the register, unless the Registrar General is satisfied that -

- (a) there has been no bona fide use of the mark which has been removed, during three years immediately preceding its removal; or
- (b) no deception or confusion is likely to arise from the use of the mark which is the subject matter of the new application for registration, by reason of any previous use of the mark which has been removed.



(4) The renewal of the registration of a mark shall be recorded in the register and shall be published by the Registrar General.

(5) Where the Registrar General renews the registration of a mark, he or she shall issue to the registered owner a certificate of renewal in form M10.

Removal of mark  
for non use

**40.** (1) An application under section 32 of the Act to remove a mark on the grounds of non-use shall include a statement fully setting out the allegations of fact on which the application is made.

(2) A copy of the application shall be served on the registered owner of the mark.

(3) The removal of a mark from the register on the grounds of non-use shall be published by the Registrar General.

Collective marks

**41.** (1) In accordance with section 33 of the Act, the provisions of regulations 30 to 40 shall apply mutatis mutandis to collective marks and references therein to a “mark” shall be deemed to include a collective mark, subject to sub regulations (2) to (6).

(2) The application for registration under regulation 30 shall clearly designate it as a collective mark and be accompanied by a copy of the regulations governing the use of the collective mark, which shall-

(a) define the common characteristics or quality of the goods or services which the collective mark designates, the conditions under which it may be used and the persons who may use it,

(b) provide for effective control of the use of the mark in compliance with those

regulations and determine sanctions for any use contrary to the said regulations

(3) The registered owner of a collective mark shall immediately notify the Registrar General in writing of changes effected in the regulations governing the use of the mark.

(4) All notifications under sub-regulation (3) shall be recorded in the register, and changes to the regulations shall have no effect until they are recorded.

(5) A collective mark may be used by the registered owner personally or other authorised persons in accordance with the said regulations and the use by such persons shall be deemed to be use by the registered owner.

## **PART VI - MISCELLANEOUS PROVISIONS**

Recordal  
Changes

of **42.** (1) The changes to be recorded under section 37 of the Act may include *inter alia*-

- (a) changes in the name, corporate structure or home address of the owner or applicant or the address for service;
- (b) assignments, transfers or transmissions of ownership whether voluntary or by operation of law;
- (c) deletions from or restrictions of the goods or services comprised in the registration of a mark;
- (d) changes in the classification of the goods or services comprised in the registration of a mark, such as to comply with the International Classification.

(2) The changes in sub-regulation (1) shall not include any addition to or expansion of the

goods or services comprised in the registration of a mark, nor any alteration to the representation of a mark.

(3) All applications for recordal of changes shall be made to the Registrar General in form G1 which may be modified pursuant to regulation 3(1) so as to reveal the full details of the change concerned.

(4) On receipt of an application for recordal, the Registrar General may require the owner or applicant to furnish such documentary evidence or additional information as the Registrar General may deem appropriate.

(5) Unless otherwise stipulated by the Registrar General, any such document from outside The Gambia shall be authenticated by a Notary Public.

(6) A publication under section 37(1) of the Act shall specify –

- (a) the description and number of the registration;
- (b) the nature of the change;
- (c) the names and addresses of the owner and the new owner, where applicable; and
- (d) the new address for service, where applicable.

Recordal of  
Licences

**43.** (1) An application for recordal of a licence under section 37(5) of the Act shall be made to the Registrar General in form G2, accompanied by a copy of the licence contract or document, and any such document from outside The Gambia shall be authenticated by a Notary Public.

(2) In accordance with section 37(5) of the Act, the Registrar General shall keep the contents

of the licence document confidential but shall publish the dates of commencement and expiry of the contract, the geographical limits of the licence, the names and addresses of the parties and their addresses for service.

Service and  
delivery of material

**44.** (1) Any notice or correspondence required to be served on or delivered to an applicant or owner by the Registrar General shall be deemed to have been properly served or delivered if the correspondence or notice has been posted by regular mail to, or delivered at the address for service.

(2) Any form, notice or correspondence required to be filed with or delivered to the Registrar General may be delivered at his or her office or posted by regular mail to the Registrar General's official postal address.

(3) Except for purposes of allocating filing dates, material sent by post under sub-regulations (1) and (2) shall be deemed to be received on the second working day after posting.

Business days

**45.** Where the last day for doing any act or taking any proceeding falls on a day when the Registrar General's office is not open to the public for business, the act or the proceeding may be undertaken on the day the office is next open for business.

Consultation  
of registers

**46.** (1) The consultation of the registers under section 39(2) of the Act is subject to the payment of the prescribed fee.

(2) Requests for extracts from a register under section 39(2) of the Act shall be made in writing to the Registrar General and subject to the payment of the prescribed fee.

Notification of  
Corrections

**47.** (1) Where the Registrar General has effected a correction under section 40(1) of the Act to any application, document or recording, he or she shall communicate the same to the

applicant or owner concerned and to any other interested parties he or she may deem necessary.

(2) The Registrar General may at his or her discretion also publish the correction.

Publications

**48.** The “official bulletin” for the purpose of publications under section 39(3) of the Act is The Gambia Gazette.

Repeals

**49.** The Registration of United Kingdom Patents (Fees) Regulations 1972 and the Rules comprised in the 1916 legislation are repealed.

Transitional and  
Saving Provisions

**50.** (1) All trade mark applications which were pending on the effective date under the 1916 legislation shall-

- (a) be governed by the provisions of the 1916 legislation as to registration and classification;
- (b) retain the numbers allocated to them under the 1916 legislation;
- (c) not require re-examination if they have already been examined and accepted; and
- (d) subject to paragraphs (a) - (c), be governed by the Act and these Regulations.

(2) All trade mark applications which have been filed since the effective date and which are classified under the 1916 legislation or otherwise fail to be properly classified under the Act, shall be re-classified in accordance with the Act.

(3) For the purposes of sub regulation (2), the Registrar General shall give a notice of correction under regulation 33 to every

applicant who has not voluntarily re-classified his or her application within a reasonable time after publication of these Regulations.

(4) The correction shall be effected by recordal of change in form G1 or by such other means that the Registrar General may require or accept.

(5) Where immediately before the effective date, a person or firm was recognised by the Registrar General as an agent in patent, industrial design or trade mark matters, the Registrar General shall continue to recognise such person or firm and he, she or it shall be deemed to be duly qualified for purposes of section 38 of the Act and these regulations.

## **FIRST SCHEDULE**

### **Form A1 (regulation 6)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:01 THE INDUSTRIAL PROPERTY REGULATIONS 2010	
<b>AUTHORISATION OF AGENT</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Full Name and Address of:- a) Applicant b) Owner c) Opponent d) Licensee <i>(indicate (a) - (d) as appropriate)</i>	

2. The Registrar General is hereby notified of the appointment of the agent described below.		
3. Full name of the Agent		
4. Address of the agent which shall be the address for service of the person appointing him		
5. Is the appointment of agent general (in respect of all transactions in the name of the appointor), or limited (to an identified matter)? <i>(Indicate opposite)</i>	General	
	Limited	
6. If the appointment is limited, identify the matter/s opposite  <i>Continue on separate page if necessary</i>	Type of registration/s or application/s <i>(patent, utility model, industrial design, mark)</i>	
	Number/s <i>(GM/..../..../....)</i>	
	Title or short description of the (or each) registration or application	
Signature	Date	

**Note** It is NOT obligatory to send a form of authorisation with every application or proceeding. *See regulation 6(3) as to the powers of the Registrar General to require authorisation.*

**FORM P1 (regulation 10)**

<b>REPUBLIC OF THE GAMBIA</b>		
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2, Item 1</b> <i>(includes examination grant and publication)</i>		
<b>Application for Grant of a Patent</b>		
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.		
Request is hereby made by the applicant/s mentioned below for the grant of a patent in accordance with the following details.		
Application Number <i>(To be applied by the Registrar General)</i>	GM/P/	
1. Full name and address of the applicant, or of each applicant <i>(underline all surnames);</i> Applicant's reference <i>(Optional)</i>		
2. Title of the Invention		
3. Name of agent; Address for service to which all correspondence should be sent.		
4. Priority Declaration: If priority is claimed from one or more earlier applications elsewhere <i>enter details opposite or use separate sheet.</i>	Priority Country	
	Priority Date <i>(day/month/year)</i>	
	Application No. <i>(if known)</i>	
5. Inventorship (inventors must be individuals not companies): a) Are all the above applicants	a)	



inventors? b) Are there any additional inventors? <i>Enter “yes” or “no” opposite.</i>	b)	
6. Accompanying Documents: <i>Check and enter number of pages of each item opposite</i>	Description	
	Claim/s	
	Drawing/s	
	Abstract	
	Other/s (Specify)	
The prescribed fee under the Second Schedule to the Regulations is remitted herewith.		
Signature/s	Date	

### FORM P2 (regulation 16)

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010  <b>No Fee</b>	
<b>Withdrawal of Patent Application</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/P/
2. Title of Invention	
3. Name/s of Applicant/s	
4. The Registrar General is hereby notified that the above-mentioned application is withdrawn. It is recognised that there will be no refund of the application fee.	

Signature/s	Date
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**FORM P3 (regulation 17)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 3</b>  <b>Amendment of Patent Application or Priority Claim</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/P/
2. Title of Invention	
3. Name/s of Applicant/s	

<p>4. The Registrar General is hereby notified of the amendment of the above-mentioned application <b>or</b> of the priority claim in the manner set out opposite.</p>	<p><i>Description of amendment (may continue on separate sheet)</i></p>
<p>Signature/s</p>	<p>Date</p>

**FORM P4 (regulation 19)**

<p align="center"><b>REPUBLIC OF THE GAMBIA</b></p>	
<p align="center">THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010</p> <p><b>No Fee</b></p> <p align="center"><b>Request by the Registrar General for correction of patent application and/or for missing documents</b></p>	
<p>From: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.</p>	

1. Application Number	GM/P/
2. Title of Invention	
3. Name/s of Applicant/s	
4. The Registrar General requires the applicant/s to correct the above-mentioned application <b>and/or</b> to furnish missing documents as set out opposite.	
5. The fees (if any) for compliance are stated opposite.	
6. The time for compliance with this request is stated opposite*.	
Signature ..... Registrar General	Date

- ***Note If this request is not complied with, within that time the application will become void.***

**FORM P5 (regulation 21)**

<b>REPUBLIC OF THE GAMBIA</b>		
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010		
<b>No Fee</b>		
<b>Record of Particulars of a Patent</b>		
1. Patent Number	GM/P/	
2. Title of Invention		
3. Name/s and address/es of Owner/s		
4. Address for Service		
5. Name/s and address/es of Inventor/s		
6. Filing Date		
7. Priority Date and Country		
8. Publication Date (Effective Date) of Grant		
9. Classification		
10. Documents attached to and forming part of granted Patent ( <i>check opposite</i> )	a) Abstract	
	b) Description	
	c) Claims	

	d) Drawings	
	e) References to Prior Art	
Signature ..... Registrar General	Date	

**FORM P6 (regulation 21)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010	
<b>CERTIFICATE Of the Grant of a Patent</b>	
1. Patent Number	GM/P/
2. Title of Invention	
3. Name/s and Addresses of Owner/s	
4. Name/s and address/es of Inventor/s	
5. Address for Service	
6. Filing Date	
7. Priority Date	
8. Priority Country	

9. Effective (Grant and Publication) Date	
10. Abstract	
11. International Classification	
Signature ..... Registrar General	Date:

**FORM P7 (regulation 23)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 7</b>	
<b>Request for Extension of Term of Patent</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Patent Number	GM/P/
2. Date of filing Application for the Registration of the Patent (date/month/year) *	
3. Title of Invention	
4. Name/s of Owner/s	

5. Address for Service	
6. The Registrar General is hereby requested to extend the term of this patent registration in accordance with section 13(2) of the Industrial Property Act.	
7. A statement of evidence that the patented invention is being worked in The Gambia (or that there are circumstances other than importation which justify the failure to work it) is filed herewith and marked “P 7 1”.	
Signature	Date

*\*Note A request as above may be made not more than twelve months and not less than one month before the expiry of the basic term of 15 years from the date of application.*

#### FORM P8 (regulation 23)

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item &amp; Table</b>	
<b>Statement Accompanying Payment of Annuity</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Patent or Application Number	GM/P/
2. Date of filing Application for the Registration of the Patent (date/month/year)	
3. Due Date of Annuity Now Being Paid (date/month/year) *	



4. Title of Invention		
5. Name/s of Owner/s		
6. Address for Service		
7. The annuity, falling due on the above-mentioned patent application or registration on the date stated at (3) above, is remitted to the Registrar General herewith in accordance with section 13(3) of the Industrial Property Act.		
Signature	Date	

***\*Note: An annuity for the maintenance of the patent application or registration falls due on the first anniversary of the date of application for registration and on each subsequent anniversary of that date.***

### **FORM P9 (regulation 24)**

<b>REPUBLIC OF THE GAMBIA</b>		
THE INDUSTRIAL PROPERTY ACT Cap. 95:01 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 9</b>		
<b>Request for grant of Non-Voluntary Licence</b>		
To: The Registrar General, Attorney General's Chambers Minister of Justice Marina Parade, Banjul, The Gambia.		
1. Patent Number	GM/P/	
2. Dates of Filing and Grant (date/month/year) *	Filing	
	Grant	

2. Title of Invention	
3. Name/s of Owner/s	
4. Name and address of Applicant for Grant of Non-Voluntary Licence	
5. The applicant described at (4) above hereby requests the Registrar General, with the approval of the Minister, to grant a non-voluntary licence to the applicant for the working of the patented invention in The Gambia, in accordance with section 14 of the Industrial Property Act, on the grounds set out below.	
6. The patented invention is not worked, or is insufficiently worked in The Gambia.	
7. A detailed statement of the grounds of this application is filed herewith and marked "P 9 1".	
8. The written evidence upon which this application is based is filed herewith and marked "P 9 2".	
9. The plan according to which the applicant intends to work the patented invention in The Gambia, including evidence of his ability to do so, is filed herewith and marked "P 9 3".	
Signature	Date

***\*Note: An application as above may not be made until expiry of 4 years from the date of filing or 3 years from the date of grant, whichever is later.***

### **FORM D1 (regulation 27)**

<b>REPUBLIC OF THE GAMBIA</b>
<p>THE INDUSTRIAL PROPERTY ACT Cap. 95:03  THE INDUSTRIAL PROPERTY REGULATIONS 2010  <b>Fee Schedule 2 Item 10</b></p> <p><b>Application for Registration of an Industrial Design</b></p>
<p>To:  The Registrar General,  Attorney General's Chambers  Ministry of Justice,</p>

Marina Parade, Banjul, The Gambia.		
Request is hereby made by the applicant mentioned below for the registration of an industrial design in accordance with the following details.		
Application Number (To be applied by the Registrar General)	GM/D/	
1. Full name and address of the applicant. ( <u>underline surname</u> ); Applicant's reference (Optional)		
2. Short Description of the Design		
3. Name of agent; Address for service to which all correspondence should be sent.		
4. Priority Declaration: If priority is claimed from one or more earlier applications elsewhere enter details opposite or use separate sheet.	Priority Country	
	Priority Date (day/month/year)	
	Application No. (if known)	
5. Creator (must be individual not company) Is the applicant the creator of the design? Enter "yes" or "no" opposite. If the answer is "no" this application must be accompanied by a statement justifying the applicant's right to be registered.		
6. Accompanying Material: Check and enter number of pages(where applicable) of each item opposite	Description	
	Drawing/s	
	Photograph/s	
	Specimen (not exceeding 20x20x20 cm.)	
	Other/s (Specify)	
The prescribed fee under the Second Schedule to the Regulations is remitted herewith.		

Signature/s	Date
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**FORM D2 (regulation 28)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>No Fee</b>	
<b>Withdrawal of Industrial Design Application</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/D/
2. Short Description of Design	
3. Name of Applicant	
4. The Registrar General is hereby notified that the above-mentioned application is withdrawn. It is recognised that there will be no refund of the application fee.	
Signature	Date

**FORM D3 (regulation 28)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 12</b>	
<b>Amendment of Industrial Design Application or Priority Claim</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice, Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/D/
2. Short Description of Design	
3. Name of Applicant	

<p>4. The Registrar General is hereby notified of the amendment of the above-mentioned application <b>or</b> of the priority claim in the manner set out opposite.</p>	<p><i>Description of amendment (may continue on separate sheet)</i></p>
<p>Signature</p>	<p>Date</p>

**FORM D4 (regulation 28)**

<p><b>REPUBLIC OF THE GAMBIA</b></p>
<p>THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 12</b></p> <p><b>Amendment of Industrial Design Application or Priority Claim</b></p>
<p>To: The Registrar General, Attorney General's Chambers Ministry of Justice, Marina Parade, Banjul, The Gambia.</p>

1. Application Number	GM/D/
2. Short Description of Design	
3. Name of Applicant	
4. The Registrar General is hereby notified of the amendment of the above-mentioned application <b>or</b> of the priority claim in the manner set out opposite.	<i>Description of amendment (may continue on separate sheet)</i>
Signature	Date

**FORM D5 (regulation 28)**

<b>REPUBLIC OF THE GAMBIA</b>		
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010		
<b>Record of Particulars of an Industrial Design</b>		
1. Design Number	GM/D/	
2. Short Description of Design		
3. Name and address of Owner		
4. Address for Service		
5. Filing Date		
6. Priority Date and Country		
7. Material attached to and forming part of registered design ( <i>check opposite</i> )	a) Description	
	b) Drawing/s	
	c) Photograph/s	
	d) Specimen	
	e) Other/s	
Signature ..... Registrar General	Date	



**FORM D6 (regulation 28)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010	
<b>CERTIFICATE Of the Registration of an Industrial Design</b>	
1. Design Number	GM/D/
2. Short Description of Design	
3. Name and Address of Owner	
4. Address for Service	
5. Filing Date	
6. Priority Date	
7. Priority Country	
8. Effective Date	
Signature ..... Registrar General	Date

**FORM D7 (regulation 30)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 16</b>	
<b>Application for Renewal of the Registration of an Industrial Design</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Design Number	GM/D/
2. Short Description of Design	
3. Name and Address of Owner	
4. Address for Service	
5. Effective Date of Registration	
6. Date of Expiry of Current Term	
7. Application is hereby made for renewal of the registration of the above-mentioned industrial design for an additional term of 5 years from the expiry of the current term as stated above.	
8. The prescribed fee under the Second Schedule to the Regulations is remitted herewith.	
Signature	Date

**FORM D8 (regulation 30)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010	
<b>Certificate of Renewal of the Registration of an Industrial Design</b>	
From: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Design Number	GM/D/
2. Short Description of Design	
3. Name and Address of Owner	
4. Date of Expiry of Previous Term	
The registration of the above-mentioned Industrial Design has been duly renewed for an additional term of 5 years from the expiry of the previous term as stated above.	
Signature ..... Registrar General	Date

**FORM M1 (regulation 32)****REPUBLIC OF THE GAMBIA**

THE INDUSTRIAL PROPERTY ACT Cap. 95:03  
THE INDUSTRIAL PROPERTY REGULATIONS 2010

**Fee Schedule 2 Item 18***(excludes Publication Charge)*

**Application for Registration of a Mark**

To:  
The Registrar General,  
Attorney General's Chambers  
Ministry of Justice,  
Marina Parade, Banjul, The Gambia.

Application Number *(To be applied by the Registrar General)*

GM/M/

1. Representation of the Mark  
*(To be within the space provided and accompanied by 3 identical representations)*

2. If the mark is or contains a word or words without any particular form of presentation, state "yes"

3. If colour is claimed as an element of the mark, state "yes" opposite *and specify the colour*

4. If the application is for registration of a three-dimensional mark, state "yes" opposite *and ensure that the representations illustrate it clearly*

5. If the application is for registration of a collective mark, state "yes" opposite *and supply a copy of the regulations for its use in accordance with regulation 42*

6. List of Goods and/or Services for which the mark is to be registered and their Classes.

*State below by Class under current International ("Nice") classification continuing on separate sheet if necessary*

Class

Goods or Services

7. Full name and address of the applicant Applicant's reference (Optional)		
Signature	Date	

**FORM M2 (regulation 33)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010  <b>No Fee</b>  <b>Withdrawal of Application for Registration of a Mark</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/M/
2. Short Description of Mark	
3. Class or Classes	

4. Name of Applicant	
5. The Registrar General is hereby notified that the above-mentioned application is withdrawn. It is recognised that there will be no refund of the application fee.	
Signature/s	Date

**FORM M3 (regulation 35)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010  <b>No Fee</b>  <b>Request by the Registrar General for correction of Application for Registration of a Mark and/or for missing documents</b>	
From: The Registrar General, Attorney General's Chambers Ministry of justice Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/M/
2. Short Description of Mark	
3. Class or Classes	
4. Name of Applicant	
5. Address for Service	

<p>6. The Registrar General requires the applicant to correct the above-mentioned application <b>and/or</b> to furnish missing documents as set out opposite, within 30 days from service of this request.</p> <p><i><b>Note</b> If this request is not complied with, within that time the application will become void</i></p>	
Signature/s	Date

**FORM M4 (regulation 36)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>No Fee but see Form M5</b> <b>Notice of Acceptance of Application for Registration of a Mark</b> <b>And Request for Payment of Advertisement Fee</b>	
From: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/M/
2. Short Description of Mark	
3. Class or Classes	
4. Name of Applicant	
5. Address for Service	
6. The Registrar General hereby accepts the above-mentioned application and requires the applicant to remit the prescribed advertisement fee accompanied by form M 5, within 3 months from service of this request.  <i><b>Note</b> If this request is not complied with, within that time the application shall be deemed to have been withdrawn.</i>	
Signature ..... Registrar General	Date



**FORM M5 (regulation 36)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 22</b> <b>Notice of Payment of Advertisement Fee</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Application Number	GM/M/
2. Short Description of Mark	
3. Class or Classes	
4. Name of Applicant	
5. Address for Service	
6 Pursuant to the Registrar General's notice of acceptance, the prescribed advertisement fee on the above-mentioned application is remitted to the Registrar General herewith.	
Signature/s	Date

**FORM M6 (regulation 35)**

<b>REPUBLIC OF THE GAMBIA</b>		
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 23</b>  <b>Notice of Opposition against Application for Registration of a Mark</b>		
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.		
1. Application Number	GM/M/	
2. Short Description of Mark		
3. Class or Classes		
4. Name of Applicant		
5. Address for Service of applicant		
6. Name and Address of Opponent		
7. Address for Service of Opponent		
8. The Opponent named and described above hereby gives notice to the Registrar General of opposition to the registration of the above-mentioned mark, on those grounds (as prescribed in section 29(2)(b) of the Industrial Property Act) which are set out in the Statement of Grounds filed herewith and marked <b>"M 6 1"</b>		
9. The Opponent files herewith all	Number	Description of Item

<p>the evidence (if any) to be adduced in support of the Opposition.</p> <p><i>Each item shall be identified opposite and distinguished by a number in the series “M 6 2 - ...”</i></p>		
Signature of Opponent	Date	

***Note - This Notice of Opposition and all annexures shall be filed in duplicate***

**FORM M7 (regulation 35)**

<b>REPUBLIC OF THE GAMBIA</b>	
<p>THE INDUSTRIAL PROPERTY ACT Cap. 95:03</p> <p>THE INDUSTRIAL PROPERTY REGULATIONS 2010</p> <p><b>Fee Schedule 2 Item 23</b></p> <p><b>Counter-statement in Support of Application for Registration of a Mark</b></p>	
<p>To:</p> <p>The Registrar General,          Attorney General's Chambers          Ministry of Justice          Marina Parade, Banjul, The Gambia.</p>	
1. Application Number	GM/M/
2. Short Description of Mark	
3. Class or Classes	
4. Name of Applicant	
5. Address for Service of applicant	

6. Name and Address of Opponent		
7. Address for Service of Opponent		
8. The Applicant hereby gives notice to the Registrar General of the grounds on which he relies for his application, as set out in the Statement of Grounds filed herewith and marked “ <b>M 7 1</b> ”		
9. The Applicant files herewith all the evidence (if any) to be adduced in support of the Counter-Statement. <i>Each item shall be identified opposite and distinguished by a number in the series “<b>M 7 2 - ...</b>”</i>	Number	Description of Item
Signature of Applicant	Date	

***Note - This Counter-Statement and all annexures shall be filed in duplicate***

**FORM M8 (regulation 38)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010	
<b>CERTIFICATE Of the Registration of a Mark</b>	
1. Mark Number	GM/M/
Representation of the Mark	
3. Name and Address of Owner	
4. Address for Service	
5. Filing Date	6. Priority Date
7. Priority Country	8. Effective Date
9. Is the registered mark a collective mark? <i>If so the relevant Regulations are filed at the Registry</i>	yes / no
9. List of goods and/or services with corresponding class/es	
Class	Goods or Services

Signature ..... Registrar General	Date of Completion of Registration .....

**FORM M9 (regulation 39)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 26</b> <b>Application for Renewal of the Registration of a Mark</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Registration Number	GM/M/
2. Short Description of Mark	
3. Class or Classes	
4. Name of Owner	

5. Address for Service	
6. Effective Date	
7. Date of Expiry of Current Term	
8. Application is hereby made for renewal of the registration of the above-mentioned Mark for an additional term of 10 years from the expiry of the current term as stated above.	
9. The prescribed fee under the Second Schedule to the Regulations is remitted herewith.	
Signature	Date

**FORM M10 (regulation 39)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 26</b>  <b>Certificate of Renewal of the Registration of a Mark</b>	
From: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Registration Number	GM/M/
2. Short Description of Mark	
3. Class or Classes	
4. Name of Owner	

5. Address for Service	
6. Date of Expiry of Current Term	
The registration of the above-mentioned Mark has been duly renewed for an additional term of 10 years from the expiry of the previous term as stated above..	
Signature ..... Registrar General	Date

**FORM G1 (regulation 50)**

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee Schedule 2 Item 28</b>	
<b>Application to Record a Change in the Particulars of an Industrial Property Right</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice Marina Parade, Banjul, The Gambia.	
1. Registration or Application Number	GM/ /
2. Type of Registration or Application <i>Delete as Necessary</i>	Patent
	Utility Model
	Industrial Design
	Mark
	Collective Mark
3. Title or Short Description of the Registration or Application	
4. Class or Classes <i>(if a Mark or Collective Mark)</i>	
5. Name of Owner or Applicant	



6. Address for Service	
7. Effective Date of Change	
8. Description of Change <i>The nature and details of the change must be clearly described including any new name or address or address for service to be set out in full</i>	
Signature	Date

**Notes**

1. See regulation 42 as to which changes may and may not be recorded.
2. It is **NOT** obligatory to send documentary evidence of the change with this form but the Registrar General may require evidence under Regulation 42(4). The owner or applicant **may** send evidence voluntarily to anticipate such a request and any such document from outside The Gambia shall be authenticated by Notary.
3. A single form may be used to record **the same change** against one or more registrations and/or applications comprising **the same type** of industrial property right (patent, mark, etc.). If more than one registration/application is involved, the prescribed fee is payable upon each of them.
4. If a series of changes is to be recorded, a separate application on this form G 1 must be used for each change, and shall be so completed as to show clearly the order in which the respective changes happened.

**FORM G2 (regulation 43)****REPUBLIC OF THE GAMBIA**

THE INDUSTRIAL PROPERTY ACT Cap. 95:03  
 THE INDUSTRIAL PROPERTY REGULATIONS 2010  
**Fee Schedule 2 Item 28** *(includes publication charge)*

**Application to Record a Licence of an Industrial Property Right**

To:  
 The Registrar General,  
 Attorney General's Chambers  
 Ministry of Justice  
 Marina Parade, Banjul, The Gambia.

1. Registration or Application Number	GM/ /
2. Type of Registration or Application <i>Delete as Necessary</i>	Patent
	Utility Model
	Industrial Design
	Mark
3. Title or Short Description of the Registration or Application	
4. Class or Classes <i>(if a Mark)</i>	
5. Name of Owner or Applicant	
6. Address for Service of Owner or Applicant	
7. Date of Commencement of Licence	
8. Expiry Date of Licence	
9. Geographical Limits of Licence	
10. Name and Full Address of Licensee	

11. Address for Service of Licensee	
12. A copy of the licence contract or document, summarised above, is submitted to the Registrar General herewith. It is recognised that the licence document shall be kept in confidence by the Registrar General who shall publish the dates of commencement and expiry of the contract, the geographical limits of the licence, the names and addresses of the parties and their addresses for service.	
Signature of Owner/Applicant .....	Date
Signature of Licensee .....	Date

## SECOND SCHEDULE

### TABLE OF FEES (regulation 3)

REPUBLIC OF THE GAMBIA					
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010					
Second Schedule to the Regulations - Table of Fees					
Item No.	Item	Regulation	Fees		Form
			Gambian Applicant (dalasis)	Overseas Applicant US\$ <sup>1</sup>	
1	Application for Grant of a Patent ( <i>includes examination, grant and publication</i> )	10	5000	400	P1
2	Withdrawal of Patent Application	16	Nil	Nil	P2
3	Amendment of Patent Application or Priority Claim	8(3), 17	1500	120	P3
4	Request for Correction of Patent Application	19(2)&(3)	Nil	Nil	P4
5	Record of Particulars of Patent Registration	21	Nil	Nil	P5
6	Certificate of Grant of Patent	21	Nil	Nil	P6
7	Application for Extension of Patent Term	23(1)	2500	200	P7
8	Notice of Payment of Annual Fee	23(2)		See Table	P8
9	Request for Grant of Non-Voluntary Licence	24(1)	3125	250	P9
10	Application for Registration of an Industrial Design	27	3125	250	D1
11	Withdrawal of Industrial Design Application	28(1)	Nil	Nil	D2
12	Amendment of Industrial Design Application or Priority Claim	28(2)	1500	120	D3
12	Request for Correction of Industrial Design Application	28(3)	Nil	Nil	D4
14	Record of Particulars of Industrial Design Registration	28(4)	Nil	Nil	D5
15	Certificate of Registration of an Industrial Design	28(4)	Nil	Nil	D6
16	Application for Renewal of an Industrial Design	30(1)	2500	200	D7
17	Certificate of Renewal of an Industrial Design	30(4)	Nil	Nil	D8
18	Application for Registration of a Mark	First or only class of goods/services included	30	2500	M1
		Each additional class	30	1250	
19	Withdrawal of Application for Registration of a Mark	31	Nil	Nil	M2
20	Request for Correction of Application for Registration of a Mark	33	Nil	Nil	M3
21	Notice of acceptance and request for Advertisement Fee	34(2)	Nil	Nil	M4
22	Notice of Payment of Advertisement Fee	34(3)	1250	100	M5
23	Notice of Opposition against Application for Registration of a Mark	35(1)-(3)	3750	300	M6

24	Counter-Statement	35(4)	3750	300	M7
25	Certificate of Registration of Mark	38(1)	Nil	Nil	M8
26	Application for Renewal of Registration of a Mark	39(1)	3125	250	M9
27	Certificate of Renewal of Registration of a Mark	39(5)	Nil	Nil	M10
28	Application for Recordal of Change Per registration or Application involved in the change	42(3)	1875	150	G1
29	Application for Recordal of a Licence (including publication)	43	3750	300	G2
30	Form of Authorisation of Agent	6(2)(a)	Nil	Nil	A1

<sup>1</sup> In arriving at the fees, the corresponding charges in Ghana, Kenya and the UK have been consulted but none directly followed. In particular, all the above are significantly cheaper than the UK fees.

<b>REPUBLIC OF THE GAMBIA</b>		
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2008 <i>Section 13(3), Regulation 24(2)</i> <b>Annexe to Second Schedule - Table of Patent Annuities</b>		
Due Date (Anniversary of Filing Date)	Gambian Applicant	Overseas Applicant US\$
1st		250
2nd - 9th inclusive		300
10th		400
11th		500
12th		600
13th		700
14th		800
15th		900
16th		1,000
17th		1,100
18th		1,200
19th		1,300

**Made this..... day of.....2010.**

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**EDWARD ANTHONY GOMEZ**  
**ATTORNEY GENERAL AND MINISTER OF JUSTICE**