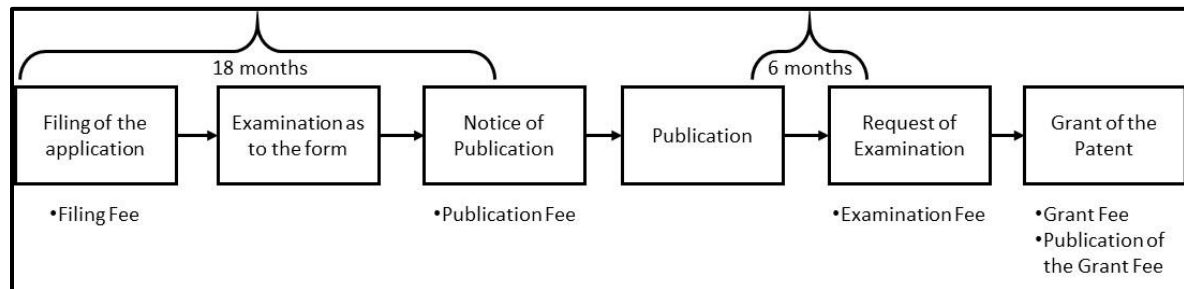


Antigua and Barbuda

Implementing Circular on the Collection of Annuities and the Examination System

1. The *Patents Bill 2018* (hereinafter “The Patent Act”) was enacted on November 8th 2018, which comes into force on November 22, 2018. These require certain changes to our regulations related to examination, publication of patent applications, examination patent applications and the collection of annuities.
2. According to the Patent Act, patent applications in Antigua and Barbuda shall follow the following procedure, as illustrated below:



Publication, Examination and Grant

3. Prior to the Patent Act, the Registrar did not conduct substantive examination.
4. Under Section 24 (2) examination must be requested 6 months after the publication date of the application. Under Section 24(3) of the Patent Act, applications who fail to request examination prior to the deadline shall be deemed abandoned.
5. For patent applications filed 15 years before February 4th, 2019 or less, substantive examination will not be conducted and they will automatically be granted. The Registrar shall send a notice of the grant, requesting the applicant to pay the grant fee¹ and publication of the grant fee² except where provisional refusals have been sent by the Registry. Note that PCT applications designating Antigua and Barbuda but filed after the 30-month deadline will not be granted³.
6. For patent applications filed in Antigua and Barbuda⁴ between February 4th, 2004 and November 22, 2017, a request of substantive examination will be now required. For that purpose, a 6 months transition period counted from the date of this Circular (February 4th, 2019), will be provided to patent applicants to request examination and payment of the prescribed fee⁵. Simultaneously applicants will be required to pay the publication fee⁶.
7. For patent applications filed in Antigua and Barbuda⁷ after November 22, 2017, the Registrar shall send the applicant a Notice of Publication requesting the publication fee. Upon publication, applicants shall request examination within 6 months from the publication date.
8. The schedule for requesting examination is shown in the table below:

¹ The fee, as described in Schedule 1 of Regulation, is EC\$1000.00

² The fee, as described in Schedule 1 of Regulation, is EC\$50.00

³ See https://www.wipo.int/pct/en/texts/time_limits.html

⁴ Including PCT applications that designated Antigua and Barbuda within the appropriate time limit

⁵ The fee, as described in Schedule 1 of Regulation, is EC\$600.00.

⁶ The fee, as described in Schedule 1 of Regulation, is EC\$75.00

⁷ Including PCT applications that designated Antigua and Barbuda within the appropriate time limit

Applications Filed	Request for Exam Due
Unexpired patent applications filed before February 4 th , 2004	None
Patent applications filed between February 4 th , 2004 and November 22, 2017	August 4 th , 2019
Patent applications filed after November 22, 2017	6 months from the Publication Date ⁸

Annuities

9. Prior to the Patent Act, the Registrar did not collect annuity fees. Under Section 26(2) of the Patent Act, annuities will now be collected on an annual basis for pending patent applications and granted patents, beginning 12 months from the patent application's filing date. Under Section 26(5), failure to pay the annual fee will result in the lapse of the patent or patent application, subject to a grace period.
10. To allow time for patent owners and patent applicants to prepare for this change, a 6 months transition period, counted from the date of this Circular (February 4th, 2019), will be provided. By the end of the transition period, the current year's annuity must be paid. No further grace period shall apply to this initial payment. The next annuity must also be paid, if due, by the end of the transition period.
11. The prescribed fees are described in Regulation 3, Schedule 1. In cases where the current year's annuity has less than 6 months remaining from when the Patent Act went into force, applicants shall pay only half of the prescribed fee due.
12. The timing and fee amounts are indicated in the Table below:

Annuity	Annuity Due	Annuity Amount	
Current Year	August 4 th , 2019	If the anniversary of the patent application's filing date falls before May 22 ⁹	Half the amount described in Regulation 3, Schedule 1
		All other patents and patent applications	Full amount described in Regulation 3, Schedule 1
Next Annuity	The later of the August 4 th , 2019 and the anniversary of the patent application's filing date	Full amount described in Regulation 3, Schedule 1	
All subsequent Annuities	The anniversary the patent application's filing date	Full amount described in Regulation 3, Schedule 1	

⁸ These patent applications will follow the regular process.

⁹ Six months from the date the Patent Act entered into force

13. Examples based on the anniversary of the patent or patent application's filing date:

Anniversary of the patent or patent application's filing date falls:	Current Annuity Due	Current Annuity Amount	Next Annuity Due	All Subsequent Annuities Due
Before May 22	August 4 th , 2019	Half the amount described in Regulation 3, Schedule 1	August 4 th , 2019	Anniversary of the patent or patent application's filing date
Between May 22 and August 4, 2019	August 4 th , 2019	Full amount described in Regulation 3, Schedule 1	August 4 th , 2019	Anniversary of the patent or patent application's filing date
After the August 4, 2019	August 4 th , 2019	Full amount described in Regulation 3, Schedule 1	Anniversary of the patent or patent application's filing date	Anniversary of the patent or patent application's filing date