

**THE INDUSTRIAL PROPERTY ACT  
(Cap 95:01)**

**THE INDUSTRIAL PROPERTY (Amendment)  
REGULATIONS 2011**

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

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| Citation   | <b>1.</b> These Regulations may be cited as the Industrial Property (Amendment) Regulations 2011.   |
| Amendment of Industrial Property Regulations No. 8 of 2010 | <b>2.</b> The Industrial Property Regulations 2010 (hereinafter referred to as the “Principal Regulations”) are amended as set out in these regulations.  |
| Amendment of Part II                                       | <b>3.</b> The heading of Part II of the Principal Regulations is amended by inserting immediately after the word “Patents”, the words “and utility model certificates”.   |
| Insertion of regulation 10A                                | <b>4.</b> There is inserted immediately after regulation 10 of the Principal Regulations, the following regulation-<br><br>“ <b>10A.</b> (1) In accordance with section 44 of the Act, the Patent Cooperation Treaty and the regulations and administrative instructions issued under it shall apply in The Gambia.<br><br>(2) In accordance with section 12(5) of the Act, the Harare Protocol on Patents, Industrial Designs and Utility Models within the framework of the African Regional Intellectual Property Organisation (ARIPO) and the administrative instructions issued under it shall apply in The Gambia.<br><br>(3) International applications filed with the Registrar General as the receiving office under the Patent Cooperation Treaty and regional applications filed with the Registrar General under section 2 of the ARIPO protocol shall- |

(a) be in the form prescribed under the appropriate administrative instructions; and

(b) be accompanied by the transmittal fee prescribed under the appropriate administrative instructions.

(4) An international application in which The Gambia is designated shall on request, be treated as an application under the Act if the conditions set out in Article 22 or 39 of the Patent Cooperation Treaty and the applicable rules under the Treaty are satisfied.

(5) An international application in which The Gambia is designated, shall on request be treated as an application under the Act if a refusal, declaration or finding described in Article 25 of the Patent Cooperation Treaty was made and the refusal, declaration or finding was the result of an error or omission on the part of the receiving office or the international bureau.

(6) A regional application in which The Gambia is designated and that has been refused by the Secretariat of ARIPO shall on request, be treated as an application under the Act if the Secretariat of ARIPO transmits to the Registrar general-

(a) a request made by the applicant to the secretariat of ARIPO that the application be treated in The Gambia as an application under the Act; and

(b) a copy of the files relating to the application.

(7) The Registrar General shall publish-

(a) an international application in which The Gambia is designated, within two months after the application enters the national phase; and

(b) a regional application in which The Gambia is designated, within two months after The Gambia is notified of being designated in the regional application under the ARIPO Protocol.”

Amendment of regulation 19

5. The side note to regulation 16 of the Principal Regulations is amended by inserting immediately after the word “patent”, the words “as to form”.

Amendment of regulation 23

6. Regulation 23 of the Principal Regulations is amended by inserting immediately after sub-regulation (3), the following sub-regulations-

“(4) The annual fees payable on a patent under section 13(3) of the Act shall be deemed to become payable first, on the anniversary of its filing date which falls after the commencement of these Regulations (1<sup>st</sup> January 2011).

(5) The amount of the fees as prescribed in sub-regulation (4) shall be calculated with reference to the numbered anniversaries of its actual filing date in accordance with the Annexes to the second schedule to these Regulations”.

Insertion of regulation 25A

7. There is inserted immediately after regulation 25, the following regulation-

**“Utility Model**

**Certificates 25A.** (1) Subject to sub-regulations

(2) and (3), the provisions of these Regulations relating to patents shall apply, with necessary modifications to utility model certificates.

(2) The application for a utility model certificate shall be made in form P1.

(3) Regulations 20 and 23(1) shall not apply to utility model certificates.

(4) Where the Registrar General has given a filing date to a utility model application, he or she shall grant the utility model certificate.”

Insertion of regulation 25B

8. There is inserted immediately after the new regulation 25A of the Principal Regulations, the following regulation-

**“Conversions between patent and utility model applications 25B.** An application under section 18 of the Act shall be made in from P10.”

Amendment of regulation 29

**9.** Regulation 29 of the Principal Regulations is amended by substituting for –

(a) the figures “28 and 29”, the figures “27 and 28”; and

(b) the figures “16, 19, 20, 21, and 22”, the figures “15 to 21”.

Amendment of regulation 30

**10.** Regulation 30 of the Principal Regulations is amended in sub-regulation (2) by substituting for the word “or”, the word “and”.

Renumbering of regulations 30 to 35

**11.** Regulations 30, 31, 32, 33, 34 and 35 of the Principal Regulations are hereby renumbered as 32, 33, 34, 35, 36 and 37 respectively.

Amendment of the new regulation 32

**12.** The new regulation 32 of the Principal Regulations is amended in sub-regulation (9) by inserting immediately after the word “word”, the words “or words”.

Amendment of the new regulation 33

**13.** The new regulation 33 of the Principal Regulations is amended –

(a) in its sidenote by inserting immediately after the word “withdrawal”, the words “or amendment” and after the word “mark”, the words “or priority claim therefore”; and

(b) inserting immediately after sub-regulation (2), the following sub-regulation-

“(3) An amendment of an application or priority claim shall be made in form M2A”.

Amendment of the new regulation 34

**14.** The new regulation 34 of the Principal Regulations is amended –

(a) in its sidenote by substituting for it the following new sidenote-

“Procedure after receipt of application for registration of a mark”;

(b) in sub-regulation (5) by inserting immediately after the word “date”, the words “but the application shall not be published at this stage”.

(c) by inserting immediately after sub-regulation (5), the following new regulation-

“(6) This regulation applies to every application filed prior to the commencement of the Act mutatis mutandis and in so far as the application had not been processed under the 1916 legislation”.

Amendment of regulation 35

**15.** The new regulation 35 of the Principal Regulations is amended in its sidenote by inserting immediately after the word “mark”, the words “as to form”.

Amendment of regulation 36

**16.** The new regulation 36 of the Principal Regulations is amended in sub-regulation (4) (c) immediately after the word “goods” by substituting for the word “or”, the words “and/or”.

Amendment of regulation 39

**17.** Regulation 39 of the Principal Regulations is amended in—

(a) sub-regulation (1) by substituting for the words “prescribed under” the words “provided for in”; and

(b) in sub-regulation (2) by substituting for the word “or”, the word “and”.

Amendment of regulation 41

**18.** Regulation 41 of the Principal Regulations is amended in sub-regulation (5) by substituting for the word “or”, the words “provided it is also used by”.

Amendment of regulation 42

**19.** Regulation 42 of the Principal Regulations is amended in—

(a) sub-regulation (1) (c) and (d) by substituting for the word “or”, the words “and/or”;

(b) sub-regulation (3) by substituting for the word “may”, the words “shall if necessary”;

(c) sub-regulation (6) by substituting for the word “specify”, the words “be as set out in form G3”;

(d) inserting immediately after sub-regulation (6) the following new sub-regulation-

“(7) Upon the recordal of any change under this regulation, the Registrar General shall issue a certificate in respect of that change in form G6”.

Amendment of regulation 43

**20.** Regulation 43 of the Principal Regulations is amended by-

(a) substituting for sub-regulation (2) the following sub-regulation-

“(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 particulars as set out in form G4.”

(b) inserting immediately after sub-regulation (2), the following new sub-regulation -

“(3) Upon the recordal of a licence under this regulation, the Registrar General shall issue a certificate in respect of that recordal in form G7.”

Amendment of regulation 46

**21.** Regulation 46 of the Principal Regulations is amended by substituting for sub-regulation (2), the following-

“(2) A request for –

(a) an extract from any register under section 39(2) of the Act;

(b) a certified or uncertified copy of any document held or issued by the Registrar General (other than a licence contract or other item specifically stated to be confidential); or

(c) a certificate as to status of any registration including changes and other matters recorded in relation thereto (other than licence contracts or other items specifically stated to be confidential)

shall be made in form G5 and subject to the payment

of the prescribed fee.”

Amendment of  
regulation 50

**22.** Regulation 50 of the Principal Regulations is amended in paragraph (a) by substituting for the word “registration”, the word “registrability”.

Amendment of first  
and second  
schedule

**23.** (1) The first schedule to the Principal Regulations is amended -

(a) in forms P1, P2, P3, P5, P7, inserting immediately after the word “patent”, the words “or Utility Model” and immediately after the word “protected” the word “patented”;

(b) by substituting for forms M8, P8, G1, and G2, the new forms set out in the schedule to these Regulations

(c) by adding new forms P10, M2A, G3, G4, G5, G6 and G7 as set out in the schedule to these Regulations;

(2) The second schedule to the Principal Regulations is amended by inserting new columns 31, 32, 33 and 34 as set out in the schedule to these Regulations.



**REPUBLIC OF THE GAMBIA**

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

**Fee Schedule 2 Item & Table**

**Payment of Annuity**  
**(to be filed in triplicate)**

Part A from the owner, applicant or agent

To:

The Registrar General,

1. Patent or Application Number	GM/
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 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
Part B Duplicate to be returned by the Registrar General To the above described owner, applicant or agent Receipt is hereby acknowledged of the annual fee detailed in Part A	
8. date of payment of annual fee	
9. Date of this acknowledgement	
Signature of Registrar General	.....

*\*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 P10 (regulation 25B)

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010 <b>Fee: Schedule 2 Item 31</b> <b>Request to convert patent application into application for utility model certificate,            or to convert application for utility model certificate into patent application</b>	
To: The Registrar General, Attorney General's Chambers Ministry of Justice, Marina Parade, Banjul, The Gambia.	
1. Patent or Utility Model Application Number	GM/
2. This application is at present for:- <i>Delete as necessary opposite</i>	A patent
	A utility model certificate
3. Title of Invention	
4. Name/s of Applicant/s	
5. Address for Service	
6. Application is hereby made to convert this application: <i>Delete as necessary opposite</i>	From a patent application into an application for utility model certificate
	From an application for utility model certificate into a patent application
7. The prescribed fee under the Second Schedule to the Regulations is remitted herewith.	
Signature	Date

FORM M2A (regulation 33)

<b>REPUBLIC OF THE GAMBIA</b>	
<p>THE INDUSTRIAL PROPERTY ACT Cap. 95:03          THE INDUSTRIAL PROPERTY REGULATIONS 2010  <b>Fee: Schedule 2 Item 32</b>  <b>Amendment of application for registration of a mark,          or amendment of priority claim relating thereto</b></p>	
<p>To:          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	
6. 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>
7. The prescribed fee under the Second Schedule to the Regulations is remitted herewith.	
Signature	Date

**FORM G1 (regulation 42)**

**REPUBLIC OF THE GAMBIA**

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

**Fee: Schedule 2 Item 28**

**Application to Record a Change  
in the Particulars 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
	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	

<p>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></p>	
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)

<b>REPUBLIC OF THE GAMBIA</b>	
<p>THE INDUSTRIAL PROPERTY ACT Cap. 95:03                      THE INDUSTRIAL PROPERTY REGULATIONS 2010  <b>Fee: Schedule 2 Item 28</b> <i>(includes publication charge)</i></p> <p style="text-align: center;"><b>Application for Recordal of a Licence of an Industrial Property Right</b></p>	
<p>To:                      The Registrar General,                      Attorney General's Chambers                      Ministry of Justice                      Marina Parade, Banjul, The Gambia.</p>	
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

**Form G3 (Regulation 46(2))**

**Format of notice in the Trade Marks Journal (Gambia Gazette)  
publishing changes in ownership of industrial property rights and applications  
therefore  
pursuant to section 37(1) of the Act**

THE INDUSTRIAL PROPERTY ACT Cap. 95:03; THE INDUSTRIAL PROPERTY REGULATIONS 2008				
Pursuant to section 37(1) of the Act, the following changes are hereby published in the ownership of registered industrial property rights and applications therefor. Additional details, for example of parties' home addresses and addresses for service, may be obtained by search at the Registrar General's office upon payment of the prescribed fee.				
A. MARKS				
1. Assignments, transfers and/or transmissions				
Registration No.	Title of Mark	Old Owner	New Owner	Date of Change
2. Changes of Name				
Registration No.	Title of Mark	Party's identity (Owner, etc.) and Old Name	New Name	Date of Change
3. Changes of Address				

Registration No.	Title of Mark	Party's identity (Owner, etc.) and Name	New Address	Date of Change
<i>{The Notice is to be adjusted as necessary by deletion of inapplicable sections, when no such change is to be published; and similarly completed for other changes, and for other rights, namely patents, utility models and industrial designs}</i>				
Signature .....		Date		
Registrar General, Attorney General's Chambers, Ministry of Justice, Marina Parade, Banjul,				

### **Form G4 (Regulation 43(2))**

#### **Format of notice in the Trade Marks Journal (Gambia Gazette) publishing certain particulars of an industrial property licence pursuant to section 37(5) of the Act**

THE INDUSTRIAL PROPERTY ACT Cap. 95:03; THE INDUSTRIAL PROPERTY REGULATIONS 2008	
<p>Pursuant to section 37(5) of the Act, particulars are hereby published of a licence contract concerning a registered industrial property right or application therefor. Certain additional details, for example of parties' home addresses and addresses for service, may be obtained by search at the Registrar General's office upon payment of the prescribed fee.</p> <p>The contents of the contract are confidential as required by the same section.</p>	
1. Registration or Application Number	GM/ /
2. Type of Registration or Application	<i>Insert patent, mark, collective mark industrial design or utility model certificate as appropriate</i>
3. Title or Short Description	
4. Name of Owner or Applicant	
5. Name of Licensee	
6. Date of Commencement of Licence	
7. Date of Expiry	<i>If no stated date, insert "Indeterminate"</i>
8. Geographical Limits	
Signature .....	Date

Registrar General, Attorney General's Chambers, Ministry of Justice, Marina Parade, Banjul,	
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Form G5 (Regulation 46(2))

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2008 <b>Fee: Schedule 2 Item 33</b> <b>Application for extract, copy or certificate</b>	
To the Registrar General, Attorney General's Chambers, Ministry of Justice, Marina Parade, Banjul, The Gambia.	
The Registrar General is hereby requested to issue the following extract, copy or certificate relating to the industrial property right described below. The prescribed fee under the Second Schedule to the Regulations is remitted herewith.	
1. Details of the industrial property right in relation to which the request is made	
a) Registration or Application Number	GM/ /
b) Type of Registration or Application <i>Delete as Necessary</i>	Patent
	Utility Model
	Industrial Design
	Mark
	Collective Mark
c) Title or Short Description of the Registration or Application	
d) Name of Owner or Applicant <i>of the said industrial property right</i>	

2. Details of the person making this request	
a) Name	
b) Address for Service	
3. Description of Document now requested <i>The nature and details of the requested document must be clearly described. Registry staff may be consulted to make sure the request is clear and complete.</i>	
Signature	Date

Form G6 (Regulation 42)

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010	
<b>CERTIFICATE OF RECORDAL OF AMENDMENT TO REGISTRATION OF AN INTELLECTUAL PROPERTY RIGHT</b>	
From the Registrar General Attorney General's Chambers, Ministry of Justice, Marina Parade, Banjul, The Gambia	
1. Registration Number	GM/
2. Category of intellectual property right	Patent
	Utility Model
	Industrial Design
	Mark
	Collective Mark
3. Title or Short Description of Registration	
4. Class or Classes (if applicable)	
5. Name of Owner as Previously Registered	
6. Address for Service	

7. The registration of the above-mentioned Industrial Property Right has been amended as follows

Signature .....	Date
Registrar General	.....

Form G7 (Regulation 43(3))

<b>REPUBLIC OF THE GAMBIA</b>	
THE INDUSTRIAL PROPERTY ACT Cap. 95:03 THE INDUSTRIAL PROPERTY REGULATIONS 2010	
<b>CERTIFICATE OF RECORDAL OF LICENCE OF AN INDUSTRIAL PROPERTY RIGHT Or Application Therefor</b>	
From the Registrar General Attorney General's Chambers, Ministry of Justice, Marina Parade, Banjul, The Gambia	
1. Registration or Application Number	GM/
2. Category of intellectual property right	Patent
	Utility Model
	Industrial Design
	Mark
	Collective Mark
3. Title or Short Description	
4. Class or Classes (if applicable)	
5. Owner's or Applicant's Name	
6. A licence of the above-mentioned Industrial Property Right, or application therefor, has been duly recorded as follows:-	
a) Licensee's Name	

b) Licensee's Address	
c) Licensee's Address for Service	
d) Date of Commencement of Licence	
e) Date of Expiry	<i>If no stated date, insert "Indeterminate"</i>
f) Geographical Limits	
Signature ..... ..... Registrar General	Date .....

31	Conversion from patent application to utility model application and vice versa	25B	2500	200	P10
32	Amendment of a mark application or priority claim	33	1250	100	M2 A
33	Consultation of the registers	46(1)	250	10	-
34	Application for extract, copy or certificate from registers	46(2)	500	20	G5

**2. The fees payable in United States dollars may be paid in their dalasi equivalent.**

**MADE THIS ..... DAY OF ..... 2011**

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