



GUIDANCE NOTE 28

Patents

Updated November 2022

Introduction

A patent is a document conveying a government grant to an inventor protecting and assuring him the sole right to make, use and sell the invention for a limited period.

Gibraltar is not a place where an originating application to register a patent can be made. Registration in Gibraltar is dependent on the patent having been effectively registered in the UK.

Any person being the grantee of a United Kingdom patent or deriving his right from such, granted by assignment, transmission or other operation of law, may apply within three years from the date of issue of the patent to have such patent registered in Gibraltar under the Patents Act 1924 (the "Act").

A Register - "The Patent Register" shall be kept by the Registrar of Patents in which shall be registered the particulars of every application made under the Act.

The Register and all documents relating to entries therein which may have accompanied an application for Registration are open to inspection at all hours during which the Registrar's office is open to the public. The information on the register is also publicly available online 24/7 via Companies House Gibraltar's e-Registry.

Every application or request to the Registrar shall be made in writing on the appropriate form to be signed by the party applying or by a person duly authorised on his behalf or by a solicitor.

Application for Registration in Gibraltar (under section 2)

The following documents must be delivered to the Registry:-

- (i) Application for Registration (**Form 1**)
- (ii) Certified Copy of the specification(s) (including drawings if any) of the United Kingdom patent
- (iii) A Certificate of the Comptroller-General of the United Kingdom Patent office
- (iv) The filing fee of £30.00

The Registrar shall issue a certificate of Registration.

Request for an amendment of the specification(s) and drawings (under section 8)

The following documents must be delivered to the Registry:-

- (i) Request for an amendment (**Form 3**)
- (ii) Copy of the specification(s) and drawings (if any) as amended, duly certified by the Comptroller-General of the United Kingdom Patent office
- (iii) The filing fee of £13.00

Application for assignment or transmission (under section 9)

The following documents must be delivered to the Registry:-

- (i) Application form for assignment or transmission (**Form 4**)
- (ii) An office copy or certified copy of the document showing the assignment or transmission
- (iii) The filing fee of £20.00

Supplementary protection certificate

A supplementary protection certificate can be registered in Gibraltar and a certificate will be issued under section 9.

Act

The Patents Act 1924

Forms

Form 1- Application for Registration

Form 2- Certificate issued by Registrar

Form 3 -Request for an amendment

Form 4- Application form for assignment or transmission

How to obtain information on a patent registered in Gibraltar

Any person may conduct a search of the file of a patent registered in Gibraltar, request a profile or copies of any documents kept on the public record of such a patent. For this, a request will need to be made to Companies House Gibraltar. This information is also available online via Companies House Gibraltar's e-Registry. Access to the e-Registry requires a paid subscription.

For more details on any of these services please visit www.companieshouse.gi, or contact Companies House Gibraltar.

Payment Method

Please refer to Guidance Note 36 for payment methods accepted by Companies House Gibraltar.

Guidance only

These notes are intended for general guidance only. Companies House Gibraltar does not assume legal responsibility for the accuracy of any particular statement. In the case of a specific problem, we recommend that you seek professional advice.

Registry Contact Details

Companies House Gibraltar

1st Floor, The Arcade

30-38 Main Street

PO Box 848

Gibraltar

Tel: +350 200 78193

Fax: +350 200 44436

mail@companieshouse.gi

www.companieshouse.gi