



Sri Lanka Trademark, Patent and Industrial Design Registration Process

Table of Contents

Trademarks.....	1
Required documents.....	1
Registration process & Time lines.....	1
Patents.....	3
Required documents.....	3
Registration process & Time lines.....	3
Industrial Design.....	4
Required documents.....	4
Registration process & Time lines.....	5

Trademarks

Required documents

1. Name, Address and description of applicant
2. Power of Attorney (i.e.: Letter of Appointment) – The POA **need not be notarized or legalised**
3. A complete list of goods and services in accordance with NICE classification
4. Electronic specimen of the mark or 6 hard copy specimens (bromides) of the mark (A specimen should not exceed 10 cms x 10 cms in size)
5. If priority is claimed, a certified copy of the convention application
6. Precise derivation of the mark and if the mark is not in English a certified translation



Registration process & Time lines

1. Conducting the trademark search – *2 days*
2. Submitting the trademark application along with the POA (if, no registrations) – *2 days*
3. Issue of Filing Number, by Trademark Office – *Immediate after filing*
4. Queued for Examination stage – *Approx 4 years due to trademark office backlog*
5. Examination – *1 day*
6. Request for payment for gazetting by Trademark Office (if, no similar trademark is found) and payment by Palitha Mathew & Company – *1 day*
7. Papers sent to translation department (Trademark office) to be translated to Sinhala and Tamil – *Approx. 6 months due to Translation Department backlog*
8. Papers sent to be gazetted and made public (Trademark office) – *Approx. 2 months*
9. Objection period – *Approx. 6 months*
10. Certificate issued (if, no objections) by Trademark office – *Approx. 1 month*

Note (s):

- Times indicated are approximate figures. Days should be regard as 'business days'
- To obtain the certificate, the process take about 4.5 years for an application. However Registration is effective for a period of ten years from the date of filing the application and is renewable thereafter
- If the mark is accepted, it will be published in the Government Gazette for opposition purposes. Provided no opposition is filed, the application will proceed to registration.
- If the mark is inadmissible on objective grounds or by reasons of third party rights, the Registrar will hold an inquiry and notify the applicant / attorney accordingly.
- The applicant, if dissatisfied with all or any of the grounds stated by the registrar may, within one month make written submissions against such rejection. After an inquiry, the Registrar may refuse the application or accept the application in whole or subject to conditions, modifications or amendments.



Patents

Required documents

1. Details of the Applicant [name, address, residence or principal place of business, telephone number, telegraphic address, teleprinter address (if any)]
2. Basis of the Applicant's right to the patent must be disclosed where the applicant is not the inventor ie. whether the Applicant is the legal representative/assignee of the inventor, or the Applicant is the owner of the invention which was made while the inventor was in the employment of the applicant or by the inventor in the performance of the contract for the execution of work etc.
3. Details of the Preliminary Examination Report issued by World Intellectual Property Organization (WIPO)
4. The name of the National, Regional or International Organization issuing the International Search Report
5. At the filing stage the following additional documents are required:
 - a) A POA duly signed by the applicant - **need not be notarized or legalised**
 - b) The PCT application
 - c) Search Report
 - d) Specifications – containing the description/claims/drawings
 - e) Priority document - issued by the Patent Office of the Country where the Original application was filed

Registration process & Time lines

The subsequent process and time-lines are similar to a trademark.

Note (s):

- At the initial stage of filing it is sufficient to submit a fax copy of the Power of Attorney and a copy of the PCT application with the local application form. The other documents can be forwarded subsequently (within a reasonable time).



Industrial Design

The provisions relating to Industrial Designs have been expanded under the recently passed Intellectual Property Act No.36 of 2003 and accordingly provision is now made for the Registrar to carry out a more detailed search of the novelty of the design prior to accepting the design for registration.

For an industrial design to be registered it should be:

1. A new industrial design: A new industrial design means a design which had not been made available to the public anywhere in the world or at any time whatsoever through description, use or in any other manner before the date of the application for registration of such design or before the priority date which is validly claimed.
2. Not one which consists of any scandalous design or is contrary to morality or public order or public interest or which, in the opinion of the Director-General or of any Court to which such matter has been referred to is likely to offend the religious or racial susceptibilities of any community in Sri Lanka.

Required documents

1. Details of the Applicant [name (If the applicant is a body corporate the kind of incorporation must be stated), address, description (i.e.: full trade or business description)]
2. Five (05) specimens of the design (i.e: specimens, drawings, photographs or other graphic representations)
3. The kind of products for which the industrial design is to be used
4. A declaration by the applicant that the industrial design is new to the best of his knowledge
5. If priority is claimed, a certified copy of the Convention application
6. Power of Attorney (POA) - **need not be notarized or legalised**
7. Where the applicant is not the Creator of the Industrial design:
 - a) Name and address of the Creator
 - b) Duly signed request by the Creator that he be mentioned as such in the registration.
(Although the signature of the Creator should be placed on the application form



C. Mathew & Co.

Since 1892 - Legal Consultancy & Corporate Services

Attorneys-at-Law | Registered Trademark & Patent Attorneys

<http://cmathew.com/intellectual-property> | Email: contact@cmathew.com

itself, it is possible to submit at a later date, a copy of the filed application form containing the original signature)

- c) Statement of Justification by the applicant as to his right to obtain registration ie. whether the applicant is the legal representative/ assignee of the Creator, or the applicant is the owner of the creation which was made while the Creator was in the employment of the applicant or by the Creator in the performance of the contract for the execution of work etc.

Registration process & Time lines

The subsequent process and time-lines are similar to a trademark.

Note (s):

- The applicant can claim priority from an earlier application filed in a convention country within six (06) months from the date of such earlier application. The date, number, name of applicant and the country where the application was filed should be provided along with a certified copy of such earlier application.
- Registration is effective for a period of five (05) years from the date of filing the application & is renewable for two consecutive periods of five (05) years each