

MTIA 377/66

MEMORANDUM FOR CABINET BY THE HON MINISTER  
OF TRADE INDUSTRY AND AGRICULTURE  
REGARDING THE ADHESION OF MALTA TO THE  
PARIS UNION FOR THE PROTECTION OF  
INDUSTRIAL PROPERTY

The Paris Union is an organisation of 74 Member States for the protection of industrial property. Patents for inventions and trademarks for goods and services are the most important subject matters of industrial property.

2. The Paris Union was set up by a treaty signed in Paris in 1883 called The International Union for the protection of Industrial Property.

3. Under the treaty each Member State must accord the same protection to the inventions, trademarks and other subject matters of industrial property of the nationals of the other Member States as it accords to its own nationals.

4. The treaty also provides for certain facilities to foreigners - for example it allows them to file, without losing their claim to novelty, their application for a patent up to a year after first filing in the country of origin whilst on the other hand it contains provisions concerning the conditions under which a State may licence the use of a patent in its own territory if the owner does not exploit it in such territory within four years.

5. In effect, the grant of equal treatment to nationals of Member States breaks no new ground as under the existing law we were bound to accord such treatment to all countries entitled to it from the United Kingdom by virtue of that country's adhesion to the Union. On the other hand marks registered in Malta will now benefit under the reciprocity clause and will enjoy international protection.

6. The compulsory licensing clause has been inserted in order to safeguard the interests of developing countries. At present, almost all patents are registered locally with the sole intention of capturing the local import market and the patentees have no intention whatsoever of working it in Malta.

7. The Senior Crown Counsel considers that there is "no valid legal objection to Malta's accession to the Convention". In his view "the essential provisions of our law indeed re-produce the mutual arrangements which were made by the United Kingdom with other member countries of the Union and Malta's accession will fill the gap created in our international relations in the field of national protection of industrial property following independence".

8. If Hon Ministers agree that Malta should join the Paris Union, consideration of the class to be joined is required.

9. Members of the Union are divided into six classes and it is open to any country to select the Class in which it wishes to be placed. The adoption of any particular Class has no other significance than to fix the rates of the yearly contributions; in other words, except for the amount of their contribution, all Members of the Union are of equal standing.

10. In 1965 the most numerous Class was Class VI with the smallest contribution at 5,000 Swiss Francs (£400). In this connection it is pointed out that Malta fees are ridiculously low and in view of the better service given as members of the Union fees should be increased and brought into line approximately with fees charged by the Member States.

11. The present fees and the proposed new fees are submitted hereunder for consideration:

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	Present Fees		Proposed New Fees	
	Trade Marks	Patents	Trade Marks	Patents
On application	£-. 10. -d.	£8.-.-.	£4. -. -. .	£11.-.-.
For registration (including advertising charges)	£2. 4. -. .	-	£5. -. -. .	-
On notice of opposition	£1. -. -. .	£1.-.-.	£3. -. -. .	£3.-.-.
For continuance of right (Renewal)	£2. -. -. .	-	£10.-. -. .	-.
For inspecting register	£-. 2. -. .	-	£1. -. -. .	-.
Restoration	£2. -. -. .	-	£5. -. -. .	-
For registration of subsequent proprietor	£1. -. -. .	-	£5. -. -. .	-
For altering address	£-. 10. -. .	-	£1. -. -. .	-
On application to amend specification	-	£1.-.-.	-	£3.-.-.
On application to amend specification by patentee	-	£1.-.-.	-	£3.-.-.

12. This increase will yield additional revenue amounting to about £5000 a year etc.

13. Hon Ministers are asked to consider whether Malta should join the Paris Union under Class VI and to agree to increase the fees as proposed above.

14. The full schedule of fees charged to-date is attached for reference purposes.

2nd May, 1967.

SCHEDULES OF FEES  
(SECTION 12, 57, 72, 86, 104, 139)

SCHEDULE A

Fees on Instruments for obtaining Patents and Renewals

	£. s. d.	£. s. d.
1. On application for provisional protection ... ..	2 0 0.	
2. On filing complete specification	6 0 0	
or	_____	8. 0. 0.
3. On filing specification with first application... ..		8. 0. 0.
4. On notice of opposition to grant of patent by opponent ... ..		1. 0. 0.
5. On application to amend specification ...		1. 0. 0.
6. On notice of opposition to amendment - by opponent ... ..		0.10. 0.
7. On hearing by Comptroller - by applicant and by opponent respectively ... ..		0.10. 0.
8. On application to amend specification during action or proceeding - by patentee ...		1. 0. 0.
9. On opposition to grant of compulsory licence - by patentee ... ..		2. 0. 0.

Annual Fees

	£. s. d.
10. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year ... ..	10. 0. 0.
11. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year ... ..	11. 0. 0.
12. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year ... ..	12. 0. 0.
13. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year ... ..	13. 0. 0.
14. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year ... ..	14. 0. 0.
15. Before the expiration of the 9th year from the date of the patent and in respect of the 10th year ... ..	15. 0. 0.
16. Before the expiration of the 10th year from the date of the patent and in respect of the 11th year ... ..	16. 0. 0.

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	£.	s.	d.
17. Before the expiration of the 11th year from the date of the patent and in respect of the 12th year ... ..	17.	0.	0.
18. Before the expiration of the 12th year from the date of the patent and in respect of the 13th year ... ..	18.	0.	0.
19. Before the expiration of the 13th year from the date of the patent and in respect of the 14th year ... ..	19.	0.	0.
On enlargement of time for payment of annual fees	£.	s.	d.
20. Not exceeding one month ... ..	1.	0.	0.
21. Not exceeding two months ... ..	2.	0.	0.
22. Not exceeding three months ... ..	4.	0.	0.
23. For every assignment, agreement, licence or extension of patent ... ..	1.	0.	0.
24. For duplicate certificate of Warrant (each)	2.	0.	0.
25. On notice to Comptroller of intended exhibition of a patent under section 47	1.	0.	0.
26. Search or inspection fee, (each)... ..	0.	2.	0.
27. For office copies - every 100 words (but never less than two shillings)	0.	0.	8.
28. For Office copies of drawings, cost according to agreement ... ..			
29. On request to Comptroller to correct a clerical error -			
Up to sealing ... ..	0.	10.	0.
After sealing ... ..	1.	0.	0.
30. For any Certificate issued by Comptroller	0.	10.	0.
31. For altering address in register ...	0.	10.	0.
32. For enlargement of time for filing complete specification, not exceeding one month	1.	0.	0.
33. On application for restoration of a patent	20.	0.	0.

## SCHEDULE B

Fees of Instruments for the Registration of Designs  
And Trade Marks

	£.	s.	d.
1. On application to register designs or models of manufacture, or of trade marks, for every drawing, or for one or more articles included in one class on account of which the registration of the mark is sought ... ..	0.	10.	0.
2. For registration of designs or models of manufacture or of trade marks, for one or more articles included in one class	1.	0.	0.

	£.	s.	d.
3. For registering a series of trade marks, for every additional representation after the first in each class ... ..	0.	10.	0.
4. On notice of opposition, for each application opposed by opponent ...	1.	0.	0.
5. On application to register a subsequent proprietor in cases of assignment of the first mark ... ..	1.	0.	0.
6. For every additional mark assigned or transmitted at the same time ... ..	0.	4.	0.
7. For continuance of right to exclusive use of mark at expiration of 14 years ...	2.	0.	0.
8. Additional fee where fee is paid within three months after expiration of 14 years	1	0.	0.
9. Additional fee for restoration of trade mark where removed for non-payment of fee	2.	0.	0.
10. For continuance of the right to exclusive use of a design or model of manufacture after the expiration of the first five years	2.	0.	0.
11. For continuance of the right to exclusive use of a design or model of manufacture after the expiration of the second five years	2.	0.	0.
12. For altering address on the register, for every mark ... ..	0.	10.	0.
13. For every entry in the register of a rectification of a trade mark or an alteration therein, not otherwise charged...	1.	0.	0.
14. For cancelling the entry or part of the entry of a trade mark upon the register on the application of the owner of such trade mark ... ..	0.	10.	0.
15. On request to Comptroller to correct a clerical error, or permit amendment of application ... ..	0.	10.	0.
16. For certificate of refusal to register a trade mark ... ..	1.	0.	0.
17. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark after the first ...	0.	10.	0.
18. For certificate of registration to be used in legal proceedings ... ..	1.	0.	0.

	£.	s.	d.
19. For certificate of registration to be used for the purpose of obtaining registration in foreign countries ...	0.	10.	0.
20. For any other certificate by Comptroller	0.	10.	0.
21. For copy of notification of registration	0.	4.	0.
22. For settling a special case by Comptroller	1.	0.	0.
23. For inspecting register, for every quarter of an hour ... ..	0.	2.	0.
24. For office copy of documents, for every 100 words ... .. (but never less than two shillings)	0.	0.	8.

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Passed by the Legislative Assembly at Sitting No 26  
of the 10th May, 1948.

V.A. DILLON,  
Clerk of the Legislative Assembly