



知識產權署

Intellectual Property Department

For official use

Patents Form P17

Request for the furnishing of a sample of a deposited micro-organism and notice of confirmation by the Registrar of Patents

Indication of applicant's intention that the sample of micro-organism should be made available only to experts

Patents Ordinance (Cap. 514)
Patents (General) Rules (Cap. 514C)

Important notes

1. General notes:

- a. Please complete this form in English unless otherwise stated.
- b. By submitting this form, you will be treated as having given consent to the Patents Registry and its service provider to copy or communicate all the information provided to any third party (in or outside Hong Kong) who assists or supports the Patents Registry in performing its functions under the Patents Ordinance, Cap. 514 and its subsidiary legislation.
- c. This form must be signed and dated.
- d. If there is not enough space for any part on this form, please continue on an additional sheet. Number each additional sheet and state the number of additional sheet(s).
- e. Please enquire through the following means:
 - E-mail: enquiry@ipd.gov.hk
 - Internet homepage address: www.ipd.gov.hk
- f. The Patents Ordinance, Cap. 514 and Patents (General) Rules, Cap. 514C can be viewed at www.ipd.gov.hk.

2. Purpose of provision of personal data by the Patents Registry pursuant to your request herein:

- a. Please note that by signing this form, you acknowledge that any personal data provided to you by the Patents Registry pursuant to your request herein is **solely for the purpose(s) stated under paragraph 1.3(c) of the Personal Information Collection Statement of the Intellectual Property Department.**
- b. **Use of such personal data for any other purpose may be in contravention of the requirements under the Personal Data (Privacy) Ordinance, Cap. 486 which may render yourself subject to legal action and liability.**
- c. Please refer to the **Personal Information Collection Statement** at https://www.ipd.gov.hk/eng/personal_information.htm for further explanations.

3. Use of personal data:

Personal data collected by the Registrar of Patents ("the Registrar") in the forms filed with the Registrar will be used for the purposes set out in the Personal Information Collection Statement at https://www.ipd.gov.hk/eng/personal_information.htm.

4. Use of other information:

- a. The Patents Registry will use any information relating to any commercial enterprise or entity provided in this form and any document(s) filed in relation to it for processing your application, request or notice, and for the purposes of collection set out in the Personal Information Collection Statement at https://www.ipd.gov.hk/eng/personal_information.htm. **They may be made available for public inspection, in full or in part, pursuant to section 147 of the Patents Ordinance, Cap. 514. Such information may be accessed through the Internet.**
- b. **DO NOT include any business information of your own or that of third parties which you consider to be confidential or commercially sensitive.** Where such information is included in this form or any document(s) filed in relation to it, the Registrar will treat it an express and voluntary consent given by you and any such third party to disclosure of all such information for the purpose of public inspection.

5. Submission of application/request/notice:

In person or by mail to the Registrar of Patents, 24/F, Wu Chung House, No. 213 Queen's Road East, Wanchai, Hong Kong.

*Denotes mandatory fields

01. Reference**Filer's reference**

02. *Application no. / Patent no.**Application no. / Patent no.**

This form is for one patent application or patent.

03. *Full name of the applicant(s) or proprietor(s)**(a) Name in English**

(b) Name in Chinese
(if applicable)
04. *Details of the depositary institution where the micro-organism is deposited***(a) Name of the depositary institution**

***(b) Address of the depositary institution**

Flat/Floor/Building
Street/District/City
Country/Territory/Area

05. *Accession no. of the deposit**Accession no.**

06. *Purpose of this form

- ☐ Request for **release of a sample** of micro-organism to the person(s) making the request (paragraph 2(1) of Schedule 1, Patents (General) Rules) (Go to Parts 07, 08, 09, 15 and 16)
- ☐ Request for **release of a sample** of micro-organism to a nominated **expert** (or the person(s) making the request in the capacity as the nominated expert(s)) before the patent is granted or the patent application is withdrawn, regarded as being withdrawn or refused (paragraph 2B(1) of Schedule 1, Patents (General) Rules) (Go to Parts 10, 11, 12, 13, 15 and 16)
- ☐ **Indication of the intention** that the sample of micro-organism should be **made available only to experts** (paragraph 2A(2)(b) of Schedule 1, Patents (General) Rules) (Go to Parts 14, 15 and 16)

07. Details of the person(s) making the request**(a) Name in English**

If the name is not in Roman letters or in Chinese, please include a transliteration in Roman letters.

(b) Name in Chinese

(if applicable)

(c) Address

Flat/Floor/Building
Street/District/City
Country/Territory/Area

08. Request made prior to the publication of standard patent (O) application or the grant of the short-term patent

If the request is made prior to the publication of standard patent (O) application or the grant of the short-term patent, please mark the appropriate box. If you mark "Yes", please provide **evidence to support your claim to receive information and inspect document**.

Is/are the person(s) making the request entitled to receive information and inspect documents by virtue of section 147(4) or 147(5), Patents Ordinance?

☐ Yes ☐ No

09. Signature (for release of sample of micro-organism)**(1) Undertaking for the benefit of the applicant for or proprietor of the patent referred to under Part 02.**

I/We undertake for the benefit of the applicant or proprietor:

- not to make the furnished sample of the culture of the micro-organism identified under Part 05 or any culture derived therefrom available to any third party before the patent application identified under Part 02 has been withdrawn, is to be regarded as being withdrawn or has been refused, or so long as the patent is in force and during the further period of 6 months referred to in section 39(4) or 126(5), Patents Ordinance;
- to use the said sample or a culture derived therefrom for experimental purposes only, until such time as the patent application identified under Part 02 is withdrawn, is to be regarded as being withdrawn or has been refused or until the date of publication in the Hong Kong Intellectual Property Journal of a notice advertising that the patent has been granted.

(2) I/We confirm that I/we have read, understood and agreed to abide by the "Important notes" of this form.

(a) Authorized signature

(b) Name of signatory

(c) Official capacity of signatory

Examples: Authorized person,
Director, Partner or Principal Officer of
the person(s) making the request
/Agent; the person making the request
in person

(d) Date

DD-MM-YYYY

10. Details of the person(s) making the request

(a) Name in English

If the name is not in Roman letters or
in Chinese, please include a
transliteration in Roman letters.

(b) Name in Chinese

(if applicable)

(c) Address

Flat/Floor/Building

Street/District/City

Country/Territory/Area

11. Details of the nominated expert (if the expert is the person (s) making the request as identified under Part 10, complete Part 11(d) and (e) only)

(a) Name in English

If the name is not in Roman letters or in Chinese, please include a transliteration in Roman letters.

(b) Name in Chinese

(if applicable)

(c) Address

Flat/Floor/Building
Street/District/City
Country/Territory/Area

(d) Credentials

Please provide evidence in support.

(e) Purpose of the request

12. Request not made by the nominated expert

If the person(s) making the request is NOT the nominated expert, please mark the appropriate box. If you mark "No", please provide the **undertaking of the expert made for the benefit of the applicant for or proprietor of the patent** referred to in paragraph 2B(2)(d) of Schedule 1, Patents (General) Rules in support of the request.

Is this request form filed and signed by the nominated expert? ☐ Yes ☐ No

13. Signature (for release of sample of micro-organism)

(1) Undertaking for the benefit of the applicant for or proprietor of the patent referred to under Part 02.

I/We undertake for the benefit of the applicant or proprietor:

- not to make the furnished sample of the culture of the micro-organism identified under Part 05 or any culture derived therefrom available to any third party before the patent application identified under Part 02 has been withdrawn, is to be regarded as being withdrawn or has been refused, or so long as the patent is in force and during the further period of 6 months referred to in section 39(4) or 126(5), Patents Ordinance;

- to use the said sample or a culture derived therefrom for experimental purposes only, until such time as the patent application identified under Part 02 is withdrawn, is to be regarded as being withdrawn or has been refused or until the date of publication in the Hong Kong Intellectual Property Journal of a notice advertising that the patent has been granted.

(2) I/We confirm that I/we have read, understood and agreed to abide by the “Important notes” of this form.

(a) Authorized signature

b) Name of signatory

(c) Official capacity of signatory

Examples: Authorized person, Director,
Partner or Principal Officer of the
person(s) making the request /Agent;
the person making the request in
person

(d) Date

DD-MM-YYYY

14. Signature (for indication of intention that the sample should be made available only to experts)

I/We confirm that I/we have read, understood and agreed to abide by the “Important notes” of this form.

(a) Authorized signature

(b) Name of signatory

(c) Official capacity of signatory

Examples: Authorized person, Director,
Partner or Principal Officer of
Applicant(s) /Agent; Applicant in person

(d) Date

DD-MM-YYYY

15. *Address for service

The address for services provided in this part shall be treated as being in substitution for any address for service previously filed.

All correspondence and/or document(s) will be sent to the address below.

*(a) Name

*(b) Address

You must provide an address for service in Hong Kong. Please note that a P.O. Box or “care of” address is not acceptable.

Flat/Floor/Building

Street/District

HONG KONG

(c) Telephone no.

In Hong Kong

(d) Fax no.

In Hong Kong

16. Agent's details

Go to Part 17 if you are NOT an agent.

If you have been duly authorized to act as an agent, please complete this part. The details provided in this part shall be treated as being in substitution for any agent's details previously filed.

(a) Name

(b) Address

You must provide an address in Hong Kong where you reside or carry on your business activities. Please note that a P.O. Box or "care of" address is not acceptable.

Flat/Floor/Building
Street/District
HONG KONG

17. Attachment(s)

Total number of attachment(s)

For Official Use

01 Notice of confirmation by the Registrar of Patents

I hereby confirm that:

- (a) the patent application or the patent as specified under Part 02 above:

(i) has been filed with the Intellectual Property Department on

(DD-MM-YYYY)

(ii) has been granted by the Intellectual Property Department on

(DD-MM-YYYY)

- (b) the subject matter of the patent application or the patent involves the micro-organism identified under Part 05 above or the use thereof

- (c) the person(s) making the request has a right to a sample under section 149(2A), Patents Ordinance and section 31ZW or 73, Patents (General) Rules in conjunction with section 147(4) or 147(5), Patents Ordinance

☐

- (d) the person(s) making the request or the expert nominated in the request has a right to a sample under section 149(2A), Patents Ordinance and section 31ZW or 73, Patents (General) Rules

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p. Registrar of Patents
Patents Registry
Intellectual Property Department,
HKSAR

(DD-MM-YYYY)