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| **Patents Form No. 11A**  PATENTS ACT 1983 AND PATENTS REGULATIONS 1986  APPLICATION FOR COMPULSORY LICENCE UNDER SECTION 49(1A)(*b*)  [Sections 49(1A)(*b*) and 50(1)]  [Regulation 38(1)]  To: The Registrar of Patents  Patent Registration Office  Malaysia | **For Official Use**  APPLICATION NO.: ….….………………………………...  Filing Date: ………………………………………………….  Application received on: ….…….………………………..…  Fee received on: ...…………...……………………………..  Amount: …………………………………….……………….  \*Cheque/Postal Order/Bank Draft/Local Order/Credit Card/ Debit Card No.: ……………………………………………. |
| Please submit this Form together with the prescribed fee. | Applicant’s or Agent’s file reference  …………………………………….…………………………... |
| I. IN THE MATTER OF:   |  |  |  |  | | --- | --- | --- | --- | | \*Patent/Certificate No.: |  | Date of Grant: |  | | |
| II. APPLICANT:   |  |  |  | | --- | --- | --- | | Name | : |  | | I.C./Passport No. | : |  | | Address | : |  | | Address for service in Malaysia | : |  | | Nationality | : |  | | \*Permanent residence or principal place of business | : |  | | Telephone Number (*required*) | : |  | | Email address *(required)* | : |  | | |
| III. APPLICATION:  The above applicant(s) \*applies/apply, in respect of the above-mentioned patent, for the grant of a compulsory licence under section 49(1A)(*b*), of the Patents Act 1983, in accordance with the terms proposed in Part IV of this Form and upon the grounds set out in Part V of this Form. | |
| IV. PROPOSED TERMS:  A statement setting out of the following:   |  |  |  | | --- | --- | --- | |  | (a) | the amount of adequate remuneration;  the conditions of the exploitation of the patent;  the restriction of the rights of the licensor or licensee; and  the name and quantity of the pharmaceutical product | |  | (b) | a declaration application is made by or on behalf of an eligible importing country under section 48 | |  | (c) | a copy of request from eligible importing country or the authorized representative of the eligible importing country containing:   1. the information that the pharmaceutical product to be imported is on behalf and with the authorization of the eligible importing country; 2. name and quantity of the required pharmaceutical product | |  | (d) | a copy of notification made by the eligible importing country to the Council for TRIPS | |  | (e) | a declaration that eligible importing country or the authorized representative of the eligible importing country:   1. will take reasonable measures to prevents re-exportation pharmaceutical product from its territory 2. will prevent the pharmaceutical product from being used other than to deal with public health problem in its territory 3. eligible importing country has granted or intend to grant compulsory licence to import | | |
| V. \*\*STATEMENT OF GROUNDS attached. | |
| VI. ADDITIONAL INFORMATION accompanies this Form:  Yes  No | |
| VII. DECLARATION AND SIGNATURE:   |  |  |  |  | | --- | --- | --- | --- | |  | **By Person Filing the Form** | | | |  | I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge. | | | |  |  | | | |  | **By Agent** (An agent signing this Form on behalf of the applicant shall satisfy himself as to the truth of the declaration)    I, the undersigned, do hereby declare that:   1. I have been duly appointed and authorized to act as an agent on behalf of the person(s) filing this form. 2. the information furnished above on behalf of the person(s) filing this form is true to the best of the applicant(s)' knowledge. | | | | Signature: | | |  | | Name of signatory: | | |  | | Official capacity of signatory: | | |  | | **Notes for Official capacity of signatory:**  **Applicant(s) or common representative as specified in regulation 11/Authorized person of Applicant(s) as specified in regulation 50/Agent** | | | | | If Agent, indicate Agent’s Registration No.: | | |  | | Date: | | |  |   **Attention:**  **It is an offence under section 63 of the Patent Act 1983 to make or cause to be made a false entry in any Register and that person may be liable to a fine not exceeding RM15,000.00 (Fifteen Thousand Ringgit) or to imprisonment for a term not exceeding two years or to both.** | |

\* Delete whichever does not apply

\*\* The ground upon which the request is based shall be indicated by a reference to the statutory provision the applicant considers applicable (section 49(1A)(b) of the Patents Act 1983) and to the facts he considers as justifying the grant of a compulsory licence.