



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 446 Pretoria 8 August 2002 No. 23716



AIDS HELPLINE: 0800-123-22 Prevention is the cure

GENERAL NOTICE

NOTICE 1408 OF 2002

THE PATENTS ACT, 1978

DRAFT PATENT EXAMINATION REGULATIONS

The Patent Examination Board, established in terms of section 21 of the Patents Act, 1978 (Act No. 57 of 1978), do hereby publish for general comment the following regulations and prescribed syllabuses in regard to the prescribed examination referred to in section 20 of the Patents Act, 1978:

In the main, the Draft Regulations provide for the following:

- Decentralization of examination centres (encouraging geographic spread);
- Attachment of interns to CIPRO or offices of intellectual property practitioner's offices for a particular period (encouraging access to the profession, in particular, by previously disadvantaged persons, leading to black empowerment and gender equity); and
- Intellectual property issues should be studied within the context of trade, commerce and the economy (encouraging competitiveness).

Interested persons are invited to make written comments regarding these regulations and prescribed syllabuses within a period of twenty one (21) days from the date of this notice to :

The Director: Commercial Law and Policy
Consumer and Corporate Regulation Division
Private Bag X84
Pretoria
0001
Tel: (012) 310-9889 Fax: (012) 320-0311

DEFINITIONS

1. In these regulations, unless the context indicates otherwise –
 - (i) “Board” means the Patent Examination Board established under section 21 of the Act;
 - (ii) “candidate” means a person that presents themselves to the Patent Examination Board with the intention of enrolling for the Patent Examinations;
 - (iii) “Chairperson” means the Chairperson of the Board appointed in terms of section 21(2)(a) of the Act;
 - (iv) “examination” means the prescribed examination referred to in section 20 of the Act;
 - (v) “journal” means the patent journal referred to in section 14 of the Act;
 - (vi) “office” means the patent office established under section 5(1) of the Act;
 - (vii) “the Act” means the Patents Act, 1978; and
 - (viii) “the previous regulations” means the Patent Examination Regulations, as amended, published in the October 1993 edition of the Patent Journal.

EXAMINATIONS

2. (a) The examination shall be held during or around midyear, on such dates as the Chairperson may determine, and candidates will be able to write examinations in any one of four centres, namely, Cape Town, Bloemfontein, Durban, Pretoria or such other centre as determined by the Board; and

- (b) The examination dates shall be made known to the candidates enrolled for the examination at least eight weeks prior to such dates, either by written notification or by publication in the journal or both.

CONDITIONS FOR ENROLMENT

- 3. Only candidates in possession of at least one of the following qualifications shall be entitled to enrol for the examinations:
 - (a) a B.Sc. degree or a B.Sc. degree in engineering;
 - (b) a technical or scientific diploma or degree from a technikon, involving at least a three-year course of study; or
 - (c) any qualification, academic or by virtue of practical experience, which in the opinion of the Board, is sufficient to enable the candidate to meet the requirements of the patent examinations.
- 4.
 - (a) Every candidate shall, on or before the fifteenth (15) day of January of the year in which he/she proposes to sit for any examination, apply to the Board, on a form to be obtained from the office, to be enrolled as a candidate;
 - (b) A candidate shall submit to the Board, on first enrolment, proof of his/her qualifications and an application for any exemption to which he/she may consider himself/herself entitled, stating his/her proposed course of study;
 - (c) A candidate may be exempted by the Board from interpretation of drawings in regulation 11 on the basis of any engineering or other

appropriate qualification or practical experience which, in the opinion of the Board, is sufficient to enable the candidate to read and interpret drawings; and

- (d) Late entries may be approved by the Board on good cause shown.
5. A candidate who fails to pass or obtain an exemption from all of the subjects in Group 1 of regulation 10 within a period of four calendar years after first enrolling for the examination or, in the case of a candidate who first enrolled for the examination before the publication of these regulations, within such further period as the Board may determine, shall not be allowed to enrol for any further examination of the Board except with the permission of the Board.
6. A candidate who fails to pass or obtain an exemption from all of the subjects in Group 2 of regulation 10 within a period of four calendar years after first enrolling for any Group 2 subject or, in the case of a candidate who first enrolled for any Group 2 subject before the publication of these regulations, within such further period as the Board may determine, shall not be allowed to enrol for any further examination of the Board except with the permission of the Board.
7. Except with the permission of the Board, no candidate shall be allowed to enrol for more than four subjects in any one year.
8. It is recommended that before enrolling for the subject (f) and (g) in regulation 10, a candidate shall have passed examinations in the Interpretation of Statutes and Supreme Court Civil Procedure at a university or be in possession of a law degree.

9. Except with the permission of the Board in order to enrol for subjects (e), (f) and (g) in regulation 10, a candidate shall have passed, or been exempted from, all the subjects in Group 1 of regulation 10.

SUBJECTS FOR EXAMINATION

10. The examination shall be conducted in the following subjects:

GROUP 1

- (a) Legal framework for the protection of Intellectual property law in South Africa – one four hour paper;
- (b) S A patent law and practice – one four-hour paper;
- (c) S A design law and practice – one four-hour paper; and
- (d) Selected international patent laws, systems, conventions and treaties – one four-hour paper.

GROUP 2

- (e) The drafting of patent specifications – two four-hour papers;
- (f) Practical legal problems with regard to patents – two three-hour papers; and
- (g) Patent attorney's practice – one four-hour paper.

INTERPRETATION OF DRAWINGS

11. (a) Candidates will be required to have a certain level of competence in interpretation of drawings. Candidates who are not exempt will be required to attend a one-day workshop run by the course convenor of this subject; and
- (b) There will be no formal written examination for interpretation of drawings. At the end of the one-day workshop the convenor will test the level of competence of the candidate through a practical exercise. The course convenor may prescribe additional practical exercises for any candidate who is found, at the end of the one-day workshop, not to have the required level of competence. After the completion of such additional practical exercises, the candidates ability can again be tested by the convenor.

INSTRUCTION

12. Course convenors will be appointed for each subject and will be responsible for:
- (a) Compiling and distributing a course outline detailing the syllabus for the subject and material to be covered by the candidate;
- (b) Presenting a comprehensive overview of the subject content to candidates over at least two days in each of the four centres or such other centre as determined by the Board, subject to a minimum number of candidates from each region enrolling for a particular subject; and
- (c) Assisting candidates and providing guidance on an ad hoc basis.

APPOINTMENT OF COURSE CONVENORS, EXAMINERS AND MODERATORS

13. (a) The Board will call for nominations of course convenors, examiners and moderators by publishing a notice in the Government Gazette and the appropriate legal journals and magazines; and
- (b) The Board shall appoint for a period of three years, subject to annual review, a course convenor, an examiner and a moderator in respect of each of the subjects in Group 1 of regulation 10, and a course convenor, two examiners and a moderator in respect of each of the subjects in Group 2 of regulation 10, and the Chairperson shall advise course convenors, examiners and moderators of their appointment.

SUBJECTS AND SYLLABUSES FOR EXAMINATION

14. The syllabuses for the subjects set out in regulation 10 shall be as follows:

GROUP 1 SUBJECTS

- (a) Candidates will be introduced to the different forms of Intellectual Property Rights and selected national and global emerging issues in the field of intellectual property and related disciplines;
- (b) This subject will cover a study of the Patents Act 1978 (as amended) and regulations promulgated thereunder. The following topics, together with selected case law that demonstrates the principles applicable, will be studied:
- (i) Patentable Inventions, novelty and obviousness;
 - (ii) Administrative provisions;

- (iii) The patent application and grant;
 - (iv) Grounds for revocation and infringement;
 - (v) Corrections and amendments; and
 - (vi) General (Miscellaneous sections such as licences, assignments and secret inventions).

- (c) A study of the Designs Act of 1993 (as amended) and the regulations promulgated thereunder. Reference might be made to the Designs Act of 1967. The following topics, together with selected case law that demonstrates the principles applicable, will be covered:
 - (i) What is a registered design?;
 - (ii) Novelty;
 - (iii) Effect, duration and maintenance;
 - (iv) Ownership;
 - (v) Application procedures;
 - (vi) Infringement, revocation and surrender; and
 - (vii) General (miscellaneous provisions such as licences and restoration).

- (d) A study of selected international patent laws, systems, conventions and treaties. In studying these treaties, the emphasis will be on a comparison of material provisions of these treaties/conventions with relevant provisions of the South African Patents Act; and the extent to which they affect the activities of the SA Patent Practitioner. The following patent laws, systems, conventions and treaties will be studied:
 - i. the patent systems and the patent laws of the United States (US), European Patent Office (EPO), United Kingdom (UK), Germany, France, Australia, Japan, Canada, the Patent Cooperation Treaty

(PCT), the European Patent Convention and African Regional Intellectual Property Office (ARIPO), in respect of alternative forms of protection available (patents utility models), patentable subject matter, novelty requirements, applicants, filing requirements, claim format and requirements, prosecution requirements and procedures, grant, post-granted procedures such as re-examination, duration and maintenance fees; and

- ii. the Paris Convention, Patent Cooperation Treaty, European Patent Convention, General Agreement on Tariffs and Trade (GATT), 1994, on trade related aspects of intellectual property rights, including trade in counterfeit goods (TRIPs) and ARIPO.

GROUP 2 SUBJECTS

- (e) In the first paper candidates will be provided with a description of no more than two inventions and will be required to identify the inventive feature(s) of each invention and draft a first claim for each invention. In the second paper candidates will be required to draft a South African patent specification in respect of an invention described to them;
- (f) Candidates will be set practical legal problems on the interpretation of patent specifications, the infringement of patents, the amendment of patents, the validity of patents, the ownership of inventions; and will be required to draft appropriate pleadings and give opinions; and
- (g) Candidates will be examined on their competency to deal with questions of practice under the laws relating to patents in South Africa, for example, the granting of a patent, the revocation of patents, restoration, assignment and licensing (including compulsory licences), infringement practice, the practice of the Court of the Commissioner of

Patents, relevant High Court and Supreme Court of Appeal rules, and application of decided patent cases.

INTERNSHIPS

15. It is strongly recommended that each candidate serve an internship of between three to six months at a patent law firm as well as a period of three to six months at the Companies and Intellectual Property Registration Office (CIPRO).

CONDUCT OF EXAMINATION

16. (a) The examiner(s) shall be responsible for setting the required examination paper(s) in the subject concerned, which shall be submitted to the moderator to be moderated. The examiner(s) shall also be responsible for marking the examination scripts, and for allocating marks and symbols as provided in regulation 17(a);
- (b) The moderator shall be responsible for evaluating the examination paper(s) when it is (they are) submitted to him or her in terms of paragraph (a) of this regulation, and for evaluating the marks and symbols awarded by the examiner(s) in respect of the examination scripts;
- (c) The examination papers for Group 1 subjects will be structured to include questions that require one word/one sentence answers (one mark questions); short questions (5-10 marks) and essay-type questions (15-25 mark questions). The Board will satisfy itself that the examination paper is balanced and as far as possible tests the candidates' knowledge of a substantial part of the syllabus;

- (d) The examinations for Group 2 subjects will be open-book examinations;
- (e) Candidates writing the two four-hour papers for (f) in regulation 10 will be given up to two extra hours, within which to complete each paper. The examiner(s) will make available a memorandum to candidates after the examinations, explaining the inventive feature(s) of each invention. Candidates who have obtained between 40% and 49% for the combined papers will be afforded the opportunity to orally explain their answer(s) to the examiners. For the purposes of marking the second paper will be divided into two main sections:
 - (i). the claims, to which 50% of the marks will be allocated; and
 - (ii) the rest of the specification, to which the remaining 50% of the marks will be allocated.

In order to obtain a pass for this paper, candidates must obtain not less than 40% for each of these two sections.

- (f) The syllabus for (g) in regulation 10 will be divided between two papers, and candidates will be informed of the division prior to the examinations;
 - (g) Candidates who obtain between 40-49% for (g) in regulation 10 will be granted an oral examination; and
 - (h) Before the results of any examination are made final, they shall be approved by the Board.
17. (a) The pass mark in each subject shall be 50 per cent.

The following symbols shall be used to reflect the marks awarded to a candidate in each subject:

A: 75 per cent and over

B: 60-74 per cent

C: 50-59 per cent

F: 49 per cent and under (unless a supplementary examination has been allowed).

S: Supplementary examination allowed;

- (b) If a candidate has failed an examination in a subject but has obtained at least 45 per cent in that subject, The Board may, after taking into consideration any other examination results of the candidate, allow the candidate to sit for a supplementary examination in that subject;
- (c) If a candidate has enrolled for an examination in a particular subject but is prevented from sitting for it by reason of illness, the Board may, upon being provided with an acceptable medical certificate, and after taking into account any other examination results of the candidate, allow the candidate to sit for an aegrotat examination in that subject;
- (d) A supplementary or aegrotat examination may be in writing, or oral, at the discretion of the examiners and moderator(s); and
- (e) Supplementary and aegrotat examinations shall be held at a time and place determined by the Chairperson in consultation with the relevant

examiner(s) and moderator(s) as soon as possible after the examination in respect of which the supplementary or aegrotat examination was allowed.

18. A candidate who has passed a subject or obtained an exemption from a subject, shall retain credit for that subject for a period of five years or for such longer period as the Board may allow. In the event of a candidate not passing or being exempted from every subject provided for by regulation 10 within such period of five years, the Board may, in its discretion, either extend such period or require the candidate to sit for one or more of the subjects again. In exercising its discretion in terms of this regulation, the Board shall consider the general performance of the candidate, as well as changes in the relevant law, practice or syllabus, and any other circumstances which it may consider relevant.

MISCONDUCT IN REGARD TO EXAMINATIONS

19. The Board may debar any candidate from writing any examination of the Board or from doing so in a particular year if, after hearing the candidate, the Board is of the opinion, that such candidate has misbehaved during, or in connection with, any examination of the Board.

APPLICATION OF THESE REGULATIONS

20. These regulations replace the previous regulations and shall apply to all candidates enrolling for the examination either on or after the date of publication of these regulations in the journal.

ANNEXURE B:

CURRENT PATENT EXAMINATION REGULATIONS

PATENT EXAMINATION REGULATIONS**DEFINITIONS**

1. In these regulations, unless the context indicates otherwise -

- (i) "Board" means the Patent Examination Board established under section 21 of the Act.
- (ii) "Chairman" means the Chairman of the Board appointed in terms of section 21(2)(a) of the Act;
- (iii) "examination" means the prescribed examination referred to in section 20 of the Act;
- (iv) "journal" means the patent journal referred to in section 14 of the Act;
- (v) "office" means the patent office established under section 5(1) of the Act;
- (vi) "the Act" means the Patents Act, 1978;
- (vii) "the previous regulations" means the Patent Examination Regulations published in the November 1978 edition of the Patent Journal.

EXAMINATIONS

- 2. (a) The examination shall be held once a year during or around June, on such dates as the Chairman may determine, at a venue determined by the Chairman.
- (b) The examination dates shall be made known to Candidates enrolled for the examination at least eight weeks prior to such dates, either by written notification or by publication in the journal, or both.

CONDITIONS FOR ENROLMENT

- 3. Only candidates in possession of at least one of the following qualifications shall be entitled to enrol for the examinations:
 - (a) a B.Sc. degree, with Physics or Chemistry or Applied Mathematics on at least a first-year level;
 - (b) a B.Sc. degree in engineering;
 - (c) a diploma or degree from a technikon, involving at least a three-year course of study, and with Physics or Chemistry or Applied Mathematics on at least a first-year level; or
 - (d) a qualification which, in the opinion of the Board, is equivalent to any of the qualifications prescribed by sub-regulation (a), (b) or (c) above.

- 4. (a) Every candidate shall, on or before the fifteenth (15) day of January of the year in which he/she proposes to sit for any examination, apply to the Board, on a form to be obtained from the office, to be enrolled as a candidate.
- (b) A candidate shall submit to the Board, on first enrolment, proof of his/her academic qualifications and an application for any exemption to which he/she may consider himself/herself entitled, stating his/her proposed course of study.
- (c) A candidate may be exempted by the Board from the subject (g) in regulation 10 on the basis of any qualification or practical experience which, in the opinion of the Board, is sufficient to enable the candidate to read and interpret drawings as provided in regulation 11(g).
- (d) Late entries may be approved by the Board on good cause shown: Provided that no entry submitted after the last day of January of the year in which a candidate wishes to sit for an examination shall be approved.
- 5. A candidate who fails to pass or obtain an exemption from all of the subjects in Group 1 of regulation 10 within a period of four calendar years after first enrolling for the examination, or, in the case of a candidate who first enrolled for the examination before the publication of these regulations, within such further period as the board may determine, shall not be allowed to enrol for any further examination of the Board except with the permission of the Board.
- 6. A candidate who fails to pass or obtain an exemption from all of the subjects in Group 2 of regulation 10 within a period of four calendar years after first enrolling for any Group 2 subject or, in the case of a candidate who first enrolled for any Group 2 subject before the publication of these regulations, within such further period as the Board may determine, shall not be allowed to enrol for any further examination of the Board except with the permission of the Board.
- 7. Except with the permission of the Board, no candidate shall be allowed to enrol for more than six subjects in any one year.
- 8. In order to enrol for the subject (i) and (j) in regulation 10, a candidate shall have passed examinations in the interpretation of Statutes and Supreme Court Civil Procedure at a university or be in possession of a law degree approved by the board.
- 9. Except with the permission of the Board, in order to enrol for subjects (h), (i) and (j) in regulation 10, a candidate shall have passed, or have been exempted from, all of the subjects in Group 1 of regulation 10.

SUBJECTS FOR EXAMINATION

10. The examination shall be conducted in the following subjects:

GROUP 1

- (a) S A patent law and practice - one three-hour paper.
- (b) S A trade mark law and practice - one three-hour paper.
- (c) S A copyright law and practice and registration of copyright in cinematograph films - one three-hour paper.
- (d) S A design law and practice - one three-hour paper.
- (e) A comparative study of selected international patent laws and systems - one three-hour paper.
- (f) A comparative study of selected international trade mark laws and systems - one three-hour paper.
- (g) Interpretation of drawings.

GROUP 2

- (h) The drafting of patent specifications - two four hour papers.
- (i) Practical legal problems with regard to patents - two three-hour papers.
- (j) Patent attorney's practice - one three-hour paper and one oral examination of not more than half an hour.

SYLLABUSES FOR EXAMINATION

11. The syllabuses for the subjects set out in regulation 10 shall be as follows:

GROUP 1 SUBJECTS

- (a) The Patents Act, 1978, and the regulations promulgated thereunder, the Patents Act, 1952 and the regulations promulgated thereunder in so far as the 1978 Act relates thereto and relevant court decisions.
- (b) The Trade Marks Act, 1963, and the Trade Marks Act, 1993, and the regulations promulgated thereunder; the Merchandise Marks Act 1941; Sections 41 up to and including 50 of the Companies Act, 1973; the Business Names Act, 1960, and the relevant court decisions, and the common law relating to unlawful competition and relevant court decisions.
- (c) The Copyright Act, 1916; the Copyright Act, 1965; the Copyright Act, 1978, and the regulations promulgated thereunder; the registration of Copyright in Cinematograph Films Act, 1977; the Performers' Protection Act, 1967, the relevant court decisions.

- (d) The Designs Act, 1967, and the Designs Act, 1993, and the regulations promulgated thereunder, and a study of the former Act's relationship to the Copyright Acts referred to in paragraph (c), and relevant court decisions.

- (e) A study of the patent systems and patent laws of the United States of America, the United Kingdom, Germany, Australia, France, Italy and Japan, including international arrangements; the Patent Co-operation Treaty and the European Patent Convention, including a study of the claim drafting systems of the aforementioned countries, and other matters significantly different from the law of South Africa.

- (f) A study of the trade mark systems and trade mark laws of the United States of America, the United Kingdom, Germany, France, Italy, The Benelux countries and Japan, including international arrangements and, as from the date of its coming into operation, any European Community trade mark law.

- (g) Candidates will be required to answer questions to test their ability to read and interpret drawings, with reference to descriptions, models, sketches or engineering drawings of common engineering devices. In their answers candidates may be required to make sketches of their own.

GROUP 2 SUBJECTS

- (h) Candidates will be required to draft patent specifications in respect of inventions described to them. Candidates may be required to draft claims suitable not only for South Africa, but also for the United States of America and the European Patent Office.

- (i) Candidates will be set practical legal problems on the interpretation of patent specification's, the infringement of patents, the amendment of patents and the validity of patents, and will be required to draft appropriate pleadings and give opinions.

- (j) Candidates will be tested on their competency to deal with questions of practice under the laws relating to patents in South Africa, for example, the granting of a patent, the revocation of patents, restoration, extension of terms, opposition, assignment and licensing, including compulsory licences, differences between the practice of the Court of the Commissioner of Patents and the Supreme Court, and matters relating to the admissibility of evidence before the Registrar of Patents and in the Courts.

CONDUCT OF EXAMINATION

12. (a) By not later than the end of January of each year, the Board shall appoint an Examiner and a Moderator in respect of each of the subjects in Group 1 of regulation 10, and two Examiners and a Moderator in respect of each of the subjects in Group 2 of regulation 10, and the Chairman shall advise Examiners and Moderators of their appointment not later than the end of February of that year.
- (b) If a candidate has obtained a mark of at least 48 per cent in any subject, the Board may, after taking into account any other examination results of the candidate and any other relevant consideration, adjust the mark to a pass mark: Provided that the Board shall not, except in exceptional circumstances, so adjust the marks of a candidate in more than one subject in any one year.
- (c) In appointing a Moderator, the Board shall endeavour to appoint a person who is not engaged in active practise as a Patent Attorney or a Patent Agent in South Africa: Provided that such person shall have adequate knowledge of the subject concerned.
- (d) The Examiner(s) shall be responsible for setting the required examination paper(s) in the subject concerned, which shall be submitted to the Moderator for approval. The Examiner(s) shall also be responsible for marking the examination scripts, and for allocating marks and symbols as provided in regulation 13(a).
- (e) The Moderator shall be responsible for evaluating the examination paper(s) when it is (they are) submitted to him in terms of paragraph (c) of this regulation, and for evaluating the marks and symbols awarded by the Examiner(s) in respect of the examination scripts.
- (f) The Chairman shall be responsible for administering the drafting, moderating and production of examination papers, for the marking and moderating of examination scripts, and for advising Candidates of the final results of the examination.
- (g) Before the results of any examination are made final, they shall be approved by the Board.
13. (a) The pass mark in each subject shall be 50 per cent.
- The following symbols shall be used to reflect the marks awarded to a candidate in each subject:
- A: 75 per cent and over
- B: 60-74 per cent
- C: 50-59 per cent
- F: 49 per cent and under (unless a supplementary examination has been allowed.
- S: supplementary examination allowed.
- (b) If a candidate has failed an examination in a subject but has obtained at least 45 per cent in that subject, the Board may, after taking into account any other examination results of the candidate, allow the candidate to sit for a supplementary examination in that subject: Provided that the Board shall not, except in exceptional circumstances, allow a supplementary examination in more than one subject in any one year.
- (c) If a candidate has enrolled for an examination in a particular subject but is prevented from sitting for it by reason of illness, the Board may, upon being provided with an acceptable medical certificate, and after taking into account any other examination results of the candidate, allow the candidate to sit for an aegrotat examination in that subject: Provided the Board shall not, except in exceptional circumstances, allow a candidate to sit for an aegrotat examination in more than one subject in any one year.
- (d) A supplementary or aegrotat examination may be in writing, or oral, at the discretion of the examiners and moderator: Provided that no oral examination shall be allowed in respect of (h) in regulation 10.
- (e) Supplementary and aegrotat examinations shall be held at a time and place determined by the Chairman in consultation with the relevant examiner(s) and moderator as soon as possible after the examination in respect of which the supplementary or aegrotat examination was allowed, and at the least by the end of October of the relevant year.
14. A candidate who has passed a subject or obtained an exemption from a subject, shall retain credit for that subject for a period of five years or for such longer period as the Board may allow. In the event of a candidate not passing or being exempted from every subject provided for by regulation 10 within such period of five years, the Board may, in its discretion, either extend such period or require the candidate to sit for one or more of the subjects again. In exercising its discretion in terms of this regulation, the Board shall consider the general performance of the candidate, as well as changes in the relevant law, practice or syllabus, and any other circumstances which it may consider relevant.

MISCONDUCT IN REGARD TO EXAMINATION

15. The Board may debar any candidate from writing any examination of the Board or from doing so in a particular year if, after hearing the candidate, the Board is of the opinion, that such candidate has misbehaved during, or in connection with, any examination of the Board.

APPLICATION OF THESE REGULATIONS

16. These regulations replace the previous regulations and shall apply to all Candidates enrolling for the examination either on or after the date of publication of these regulations in the journal.
17. Notwithstanding the provisions of clause 1 and the above clause, any Candidate who does not satisfy the requirements of regulations 3 as set out in clause 1 above and who was enrolled to write the Patent Examinations by virtue of regulation 3 of the previous regulations, shall be entitled to enrol for the examinations in terms of these regulations: Provided that such Candidate has completed, has been exempted from or completes within 4 years of the date of publication of these regulations, the subject (g) in terms of the previous regulations.
-