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2. Refusal of an application shall result in expiry of a transfer referenced in the preceding paragraph.

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b) the offer of goods for sale that bear the sign, as well as the placing on the market or storage for that purpose, or the offer or provision of services that bear the sign;
c) import or export of goods on which the sign appears;

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Article 39
Limitations on transfers

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c) use of the trademark by a third party when subject to the control of the trademark holder;
d) use of a collective or certification trademark carried out with the consent of and in accordance with the conditions of the trademark holder; or
e) use of a certification trademark carried out by a qualified person.

3. Registration shall not be cancelled under this Article if bona fide use of the trademark in commerce commences or is resumed before the General Directorate of Industry cancels the registration.

4. The period referred to in paragraph 1 of this Article shall begin on the date of registration of the trademark.

Article 45
Procedure for declaration of invalidation and cancellation

1. An interested party may submit to the General Directorate of Industry a request for declaration of invalidation and cancellation of a trademark registration. The request shall be submitted by means of an application written in Portuguese or Tetum and containing the legal grounds on which the request is based. The General Directorate of Industry shall promptly serve a copy of the request upon the trademark holder against whom the request is made.

2. For purposes of this Article, an interested party is understood to be:
a) any natural or legal person as well as any representative association of manufacturers, producers, service providers, traders or consumers; and
b) the holder of one of the rights or interests referred to in paragraphs (f) – (l) of Article 27, Article 28 or Article 29.

3. A request for declaration of invalidation and cancellation shall be based on the grounds stated in Article 41, Article 42 or Article 44.

4. The General Directorate of Industry shall dismiss a request for declaration of invalidation or cancellation if a request related to the same object and the same cause of requesting between the same parties has already been the subject of a final decision on the merits, whether administrative or judicial.

5. The trademark holder against whom a request for declaration of invalidation or cancellation is brought shall respond to the request within two months of receiving the request. At the request of any party or at the initiative of the General Directorate of Industry, this period may be extended for one additional month.

6. It is the responsibility of the trademark holder or licensee, if applicable, to provide proof of use of the trademark to the extent applicable to the grounds for the request for declaration of invalidation or cancellation.

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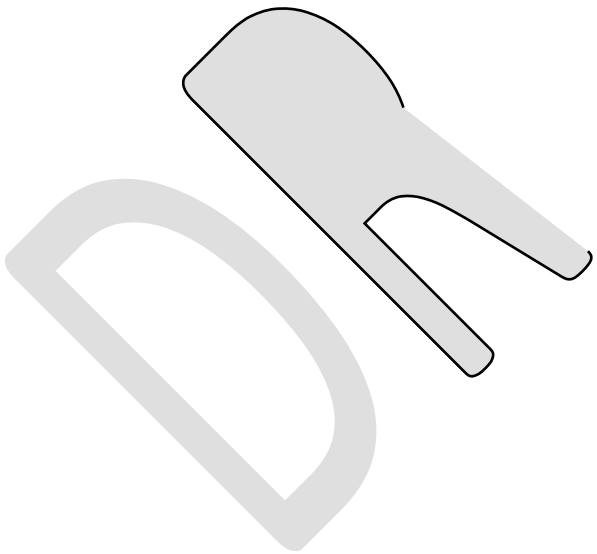

4. The patent owner may oppose any acts which constitute an infringement of his patent, even if they are based on another patent with a later priority date, without the need to challenge the titles or to request a cancellation of the patent titles in question.

5. The rights conferred by the patent may not exceed the scope defined by the claims.

6. The patent holder may request from the General Directorate of Industry a limitation of the scope of protection of the invention through the amendment of the claims.

7. If, on examination, the General Directorate of Industry determines that the limitation request meets the conditions to be granted, the General Directorate of Industry shall promote the publication of the notice referring to the amendment of the claims. Otherwise, the request shall not be granted and the decision shall be communicated to the applicant.

Article 84
Transfers of rights

1. Patent holders or their successors shall have the right to assign or license their patent rights or to transfer such rights by succession.

2. Where the patent belongs to more than one patent holder, any transfer of rights shall require the consent of the co-owners.

3. A license shall be considered nonexclusive unless otherwise specified.

4. An exclusive license shall prevent the right holder from granting other licenses for the rights which are the subject of the license, for as long as the license is in force.

5. Transfers of patent rights must be in writing. The assignment of a patent shall only be effective against third parties once it is recorded with the General Directorate of Industry.

Article 85
Limitation on the rights conferred by the patent

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6. Compulsory licenses shall be terminable, subject to adequate protection of the legitimate interests of the licensees, if and when the circumstances supporting the license cease to exist

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c) the invention claimed in the later patent involves an important technical advance of considerable economic significance in relation to the invention claimed in the earlier patent;
d) the owner of the earlier patent is entitled to a cross-license on reasonable terms to use the invention claimed in the later patent; and
e) the compul

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Article 114

Examination request

1. An interested party may request examination during the application phase or during the validity of the provisional utility model.

2. The fee related to the examination must be paid by the person requesting it within one month from the date of request.

3. If the holder of the provisional utility model intends to bring judicial proceedings in defense of the rights conferred thereby, he shall request examination by the General Directorate of Industry.

Article 115

Examination of the invention

1. The General Directorate of Industry shall conduct an examination of the invention at the request of the applicant or any interested party.

2. If there is no opposition to the grant of the application, the General Directorate of Industry shall draft an examination report within three months:
a) starting from the date on which the examination was requested; or

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2. If an application is sent by post with all the elements referred to in the preceding paragraph, the postmark date shall be considered to be the priority date.

3. In the event that two applications for the same design are simultaneous or have identical priority, the applications shall not proceed until the interested parties have settled the issue of priority by agreement or in the competent court.

4. If an application is not immediately accompanied by all the elements referred to in paragraph 1 of this Article, the date on which the last of these elements is presented shall be considered

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substantially a copy, of the protected design as well as the storage of said article for the same purposes.

Article 161

Transfers of rights

1. Holders of rights in industrial designs or their successors shall have the right to assign or license their rights, or transfer such rights by succession, in accord with Article 84.

Article 162

Limitation on the rights conferred by the registration

1. The rights conferred by the registration shall not cover:

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2. In the event of declaration of invalidation or cancellation of one or more objects, the respective registration shall remain valid for the remaining part of the registration.

Article 171

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4. If, from the applicant's response, the General Directorate of Industry determines that the registration may be granted, the General Directorate of Industry shall so notify the applicant and shall promptly publish the appropriate notice in the Industrial Property Gazette.

5. If the applicant does not respond to the notification or fails to adequately address the legal grounds for the provisional refusal, the General Directorate of Industry shall refuse the registration, notify the applicant, and promptly publish a notice of final refusal in the Industrial Property Gazette.

Article 185

Provision and publication of registration certificate

1. The General Directorate of Industry shall provide a registration certificate to the right holder or his representative one month after the publication of the notice of the grant of the registration in the Industrial Property Gazette.

Article 186

Grounds for refusal

1. The General Directorate of Industry shall refuse registration of a semiconductor product topography on the following general grounds:

a) failure to pay required application fees;

b) failure to submit a complete application; or

c) nonfulfillment within

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4. The burden of proof to the right of prior use shall lie with the individual invoking such right.

Section IV
Conditions on Use

Article 195
Appropriation of rights

1. Rights in a semiconductor product topography may be subject to liens, attachments, appropriation, judicially-ordered transfer or similar procedures in order to satisfy contractual or other obligations of its holder, in accordance with the terms of Timorese law.

2. The actions specified by the preceding paragraph shall only take effect in relation to third

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4. It is an unlawful use of a trade secret to produce, sell or offer to sell goods or to import, export or store goods for those purposes where the person performing such acts knows or has reason to know that the goods implicate the infringement of rights in trade secrets protected under this Chapter.

Article 202
Lawful acquisition of trade secrets

1. Acquisition of a trade secret is lawful when it results from:
a) discovery by independent creation;
b) observation, analysis, study, decompilation, evaluation, disassembly or testing of a product or object that has lawfully been made available to the public or that is otherwise in the possession of a person not subject to any legal duty not to acquire, use or disclose the trade secret;
c) discovery under a license from the owner of the trade secret;
d) imposition or permission that results from the law; or
e) another practice that, in the specific circumstances under which it occurs, accords with honest business practices.

Article 203
Protection of trade secrets submitted to governmental authorities

1. Where, as a condition of approving the marketing of pharmaceutical or agricultural chemical products utilizing new chemical entities, a governmental authority requires the submission of undisclosed test or other data whose origination involved a considerable effort, that authority will protect such data against unfair commercial use. That authority shall also protect such data against disclosure except where necessary to protect the public, or unless the authority takes measures to ensure that the data are protected against unfair commercial use.

CHAPTER VII
ADMINISTRATIVE PROCEDURES

Article 204
Administration of industrial property rights

1. The administration of industrial property rights shall be the responsibility of the General Directorate of Industry.

Article 205
Capacity to perform activities

1. Any interested party may participate in legal actions before the General Directorate of Industry.

Article 206
Capacity to institute actions

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3. Events requiring registration, even if not yet registered, may be invoked by the parties or their successors in their interactions.

Article 213
Submissions and notifications

1. Complaints, objections, challenges, oppositions, applications for expiry and other adversarial filings shall be submitted to the General Directorate of Industry in duplicate.

2. The General Directorate of Industry shall, promptly and in writing, inform all parties involved in administrative proceedings of its final decisions and shall promptly forward copies of the filings referenced in the preceding paragraph to all interested parties.

Article 214
Signatures

1. The signatures on documents which have not been submitted to the General Directorate of Industry by an official industrial property agent or a representing lawyer must be notarized.

Article 215
Time limits

1. The time limits stipulated in this Code shall be continuous.

Article 216
Fees

1. The fees due for the administrative procedures provided for in this Code shall be the subject of subsequent regulation.

Article 217
Claiming the right to priority

1. Anyone who has filed an application related to an object of industrial property covered under Chapters II – IV of this Code, either in a Member State of any international intellectual

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3. Parties to infringement actions shall be entitled to substantiate their claims and defenses and to present all relevant evidence. All such parties shall be allowed to be represented by independent legal counsel at their own expense.

4. Where a party has presented reasonably available evidence sufficient to support its claims and has identified further relevant evidence which lies in the control of the opposing party, judicial authorities may order that this evidence be produced by the opposing party, subject in appropriate cases to the procedures referenced in Article 224.

Article 224
Confidential information

1. Judicial authorities adjudicating infringement actions shall permit parties to identify confidential information involved in such actions and shall establish procedures to ensure the protection of such confidential information.

Article 225
Burden of proof in special cases

1. In civil proceedings involving a claim of infringement of rights in a patented process for obtaining a product, any identical product produced without the consent of the patent holder shall be presumed to have been obtained by the patented process in the absence of proof to the contrary:
a) if the product obtained by the patented process is new; or
b) if there is a substantial likelihood that the identical product was made by the process and the patent holder has been unable through reasonable efforts to determine the process actually used.

2. In the case described in paragraph 1 of this Article, the defendant shall have the burden of proving that the process to obtain an identical product is different from the patented process.

3. In implementing the requirements of the preceding paragraph, the legitimate interests of defendants in protecting their manufacturing and business secrets shall be taken into account.

Article 226
Provisional measures

1. Judicial authorities may order provisional measures:
a) to prevent an infringement of any intellectual property right and in particular, to prevent the entry into the channels of commerce of goods, including imported goods immediately after customs clearance; or
b) to preserve relevant evidence in regard to an alleged infringement.

2. Judicial authorities may adopt provisional measures where appropriate, in particular where any delay is likely to cause irreparable harm to a right holder or where there is a demonstrable risk of evidence being destroyed.

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Article 232

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