

The Trade Marks (Invalidation and Summary Registration) Order, 1973 (President's Order)

(PRESIDENT'S ORDER NO. 19 OF 1973)

[15th March, 1973]

WHEREAS it is expedient to provide for the summary registration in Bangladesh of trade marks registered in Pakistan before the 26th day of March, 1971, and for their prior invalidation in order to such summary registration;

NOW, THEREFORE, in pursuance of paragraph 3 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Trade Marks (Invalidation and Summary Registration) Order, 1973.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once and shall be deemed to have taken effect on the 26th day of March, 1971.

2. In this Order, unless there is anything repugnant in the subject or context,-

(a) "Government" means the Government of the People's Republic of Bangladesh;

(b) "Registrar" means the Registrar of Trade Marks in Bangladesh and includes the Deputy Registrar of Trade Marks when discharging the function of the Registrar under this Order;

(c) "the Act" means the Trade Marks Act, 1940 (Act V of 1940);

(d) "trade mark filed in Pakistan" means trade mark or a certification trade mark for which an application for registration has been made to the Registrar of Trade Marks in Pakistan before 26th day of March, 1971; and

(e) "trade mark registered in Pakistan" means a trade mark or a certification trade mark in respect of which a certificate of registration has been sealed with the seal of the Trade Marks Registry in Pakistan before the 26th day of March, 1971.

3. Notwithstanding anything to the contrary contained in the Act or the Rules framed thereunder or in any other law for the time being in force,-

(a) trade marks registered in Pakistan shall be deemed not to have been registered in Bangladesh unless they are applied for and registered under this Order; and

(b) trade marks filed in Pakistan shall be deemed not to have been filed in Bangladesh.

4. Any proprietor of a trade mark registered in Pakistan, who is desirous of registering that mark in Bangladesh shall, subject as hereafter provided in this Order, be entitled to make an application for registration of the same to the Registrar on payment of a fee of Taka fifty only:

Provided that any application for registration of a trade mark registered in Pakistan and filed in Bangladesh before the ¹[15th day of March, 1973] shall be deemed to be an application made under this Article.

5. (1) Every application under Article 4 shall be made in writing in the forms prescribed in the Second Schedule to the Trade Marks Rules, 1963, which shall be accompanied by original Certificate of Registration in Pakistan with a photocopy thereof:

Provided that, if any such Trade Mark has been renewed before the 26th day of March, 1971, the last renewal certificate shall also accompany the application.

(2) Nothing in section 15 or section 55 of the Act, shall apply in respect of any application made under Article 4 of this Order.

(3) On such application being made, the Registrar shall register the trade mark and the registration so made shall be deemed to have been made

under the Act, with effect from the date of registration of the mark in Pakistan under sub-section (1) of section 16 of the Act.

6. No Application under Article 4 shall be made after the ²[15th day of September, 1974].

7. The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Order.

8. Nothing in this Order or in the rules made thereunder shall derogate from the provisions of the Act or the Trade Marks Rules, 1963, save where any provisions of this Order or the rules made thereunder is repugnant to any provisions of the Act or the rules made thereunder, in which case the provisions of this Order or the rules made thereunder shall prevail.

9. No suit, prosecution or other legal proceeding shall lie against the Government or the Registrar or any person acting under his direction for anything in good faith done or intended to be done under this Order or any rule made thereunder.

10. The Trade Marks (Invalidation and Summary Registration) Act, 1950 (Act XXXVII of 1950) is hereby repealed.

¹ The figures, words and comma "15th day of March, 1973" were substituted for the words "commencement of this Order" by section 2 of the Trade Marks (Invalidation and Summary Registration) (Amendment) Act, 1974 (Act No. XXXII of 1974)

² The figures, words and comma "15th day of September, 1974" were substituted for the words "lapse of one year from the commencement of this Order" by section 3 of the Trade Marks (Invalidation and Summary Registration) (Amendment) Act, 1974 (Act No. XXXII of 1974)