

We Salman bin Hamad Al Khalifa, Ruler of Bahrain hereby enact the following Regulations which shall come into force on twenty-fourth Shawal, 1374 corresponding to fifteenth June, 1955

Bahrain Patents, Designs and Trade Marks Regulations Bahrain - 1955

1. The Law annexed to these Bahrain Patents, Designs and Trade Marks Regulations, 1955 enacted pursuant to **Article 82** of Bahrain Decree 1952, its translation is attached herewith. All enacted articles and which will be enacted by the Registrar of Patents, Designs and Trade Marks shall comply with the same Decree and shall be effective upon all persons in Bahrain and its dependencies who are not subject to the said Law.

2. These Regulations shall come into effect on 1st August, 1955 and shall be cited as the “Patents, Designs and Trade Marks Regulations“.

Patents, Designs and Trade Marks Regulations Bahrain - 1955

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PART I INTERPRETATION AND GENERAL PROVISIONS

Interpretation

Definitions:

1. (1) In this Law, unless the context otherwise requires;

“Assignee“ includes the personal representative of a deceased assignee.

“Comptroller-General“ means the Comptroller-General of Patents, Designs and Trade Marks in the United Kingdom, and includes any person authorised by him or by the Board of Trade to sign or issue certificates in respect of patents, designs and trade marks registered in the United Kingdom.

“Copyright of a design“ is the exclusive right acquired by the registration of a design to make or import for sale or for use for the purposes of any trade or business, or to sell or hire or offer or expose for sale or hire any article in respect of which the design is registered, being an article to which the registered design or a design not substantially different from the registered design has been applied.

“Court“ means the Joint Court.

“Design“ means features of shape, configuration, pattern or ornament applied to an article by any industrial process, or means, being features which in the finished article appeal to and are judged solely by the eye, but does not include a method or principle of construction, or features of shape or configuration which are dictated solely by the function which the article to be made in that shape or configuration has to perform.

“Exclusive licensee“ means any person having a licence from the registered owner of a patent or design, as the case may be, which, in respect of the Territory, and subject to any conditions and limitation of the licence, confers on the licensee, or on the licensee and persons authorised by him, to the exclusion of all other persons (including the registered owner of the patent or design respectively) any right in respect of the patented invention or design; and “exclusive licence“ shall be construed accordingly.

“Local trade mark“ has the meaning assigned to it in [Section 23](#) of this Law.

“Mark“ includes a device, brand, heading, label, ticket, name, signature, word, letter or numeral or any combination thereof.

“Oath“ shall include an affirmation substituted for an oath.

“Patentee“ means a person or persons for the time being entered on the Register of Patents in the United Kingdom as grantee or proprietor of the patent and the personal representative of a deceased grantee or proprietor.

“Prescribed“ means prescribed by this Law by any rules made thereunder, by Rules of Court, by direction of a Court (in relation to proceedings before that Court), or by direction of the Registrar in relation to any proceedings before him.

“Proprietor of design“ includes the author of a design and any person in whom the design or the right to apply a design to any article becomes vested by assignment or transmission either alone or jointly with the original proprietor.

“Register“ means any one of the registers provided for in [Section 3](#) of this Law, applicable in the circumstances.

“Registered owner“ means the person to whom a certificate of registration has been granted under this Law upon the registration of a patent, design, or trade mark (as the case may be), or any person legally deriving title from or through such grantee by assignment or transmission registered in accordance with this Law.

“Registered user“ is a person whose name has been entered on the Register as being permitted by the registered owner of a trade mark to use the same as regards all or any of the goods in respect of which it is registered, with or without conditions and limitations.

“Registrar“ means the person appointed jointly by the Political Resident and the Ruler by name or office to be Registrar of Patents, Designs and Trade Marks for the Territory and includes a person for the time being acting as or for such Registrar.

“Territory“ means the territory for which this Law has been made applicable.

“Trade Mark“ means a mark used or proposed to be used upon or in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right to use the mark, whether with or without any indication of the identity of that person.

“Transmission“ means transmission by operation of law, devolution on the personal representative of a deceased person and any other mode of transfer not being assignment.

(2) References in this Law to the use of a design or mark shall be construed as references to the use of a printed or other visual representation of the design or mark, and references therein to the use of a design or mark in relation to goods shall be construed as references to the use thereof upon, or in physical or other relation to goods.

(3) Time in this Law is calculated according to the Gregorian calendar.

General Provisions

Patents, Designs and Trade Marks registrable under the Law.

2. Every patent or design which is registered in the United Kingdom, and every trade mark which is either registered in the United Kingdom or is a local trade mark, shall be registrable in the Territory in accordance with the provisions of this Law.

Registers.

3. (1) Three separate registers, respectively called the Register of Patents, the Register of Designs, and the Register of Trade Marks, shall be kept under the immediate control and direction of the Registrar in his office for the recording of such particulars as may be prescribed.

(2) The Register of Trade Marks shall be kept in two separate parts, of which one shall be used for United Kingdom trade marks registered under [Part II](#), and the other in respect of local trade marks registered under [Part III](#) of this Law.

Certificates of Registration.

4. Upon the registration of a patent, design or trade mark the Registrar shall grant a Certificate of Registration to the registered owner of the patent, design or trade mark (as the case may be) showing his description, capacity and title, the effective date of the registration and such other particulars of the entry in the register as may be prescribed.

Effect of Registration.

5. Registration and the issue of a certificate of registration shall, subject to the provisions of this Law and to any conditions and limitations entered on the Register, confer upon the registered owner:

(a) As regards patents:

the exclusive right and privilege for the Territory to make or to import for sale or for use for the purposes of any trade or business, or to sell or hire, or to offer or expose for sale or hire, or to use in any other way, for the purposes of any trade or business, the patented Invention, or any goods or articles to the patent.

(b) As regards designs:

the copyright in the registered design for the Territory in respect of any article or set of articles comprised in the registration.

(c) As regards trade marks:

the exclusive right to the use in the Territory of the registered trade mark upon or in connection with the goods in respect of which it is registered.

Position of Registered Owner

6. Without prejudice to any provisions of this Law, and subject to any rights vested in any other person and to any conditions and limitations entered on the Register, the registered owner shall have power to assign, dispose of or in any other way lawfully deal with any rights acquired by the registration under this Law; to grant licences in respect of the registered patent or design; or to

permit the use of a registered trade mark; and to give effectual receipts for any consideration for any such assignment, licence or dealing.

Application for Registration

7. All applications for registration shall be made to the Registrar by a person competent within the meaning of [Sections 17](#) or [31](#) of this Law in the prescribed form, manner and time and shall be accompanied by such certificates, information and evidence as may be prescribed or required by the Registrar in any particular case.

Procedures on Application. Publication

8. (1) The Registrar may, subject to the provisions of this Law, or any rules made thereunder, refuse any application for registration or accept it absolutely or subject to such modifications, conditions or limitations, as he may think fit.

(2) The Registrar shall cause such material particulars of every complete application for the registration of a patent, design or trade mark and of any conditions or limitations relating thereto as may reasonably concern third parties or the public, to be published or advertised at the expense of the applicant in such manner as may be prescribed, and shall not in any case proceed to registration until the period appointed under [Section 11](#) of this Law for giving notice of opposition has expired and he is satisfied on the evidence before him that all requirements have been complied with.

Restriction on Registration of certain matters

9. An application for registration shall not be accepted in any case in which it appears to the Registrar that if the registration were granted as applied for, the use or display of goods or articles concerned, or the exercise of any rights granted by the Law, would:

- (a) be injurious to public order, morality, or the interests of the community as a whole;
- (b) be contrary to law or public policy;
- (c) be inconsistent with the provisions of this Law;
- (d) deceive the public;
- (e) hurt or rouse religious susceptibilities of any part of the community:

Provided that the Registrar may accept an application for registration notwithstanding any defect as aforesaid if it appears to him that any such defect is reasonably capable of being remedied by a suitable modification or other amendment and such modification or amendment is carried out in accordance with his directions and the conditions prescribed by him.

Effective Date of Registration

10. Every registration shall be effective as from the date of the application for registration, provided that no proceedings may be taken in respect of any infringement committed before the date of publication of the application.

Opposition to Registration

11. (1) Any interested person who can show that he has a better right, title, or priority than the person applying for registration, or that registration should not be allowed for some other good reason, may give notice to the Registrar of opposition to the registration, and the Registrar shall deal with any such notice, in such manner as may be prescribed by rules or the Registrar.

(2) The time for giving such notice as aforesaid shall be prescribed by the Registrar according to the circumstances of each case and stated in the publication or advertisement of the application for registration and shall not be less than three and not more than six months from the dates of such publication or advertisement.

Non-Completion of Registration.

12. Where, by the default of the applicant, registration is not completed within twelve months from the date of the receipt of the application at the registry, the Registrar may, after giving notice to the applicant, treat the application as abandoned unless it is completed within the time specified in such notice.

Rule against Registration of Identical or Similar Trade Marks. Concurrent Use

13. (1) Subject to the provisions of [sub-section \(2\)](#) of this section, no trade mark shall be registered in respect of any goods or description of goods that is identical with a trade mark belonging to another proprietor and already registered on one or the other part of the register of trade marks, in respect of the same goods or description of goods, or that so nearly resembles such a trade mark as to be likely to deceive or cause confusion:

Provided that the Registrar shall not refuse an application by reason only of such identity or resemblance with a trade mark already on any part of the register if the applicant can satisfy him:

(a) that, if the application is under [Part III](#), he or his predecessor in title has been regularly using the local trade mark, the subject matter of application, in respect of the same goods or description of goods, for at least one year before the trade mark already registered has first been used or registered in the Territory (whichever is earlier); or

(b) that, if the application is for registration of a trade mark under [Part II](#) of this Law, the trade mark had been registered in the United Kingdom for at least one year before the date of application for registration under this Law.

(2) In case of an honest concurrent use, or of other special circumstances which in the opinion of the Registrar make it proper so to do, the Registrar may permit the registration of trade marks that are identical or nearly resemble each other in respect of the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as the Registrar may think it right to impose.

(3) Where separate applications under whichever part of this Law are made by different persons to be registered as proprietors of trade marks that are identical or nearly resemble each other, in respect of the same goods or description of goods, the Registrar may refuse to register any of them until their rights have been determined by him, or have been settled by agreement in a manner approved by him; [sub-section \(2\)](#) of this section shall apply as far as practicable.

Saving of Vested Rights

14. Nothing in this Law shall entitle the registered owner of any registered trade mark to interfere with or restrain the use by any person of a trade mark identical with or nearly resembling it in relation to goods in respect of which that person or a predecessor in title of his has continuously used that trade mark from a date prior:

(a) to the use of the first-mentioned trade mark in relation to those goods by the registered owner or a predecessor in title of his; or

(b) to the registration of the first-mentioned trade mark in respect of those goods in the name of the registered owner or a predecessor in title of his, whichever is the earlier, or to object (on such use being proved) to that person being put on the register for that identical or nearly resembling trade mark in respect of those goods under [sub-section 2 of Section 13](#) of this Law.

Saving for Use of Name, Address, or Description of Goods

15. No registration of a trade mark shall interfere with any bona fide use by a person of his own name or that of his place of business, or of the name or name of the place of business, of any of his predecessors in business, or the use by any person of any bona fide description of the character or quality of his goods.

Assignment of Registered Trade Marks

16. Subject to the provisions of this Law, a registered trade mark shall be assignable and transmissible either in connection with the goodwill of a business or otherwise, and in regard to either all the goods in respect of which it is registered, or some only of those goods.

PART II

Registration of Patents, Designs and Trade Marks Registered in the United Kingdom

Persons Competent to Apply

17. A person shall be competent to apply for the registration of a patent, design or trade mark if his right, title or interest has been entered on the appropriate register in the United Kingdom and if he is either the patentee, or the proprietor of a design, or of a trade mark, or a person legally deriving title from or through such patentee or proprietor by assignment or transmission.

Time for Applying

18. Subject to the provisions of [Section 67](#) the time within which application for registration may be made, shall be:

- (a) *As regards patents:*
three years from the grant of letters patent in the United Kingdom;
- (b) *As regards registered designs:*
three years from the registration of the design in the United Kingdom; and
- (c) *As regards trade marks:*
any time during the subsistence of the registration in the United Kingdom.

Evidence Required on Application

19. Every application for registration shall be accompanied by such specifications, representations, drawings, certificates, certified copies and other evidence of relevant matters and particulars relating to entries in the appropriate United Kingdom register and otherwise as may be prescribed generally or required in a particular case.

Effect of Limitations

20. Without prejudice to [Section 5](#) of this Law, registration under this Part of the Law shall take effect subject to any conditions and limitations subsisting in connection with the grant, right or registration in the United Kingdom.

Registration of Amendments and Alterations

21. (1) Whenever any specification or drawing of a patent, or a representation of a design or trade mark registered under this Law has been amended or altered in the United Kingdom, an application, accompanied by copies of any amended specification, representation or drawing duly certified by the Comptroller-General shall be made to the Registrar for the substitution of the amended specification, representation or drawing for those originally filed.

(2) In any such case as aforesaid the Registrar may order any proposed amendment or alteration as aforesaid to be advertised or published and may make the registration subject to such conditions as he may think fit.

Duration, Renewal, Extension of Registration

22. (1) Subject to the provisions of this Law, registration shall continue to be in force as long as the respective patent, design or trade mark remains in force and registered in the United Kingdom and the term, for which it has been granted or registered, has not expired.

(2) If the term of a patent, design or trade mark registered under this Law has been extended in the United Kingdom, whether by extension of the term, renewal or otherwise, the registered owner shall be entitled, on application to the Registrar within such time and on such terms as may be prescribed, to have the registration renewed or otherwise extended for the same period for which it has been renewed or extended in the United Kingdom, and unless the registration is renewed or extended as aforesaid, it shall cease to be of any effect at the end of the expired term.

PART III

Local Trade Marks

Local Trade Marks

23. (1) For the purposes of this Law “local trade mark“ means a trade mark used or proposed to be used in the Territory and associating any specific goods or classes of goods with any person or persons who, in the territories of Bahrain, Kuwait, Qatar, Muscat and Oman and the Trucial States, is or are bona fide engaged in the production, manufacture, working, or sale of, or in the trading with, these goods, and, except where the context otherwise requires, any reference in this Part of this Law to “a trade mark“ or to “trade marks“ shall mean a local trade mark.

(2) Any trade mark which is used or registered or merely applied anywhere outside the territories referred to in [sub-section \(1\)](#) of this Section, may not be registered as a local trade mark, but may be registrable under [Part II](#) of this Law if it has been registered in the United Kingdom.

Distinctiveness requisite for Registration

24. (1) A trade mark shall not be registrable unless it contains or consists of at least one of the following essential particulars, namely:

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- (a) the name of a company, individual, or firm, represented in a special or particular manner.
 - (b) the signature of the applicant for registration or some predecessor in his business.
 - (c) one or more invented words.
 - (d) one or more words having no direct reference to the character or quality of the goods, and not being, according to its ordinary signification, a geographical name or surname, or the name, or the name of a sect, castle or tribe in any of the territories mentioned in [sub-section \(1\) of this Section 23](#)
 - (e) any other distinctive mark, provided that a name, signature, or any word, other than such as fall within the descriptions in the above [paragraphs \(a\) to \(d\)](#) shall not be registrable except upon evidence of its distinctiveness.

(2) For the purposes of this Section, the expression “distinctive“ means adapted, in relation to the goods in respect of which a trade mark is registered or proposed to be registered, to distinguish goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

Limitation as to Colours

25. (1) A trade mark may be limited wholly or in part to one or more specified colours and any such limitation may be taken into account in considering the distinctive character of the trade mark.

(2) So far as a trade mark is registered without limitation of colour, it shall be deemed to be registered for all colours.

Restrictions on Registration of Certain Matters

26. No trade mark, nor part of a trade mark, shall be registered which consists of or contains any of the following matters:

- (a) Public armorial bearings, crests, insignia or decoration of any state or nation unless authorised by the competent authorities.
- (b) Official hall marks or signs indicating an official warranty, unless put forward or authorised by a competent authority.
- (c) Marks which are identical with or similar to any national flags, or any national military or naval flags, commendatory medals or badges.
- (d) Marks which would be contrary to the provisions of [section 9](#), or contain any scandalous or provocative design, or a false indication of origin, or which encourage unfair trade competition.
- (e) Marks which are identical with or similar to the sign of a Red Cross or a Red Crescent on a white ground or the designation or characters of the Red Cross or the Geneva Cross.
- (f) Marks identical with or similar to emblems of exclusively religious significance.

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- (g) Marks which are or contain the picture, name or the trade name of a person or the name of a body corporate or of an association unless the consent of the person or persons concerned has been obtained.

Registration to be in Respect of Particular Goods

27. (1) A trade mark may be registered only in respect of particular goods or classes of goods.

(2) Any question arising as to the class within which any goods fall shall be determined by the Registrar, whose decision shall be final.

Registration of Parts of Trade Marks and of Trade Marks as a Series

28. (1) Where the proprietor of a trade mark claims to be entitled to the exclusive use of any part thereof separately, he may apply to register the whole and any such part as separate trade marks.

(2) Each such separate trade mark shall, subject to the provisions of [section 29\(2\)](#) of this Law, satisfy all the conditions applying to, and have all the incidents of, an independent trade mark.

(3) Where a person claiming to be the proprietor of several trade marks in respect of the same goods or description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of:

- (a) statements of the goods in relation to which they are respectively used or proposed to be used; or
- (b) statements of number, price, quality, or names of places; or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- (d) colour;

seeks to register these trade marks, they may be registered as a series in one registration.

Associated Trade Marks

29. (1) Where a trade mark which is registered or is the subject of an application for registration, in respect of any goods is identical with another trade mark which is registered, or is the subject of an application for registration, in the name of the same proprietor in respect of the same goods or description of goods, or so nearly resembles it as to be likely to deceive or cause confusion if used by a person other than the proprietor, the Registrar may at any time require that the trade marks shall be entered on the register as associated trade marks.

(2) Where a trade mark and any part thereof are, in accordance with the provisions of [sub-section \(1\) of section 28](#), registered as separate trade marks in the name of the same proprietor, they shall be deemed to be, and shall be registered as, associated trade marks.

(3) All trade marks registered in accordance with the provisions of [sub-section 3 of section 28](#) as a series in one registration shall be deemed to be, and shall be registered as, associated trade marks, and such associated trade marks shall be assignable and transmissible only as a whole and not separately, but they shall for all other purpose be deemed to have been registered as separate trade marks.

(4) On application made in the prescribed manner by the registered owner of two or more trade marks registered as associated trade marks, the Registrar may dissolve the association as

respects any of them if he is satisfied that there would be no likelihood of deception or confusion being caused if that trade mark were used by any other person in relation to any of the goods in respect of which it is registered, and may amend the register accordingly.

Jointly Owned Trade Marks

30. (1) Save as provided in [sub-section \(2\)](#) hereof, nothing in this Law shall authorise the registration of two or more persons who use a trade mark independently, or propose so to use it, as joint owners thereof.

(2) Where the relations between two or more persons interested in a trade mark are such that no one of them is entitled as between himself and the other or others of them to use it except:

- (a) on behalf of both or all of them, or
- (b) in relation to an article with which both or all of them are connected in the course of trade.

these persons may be registered as joint owners of the trade mark, and this Law shall have effect in relation to any rights to the use of the trade mark vested in those persons as if those rights had been vested in a single person.

Persons Competent to Apply

31. Any person claiming to be the proprietor of a local trade mark who is desirous of registering the same may apply to the Registrar for registration in the prescribed manner.

Duration of Registration and Renewal

32. The registration of a trade mark shall be for seven years and may be renewed from time to time for periods of fifteen years, and unless renewed in the prescribed manner, the Registrar may cause the trade mark to be removed from the register at the end of the current period of registration after giving the registered owner notice of the impending expiry thereof and an opportunity of renewing the same.

Alteration of Registered Trade Mark

33. The registered owner of a trade mark may apply to the Registrar for leave to add to or alter the trade mark in any manner not substantially affecting the identity thereof, and the Registrar may refuse leave or may grant it on such terms as to advertising the application and otherwise, and subject to such limitations as he may think fit.

PART IV

The Registrar and the Registers

Powers and Duties of Registrar

34. (1) The Registrar shall have such powers and duties as are assigned to him by this Law and by any rules made thereunder; he shall exercise judicially any such powers and any discretion vested in him and shall state the reasons for his decisions and orders in writing at the request of any person affected by such decision or order.

(2) The Registrar shall have an office and such staff as may from time to time be agreed jointly by the Political Resident and the Ruler.

(3) The Registrar shall have an official seal bearing the style of his office and such device as shall be approved jointly by the Political Resident and the Ruler, and such seal shall be officially and judicially noticed.

(4) Without prejudice to any provisions of this Law or any rules made thereunder, the Registrar shall give to any applicant for registration, any person opposing the same, any party to proceedings before him and any person who may be affected by his decision or order, an opportunity of being heard or of making a statement before making any decision or order or exercising a power or discretion adversely affecting the applicant or other party concerned.

(5) The Registrar shall have the right to appear and to be heard in any suit or proceeding before the Court, and shall appear if so directed by the Court, and unless the Court otherwise directs, he may submit a statement in writing in lieu of appearance.

(6) The costs of the Registrar shall be in the discretion of the Court but he shall not be ordered to pay the costs of any parties.

Entries in Registers

35. (1) In the registers provided by [section 3](#) there shall be entered such particulars of the patents, designs and trade marks respectively, of the registered owners, of assignments and transmissions, licences, permitted uses, encumbrances and of any other matters, including relevant Instruments and events, as may be prescribed or as the Registrar may think fit.

(2) Every register shall be open to inspection by the public at such times and on such conditions as may be prescribed: certified and sealed copies of or extracts from entries in the register or documents relating thereto shall be given to any person applying for them on payment of the prescribed fee.

Provided that a registered design shall not be open to inspection except by the proprietor or a person authorised by him in writing or a person authorised by the Registrar, before the date when such design becomes open to public inspection in the United Kingdom.

(3) No notice of any trust, whether expressed, implied or constructive, shall be entered in any register, and the Registrar shall not be affected by any such notice.

Registration of Assignments, &c

36. (1) Where a person has become entitled by assignment or transmission to a share, right or interest in a patent, design or trade mark registered under this Law, he shall make application to the Registrar to have his right, title or interest as owner, co-owner, mortgagee, licensee, or otherwise, as the case may be, entered on the respective register, and the Registrar shall, upon proof of the title or interest to his satisfaction, cause the entry to be made, and record in the register particulars of the transfer, right, title and interest and of any instrument or event by which the applicant derives his title or interest:

Provided that no such transfer, right, title or interest as aforesaid which is registrable in the United Kingdom shall, except for good cause, be entered in the register unless it has first been registered in the United Kingdom and such registration is proved by a certificate of the Comptroller-General in the United Kingdom

(2) Without prejudice to the provisions of the foregoing sub-section, an application for the registration of the title of any person becoming entitled by assignment or otherwise to a registered patent, design or trade mark, or a share therein, or becoming entitled by virtue of a mortgage licence

or other instrument to any other interest, may be made in the prescribed manner by the assignor, mortgagor, licensor or other party to that instrument, as the case may be.

Register and Registration as prima facie Evidence

37. In all legal proceedings:

- (a) any register shall be prima facie evidence of all matters required or authorised by this Law to be entered therein;
- (b) the fact that a person is entered on the appropriate register as registered owner shall be prima facie evidence of the validity of the original registration and of all subsequent assignments and transmissions.

Evidence of Entries, Documents, &c

38. (1) The Registrar shall issue, sign and seal all certificates of registration and such other certificates as he may issue.

(2) A certificate purporting to be signed by the Registrar and certifying as to any entry, matter or thing which he is authorised by this Law or by rules to make or do, shall be prima facie evidence of the entry having been made, and of the contents thereof, or of the matter or thing having been done or not done.

(3) A copy of any entry in any register or of any document kept by the Registrar, or an extract from any such register or document, purporting to be certified by the Registrar and to be signed and sealed by him, shall be admitted in evidence in all legal proceedings without further proof and without production of the original.

Adjustment of Registrar

39. The Registrar may, subject to any rules made in this behalf, make any of the following adjustments in the register, that is to say:

- (a) correct any error, or enter any change, in the name, address or description of any person entered on the register;
- (b) correct any clerical error in any entry in the register;
- (c) strike out any articles, goods or classes of articles or goods from those in respect of which a design or trade mark is registered;
- (d) otherwise alter, vary, delete or cancel any entry on the register;

Provided that no such adjustment may enlarge any rights or privileges conferred by the registration.

Powers in Case of Breach of Condition

40. Where a condition or limitation entered on the register has not been observed or otherwise complied with, any person aggrieved by such non-observance or other contravention, may apply to the Registrar, and the Registrar may, on such an application, or where no such application has been made, of his own motion, make such order as he may think fit in the circumstances, including an order for the cancellation or variation of a registration or for the adjustment of the register.

Proceedings before, and Appeals from the Registrar

Aggrieved Persons may Apply for Revision

41. (1) Any person who feels aggrieved:

- (a) by any decision or order, or any act or default, of the Registrar, or
- (b) by the substance or form of the registration or of any entry in the register or a defect therein, or the omission or deletion of any entry or of part thereof from the register.

may apply to the Registrar for redress by way of revision:

Provided that no person may so apply unless he has been a party to the proceedings giving rise to the application, or has been or may be through no fault of his own prejudicially affected in his rights or interests by the relevant decision, order, act or default.

(2) The time for making an application under [sub-section \(1\)](#) of this section shall be thirty days from the day when such order or decision was made or communicated to the person or persons concerned (whichever date is later), and where the revision concerns any other act or default of the Registrar the time shall be limited to one year from the occurrence of the relevant act, event or thing, or from the time when something ought to have been done as the case may be, provided that in any case the Registrar or, on appeal, the Court may enlarge the time for cause shown.

Procedure on Application for Revision

42. (1) On any application for revision the Registrar may either:

- (a) refer the same to the Court for decision or directions if it raises a point of law or of mixed law and fact of some difficulty or importance, and he shall do so if a suit or other proceeding concerning the patent, design or trade mark in question is pending before the Court; or
- (b) in any other case, on review of the case, confirm, vary or cancel his former decision or order, and determine any question or matter raised on the application and make such order within his powers as he may think fit;

Provided that a certificate of registration may not be revoked except by the Court in accordance with [section 50](#) of this Law.

Procedure on Appeal from Registrar

43. (1) Any party who is aggrieved by any order, decision or other determination of the Registrar pursuant to an application for revision under [section 41](#) may appeal to the Court by leave of the Registrar or, in the event of the Registrar's refusal, by leave of the Court.

(2) Every application to the Registrar for leave to appeal shall be made within thirty days from the date when the order, decision or other determination was made or communicated to the applicant, whichever date is later, and any application to the Court for leave to appeal shall be made within thirty days from the date of the refusal by the Registrar to grant such leave or from the date when such refusal has been communicated to the applicant, whichever date may be later.

(3) A party who is aggrieved by reason of the fact that an application for revision has not been determined or otherwise duly disposed of by the Registrar within sixty days from the date of the filing thereof with the Registrar may apply to the Court and the Court may thereupon make such order as it thinks fit.

(4) On appeal the Court may make any order as it thinks fit, and decide any matter which, in its opinion, should have been made or decided by the Registrar, and for the purposes of an appeal the Registrar shall be deemed to be a Court of first instance.

Procedure before the Registrar

44. In all proceedings under this Law before the Registrar:

- (a) the Registrar shall have all the powers of a Court of the first instance in civil matters for the purposes of receiving evidence, administering oaths, enforcing attendance of witnesses, and compelling the discovery and production of documents;
- (b) except as otherwise prescribed, the parties shall be entitled to appear before the Registrar, be heard, and make submissions in person or by counsel or by a legal or other representative as may be permitted by Rules made under this Law;
- (c) the Registrar may make such orders as to costs as he considers reasonable and any such order shall, for the purposes of execution, be considered as a decree or order of a Court of first instance in civil matter.

PART V

Legal Proceedings

Infringement of Rights

45. (1) Any person who infringes any right or privilege conferred by the registration of a patent, design, or trade mark, under this Law shall be liable to proceedings for the infringement thereof as provided in this and the next following section.

(2) Without prejudice to the generality of the foregoing sub-section, any such right or privilege as aforesaid shall be deemed to be infringed by any person who without the consent or authority of the registered owner or other person entitled to give such consent or authority or otherwise wrongfully:

- (a) makes, uses, puts into practice or imitates any invention subject to a registered patent; makes, uses, imports, sells or trades in any articles subject to such a patent; or directly or indirectly deals with any patented invention, process or article in any manner inconsistent with the rights and privileges conferred by the registration of the patent;
- (b) does anything which is in any manner inconsistent with the copyright of a design;
- (c) uses or applies in relation to any goods in respect of which a trade mark is registered, a mark identical with or so nearly resembling the registered trade mark as to be likely to deceive or cause confusion or for the purposes or in the course of any trade or business imports, sells, hires, or offers or exposes for sale or hire, or otherwise trades in, any goods to which a deceptive or confusing trade mark of the kind hereinbefore described has been applied.

Provided always that possession of or control over infringing goods or articles shall not by itself be deemed wrongful unless it is exercised with a view to or in connection with an infringement, whether intended, or attempted, or actually perpetrated; Provided further that the burden of proving consent or authority shall lie with the defendant.

Proceedings for Infringement

46. Any person against whom proceedings for infringement in respect of a registered patent, design, or trade mark may be instituted as provided in the last foregoing section, shall be liable:

- (a) at the suit of the registered owner of a patent, design or trade mark, or of an exclusive licensee of a patent or design, or of a registered user of a trade mark to pay to him such damages as the Court may award, or (in lieu of damages, at the plaintiff's option) to render an account of profits, and to be restrained by an injunction;
- (b) If in the circumstances of a particular case an offence has been committed, whether under this Law or otherwise, to be prosecuted for that offence:

Provided that:

(1) a prosecution as aforesaid shall not be instituted after a suit for infringement has been commenced save with the leave of the court before which such suit is pending or has been determined;

(2) a conviction for any offence under this Law shall not be a bar to proceedings under paragraph (a) of this section in respect of anything that has been the subject matter of previous criminal proceedings, save and except where in such proceedings orders under [paragraphs \(a\) or \(c\) of section 60](#) of this Law have been made;

(3) no infringement proceedings under this Law may be instituted by or on behalf of any person whose right or interest has not been registered;

(4) no suit or prosecution shall be maintainable in respect of the infringement of any patent, design or trade mark which has not been duly registered under this Law or which has been committed before the date of the publication or advertisement of the application for registration:

(5) nothing in this Law shall entitle any person to refuse to make discovery or to answer any question or interrogatory in any suit or other civil proceeding, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence under this Law:

(6) in any suit commenced by an exclusive licensee of a patent or design or by a registered user of a trade mark (as the case may be), the registered owner shall, unless he is joined as a plaintiff in the proceedings, be added as a defendant, but if so added as a defendant, he shall not be liable for costs unless he takes part in the proceedings.

Remedies in a Suit for Infringement

47. (1) In any suit for the infringement of a patent, design or trade mark, the Court shall have jurisdiction to grant such remedies and such other relief (including a declaration of rights and rectification of the register) and make such orders (including orders for the variation or cancellation of an entry in the register or of the registration, and for the revocation of a certificate of registration) as it may see fit.

(2) In a suit for infringement, the Court may, on the application of either party, make such orders for an injunction, inspection or account, and impose such terms, and give such directions respecting the same, and the proceedings generally, as the Court may see fit.

(3) Where, in any proceedings, the Court finds that an infringement has taken place, it may, on the application of an interested party, order, if it sees fit to do so, that the infringing articles or goods, or any infringing parts, or any receptacles, coverings, implements and other things which have been used in connection with the infringement and which are in the possession or under the control of the defendant, be delivered up, impounded, forfeited, disposed of or destroyed.

(4) The costs of all parties shall be in the absolute discretion of the Court.

(5) Subject to the provisions of this Law, equities in respect of a patent, design or trade mark may be enforced in like manner as in respect of any other personal property.

Innocent Infringement

48. (1) In infringement proceedings neither damages nor an account of profits in lieu of damages shall be awarded or allowed against the defendant who proves to the satisfaction of the Court that:

- (a) at the time of the alleged infringement he was not aware, and had no reasonable grounds for supposing, that the patent, design, or trade mark, as the case may be, had been registered in the Territory; or
- (b) that otherwise he has acted innocently.

(2) A person shall not be deemed to have been aware of or to have had reasonable grounds for supposing that a patent, design or trade mark (as the case may be) has been registered by reason only of the marking of any article with the words like “patent,” “patented,” “registered” (as the case may be) or any abbreviation of these words, or any other words purporting to indicate that the patent, design or trade mark has been registered, unless a reference to the Territory and the number of the registration in the Territory accompanies the words or abbreviation in question.

(3) Nothing in this section shall affect the powers of the Court to grant an injunction in any infringement proceedings.

Groundless Threats of Infringement Proceedings

49. (1) Where any person (whether or not entitled to or interested in a patent or a design registered under this Law or an application for the registration of a patent or of a design) by circular, advertisement or otherwise threatens any other person with proceedings for infringement of the patent or of the copyright in a registered design, any person aggrieved thereby may bring a suit against him for any such relief as is mentioned in the next following subsection.

(2) Unless in any suit brought by virtue of this section, the defendant proves that the acts in respect of which proceedings were threatened constitute, or, if done, would constitute, an infringement of a patent or of the copyright in a registered design, as the case may be, the registration of which is not shown by the plaintiff to be invalid, the plaintiff shall be entitled to the following relief, that is to say:

- (a) a declaration to the effect that the threats are unjustifiable;
- (b) an injunction against the continuance of the threats; and
- (c) such damages, if any, as he has sustained thereby.

(3) A mere notification that a patent exists or has been registered or that a design is registered, does not constitute a threat of proceedings within the meaning of this section.

Revocation of a Certificate of Registration

50. (1) Subject to the provisions of this Law, a certificate of registration may be revoked by the Court on the application made by any person interested, the Crown Prosecutor, or a person appointed by the Court on the following grounds:

- (a) that the certificate of registration ought not to have been granted or be allowed to continue in force;

- (b) that there is no bona fide user of the patent, or of the design or trade mark in connection with the articles or goods for which it is registered, and there has not been any such user during two years immediately preceding the application.

(2) If any application under this section is made after the expiration of five years from the date of the publication of the application for registration by any person other than the Crown Prosecutor, the Court may refuse to revoke the registration if it appears that there has been negligence or unreasonable delay in pursuing the remedy.

(3) The Court may, if it thinks fit, order rectification of the register in lieu of the revocation of a certificate of registration.

(4) Every ground on which a certificate of registration may be revoked shall be available as a ground of defence in any infringement proceedings.

Saving of Remedies

51. Notwithstanding the Proviso (3) to [section 46](#) of this Law, nothing in this Part of the Law shall be deemed to affect in any way the right to sue for passing off goods as those of another person, or any other right to sue, or any remedy or relief which a person may have or be entitled to claim apart from this Law.

Part VI Offences

Falsification of Register, &c.

52. Any person who makes or causes to be made a false entry in a register kept under this Law or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, shall, on conviction, be liable to imprisonment not exceeding two years or a fine not exceeding 1,500 rupees or to both such imprisonment and fine.

False Representation of Registration

53. (1) Any person who falsely represents:

- (a) that an article sold by him is a patented article, or
- (b) that a design applied to any article sold by him is registered in respect of that article, or
- (c) with respect to a mark not being a registered trade mark, that it is a registered trade mark,

shall be liable to a fine not exceeding 500 rupees; and for the purposes of this provision a person who in the course of trade sells or deals with an article having stamped, engraved or impressed thereon or otherwise applied thereto, the word “patent,” or “patented” or “registered” or any other word expressing or implying that the article is patented, or that the design or mark respectively applied to the article or the goods is registered, shall be deemed to represent that the article is subject to a patent, or, as the case may be, that the design or trade mark applied to the article or goods is registered in respect of that article or the goods.

(2) Any person who, after the registration of a patent, design or trade mark, as the case may be, has expired or ceased to be operative, marks any article with the word “patented,” “registered”

or any words implying that there is a subsisting patent, copyright; in the design, or right to the use of a registered trade mark, as the case may be, or causes any such article to be so marked, shall be liable to a fine not exceeding 500 rupees.

Fraudulent Infringement of a Patent, Registered Design or Trade Mark

54. (1) Any person who, for the use, benefit or account of himself or of any other person, fraudulently and without any claim of right made in good faith, does anything or causes anything to be done which would render him liable to infringement proceedings under [sections 45](#) and [46](#) of this Law, shall be liable to imprisonment not exceeding twelve months or a fine of not more than 1,500 rupees, or to both such imprisonment and fine.

(2) Any person who knows, or has reasonable grounds for assuming that a fraudulent infringement punishable under the foregoing sub-section has been committed, and claims, offers, accepts, agrees to accept or in any way derives any gain or profit from such unlawful act or in connection therewith for the benefit or account of himself or any other person, shall be liable to the same punishment as if he himself had committed the offence of fraudulent infringement and may be proceeded against, tried and punished, irrespective of whether or not the principal offender has been so proceeded against, convicted or punished.

Further Offences under the Law

55. (1) Any person who:

- (a) counterfeits a registered design;
- (b) forges a trade mark registered under this Law;
- (c) applies any false description to goods or articles protected by the registration of any patent, design or trade mark under this Law, as to the place or country where the goods were made or produced; or the mode of manufacturing or producing any such goods or articles; or as to the materials of which they are made or their quality;
- (d) makes or performs any part of the process of making, or buys or has in his possession or under his control, or disposes of, any die, block, machine, instrument, or other implement, for the purpose of:
 - (1) forging a trade mark or counterfeiting a design, or of being used for such forging or counterfeiting, or
 - (2) fraudulently infringing a registered patent or of being used in connection with a fraudulent infringement of a registered patent;
- (e) sells or exposes for sale or has in his possession for sale, or for any purpose of trade or manufacture, any goods or things:
 - (1) to which a forged trade mark or a false description or a mark or design as the case may be, so nearly resembling the registered trade mark or design respectively as is likely to deceive or cause confusion in the course of trade, is applied, or
 - (2) which infringes a registered patent;
- (f) makes, packs or wraps, sells, stores for the purpose of sale, or offers or exposes for sale, goods so got up, packed, wrapped or otherwise prepared, so as to lead to the belief that they are goods of another manufacturer or are of an origin other than their true origin;

- (g) imports any goods which would constitute an infringement of a registered patent, design or trade mark, or imports goods so got up, wrapped, packed, or prepared, as to enable such goods to be passed off as the goods of another manufacturer;
- (h) or causes any of the things above mentioned to be done, shall on conviction be liable to imprisonment not exceeding two years or to a fine not exceeding 1,500 rupees, or to both.

(2) For the purposes of [paragraph \(f\)](#) and [\(g\) of sub-section \(1\)](#) of this section, it shall be immaterial whether the goods, the packing, wrapping or get-up of which is imitated, bear a trade mark or not.

Unauthorised Use of Royal Arms and State Emblems

56. If a person without due authority uses in connection with any trade, business, calling or profession:

- (a) the Royal Arms or the Arms or Emblems of the Ruler of the Territory, or arms or emblems so closely resembling the same as to be likely to deceive, or
- (b) any device, emblem, title or description in such manner as to be likely to lead to the belief that he is employed by or supplies goods to or is connected with Her Majesty's Government or the Government of the Territory or any department of any such Government.

shall be guilty of an offence against this Law and liable on conviction to a fine of 300 rupees, and in lieu of or in addition to any such fine, to be ordered to give security to refrain from continuing so to use the said arms, emblems, devices, titles and descriptions, on such terms and conditions as the Court may see fit to order.

Attempts, Conspiracies, Abettors

57. Whoever attempts to commit, or conspires with others to commit, or aids or abets an offender before, at, or after the commission of any offence under this Law, or procures the commission of such an offence, shall on conviction be liable to the same punishment as if he himself had committed the particular offence.

Definitions

58. A person shall be deemed:

- (a) to forge a trade mark who either.
 - (1) without the consent of the registered owner, the proof of which shall lie on the accused, makes that trade mark or a mark so nearly resembling that trade mark as to be likely to deceive; or
 - (2) falsifies any genuine trade mark whether by alteration, addition, effacement or otherwise,

and any trade mark or mark so made or falsified shall be deemed to be a forged trade mark;

- (b) to do a thing "fraudulently" "with intent to defraud" if he does that thing with intent to deceive and by means of such deceit to obtain some advantage for himself or another, or to cause loss or injury to any other person.

- (c) to apply a false description if he in any manner, directly or indirectly, uses, attaches, assigns or connects, as regards the goods or articles in question any description or indication which is false in a material particular referring to any of the matters mentioned in [paragraph \(c\) of section 55 \(1\)](#).

Offences by Companies

59. Where an offence under this Law is committed by a company or any body corporate, every person who at the time of the commission of the offence is a director, general manager, secretary or other similar officer of the body corporate, or is purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent, knowledge or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances:

Provided that nothing in this section shall affect the separate liability of a company or other body corporate to punishment by fine after conviction for any offence under this Law.

Damages, Forfeiture, Binding Over

60. On the conviction of a person accused of any offence under this Law the Court may, on the application of an injured party, and if all material facts have been established by evidence in the proceedings, make any of the following orders, as it thinks fit, that is to say:

- (a) that, in lieu of or in addition to any penalty imposed, damages not exceeding 1,500 rupees be paid to the applicant for any loss or damages proved to have been suffered by him by reason of an infringement of his rights under this Law for which he has not otherwise been compensated;
- (b) that the infringing articles and other things referred to in [sub-section \(3\) of section 47](#) of this Law be dealt with as provided in the said sub-section;
- (c) that the accused in lieu of or in addition to any penalty be ordered to give security to refrain from continuing or repeating any infringement himself or by his servants or agents on such terms and conditions as the Court may determine.

Time-Limit for Prosecution of Offences

61. No prosecution for any offence under [sections 53 to 57](#) of this Law shall be commenced after three years from the commission of the offence, or after one year from the first discovery thereof by the complainant or prosecutor, whichever period first expires.

Exemption from Liability

62. Nothing in this Law shall render a person liable for any offence under this Law if he can satisfy the Court:

- (a) that the infringement was innocent in the sense of [section 48](#) of this Law; or
- (b) that, if he is an employed person, he acted bona fide in the course of his employment and in obedience to orders of his master or superior, or
- (c) that he acted with the consent or authority of the person entitled to give it, or otherwise in good faith and without intent to defraud.

Part VII Supplemental

Directions of Court or Registrar

63. If in proceedings before the Registrar any matter of procedure or form does not appear to be regulated by this Law or by rules made thereunder, the Registrar or Court may give such directions as appear necessary or expedient.

Fees

64. The fees payable in respect of applications, certificates, renewals and other matters, are set out in the Schedule to this Law.

Power to make Rules

65. (1) The Registrar may from time to time make rules consistent with this Law:

- (a) in respect of all matters by this Law to be prescribed by rules;
- (b) regulating procedure and the proceedings and business under his control;
- (c) to facilitate the carrying into effect of the provisions of this Law.

(2) Rules made under this section shall not come into force unless and until they have been approved by the Ruler and the Political Resident.

Protection of the Registrar

66. The Registrar, or any person authorised to perform his functions, shall not be liable to be sued in any court for anything said or done or omitted to be done in the proper discharge of his powers or duties under this Law or for any decision, declaration or order made by him in the performance of his functions, nor shall any order for costs be made against him; and no officer of any court or any other person executing the orders or directions of the Registrar or other person performing the Registrar's functions, shall be liable to be sued in any court in respect of the proper execution of any such order or direction which, on the face of it, appears to have been lawfully made or given.

Transitional Provisions

67. (1) The time of three years provided in [section 18](#) for the application for the registration of patents or designs shall apply only to patents granted, and designs registered, in the United Kingdom after the coming into force of this Law.

(2) Where a patent or design has been registered in the United Kingdom before the date on which this Law comes into force, the time limit for applying for registration shall be two years from the date on which this Law comes into operation or three years from the date of registration in the United Kingdom, which is the longer.

SCHEDULE List of Fees

Section 64

Rupees

 First: PATENTS

- | | |
|--|-----|
| 1. On application for registration of a patent | 75 |
| 2. On registration or the issue of a certificate of registration | 30 |
| 3. On expiry of five years from date of registration, for continuing the registration for another five years | 200 |
| 4. On expiry of ten years from date of registration, for continuing the registration for the remainder of term | 350 |

Second: DESIGNS

- | | |
|---|----|
| 5. On application for registration of: | |
| a. each design (other than for textile articles) | 15 |
| lace | 2 |
| b. a design to be applied to a set of articles (not textile articles) | 20 |
| c. a design for a textile article other than mentioned under (d) | 5 |
| d. a design for a textile article consisting substantially of checks or stripes | 2 |
| 6. On registration or on the issue of a certificate of registration in respect of: | |
| a. each design (other than for textile articles) | 10 |
| lace | 2 |
| b. a design to be applied to a set of articles (not being textile articles) | 25 |
| c. a design for a textile article other than mentioned under (d) | 2 |
| d. a design for a textile article consisting substantially of checks or stripes | 1 |
| 7. On expiry of five and ten years respectively from date of registration, for continuing the registration in respect of: | |
| a. a design (other than for textile articles) | 50 |
| lace | 3 |
| b. a design to be applied to a set of articles (not being textile articles) | 60 |
| c. a design for a textile article other than mentioned under (d) | 20 |
| d. a design for a textile article consisting substantially of checks or stripes | 20 |

Third: TRADE MARKS

- | | |
|--|----|
| 8. On application for the registration of a trade mark: | |
| a. registered in the United Kingdom | 15 |
| b. which is a local trade mark to be registered for the first time | 15 |
| 9. On application for registration of a registered user of a trade mark registered in the United Kingdom | 30 |
| 10. On the issue of a certificate of registration of: | |

-
- | | |
|--|----|
| a. a trade mark registered in the United Kingdom | 30 |
| b. a local trade mark | 25 |
| 11. On each renewal of a local trade mark | 30 |
| 12. On expiry of five years from the date of registration of a trade mark registered in the United Kingdom and every five years thereafter for continuing the registration, on each occasion | 35 |

Fourth: FEES APPLICABLE TO PATENTS, DESIGNS AND TRADE MARKS

- | | |
|---|-----|
| 13. Application for amendment of a specification of a patent, or to add to or alter a registered trade mark | 35 |
| 14. Application or Notice to fix or attend a hearing before the Registrar | 20 |
| 15. Application for adjustment of the register under section 39 (d) | 15 |
| 16. Application under section 40 for breach of condition, &c. | 25 |
| 17. Application for revision under section 41 | 25 |
| 18. Application for registration of any matter other than the first registration of a patent, design or trade mark | 10 |
| 19. All other applications, requests and notifications to the Registrar under the Law | 10 |
| 20. Notice of opposition to Registrar to application for registration | 25 |
| 21. Counter-statement in proceedings before Registrar | 15 |
| 22. Drawing up a Registrar's order or decision or any certificate | 15 |
| 23. For making copies of or extracts from any order, decision, or any document, register, or other writing, per 100 words or any part thereof | 1/2 |
| 24. For examining and certifying any written or printed copy or extract per 100 words or any part thereof | 1/2 |
| 25. Minimum fee per document | 5 |

Late fee for any application made out of time (if receivable), including applications for the renewal or continuance of registration or for restoring an expired registration to a register:

25 per cent, of the prescribed fee payable in addition to that fee if the application is made within three months after the prescribed time, and thereafter an additional 10 per cent, for each full month of further delay,

subject to a maximum fee of 100 per cent, of the original fee.

Note: All applications and appeals under this Law to the Joint Court or any other Court or in the course of proceedings before any Court shall be subject to the Court Fees.