

CHAPTER 266. PATENTS.

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A LAW TO MAKE FURTHER AND BETTER PROVISION FOR THE GRANTING OF PATENTS.

[27th December, 1957.]

10 of 57.

Short title.

1. This Law may be cited as the Patents Law.

Interpretation.

2. In this Law, unless the context otherwise requires—

“prescribed” means prescribed by this Law or the rules made thereunder;

“registered patent” means a patent that is entered on the register;

“the register” means the Register of Patents kept under this Law and includes the register kept under the Patents Law repealed by this Law;

1949 Cap. 200.

“the Registrar” means the Official Receiver and Registrar and includes any other person appointed by the Governor to exercise all or any of the powers and perform all or any of the duties of the Registrar.

Register.

3.—

(1) There shall be kept at the Office of the Registrar a register to be known as “ the Register of Patents ” in which entries shall be made of the names and addresses of grantees of certificates of registration under this Law, such particulars regarding the subject matter of the patent as the Registrar deems necessary to identify it, and entries of all corrections, amendments, assignments, transmissions or other matters which the Registrar is empowered or required by Law to record.

(2) The register shall be *prima facie* evidence of all matters directed or authorised by or under this Law to be entered therein.

Who may apply for registration.

4. Any person being the grantee of a patent (which expression shall include a patent of addition) in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law may apply within three years from the date of the sealing of the patent to have such patent registered in the Colony. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

Method of applying.

5. An application for registration of a patent under this Law shall be made to the Registrar in the prescribed manner and shall be accompanied by the prescribed fee, two certified copies of the specification or specifications (including drawings, if any) of the United Kingdom patent and a certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the grant of the patent on such specification or specifications.

Issue of certificate.

6. Upon such application and fee being lodged, together with the documents mentioned in section 5 of this Law, the Registrar shall issue a certificate of registration in the prescribed form under his hand and seal.

Privileges and rights conferred by registration.

7. Such certificate of registration shall confer on the applicant privileges and rights subject to all conditions established by the law of the Colony as though the patent had been granted in the United Kingdom with an extension to the Colony.

Duration of privileges.

8. Privileges and rights so conferred shall date from the date of the patent in the United Kingdom and shall continue in force only so long as the patent remains in force in the United Kingdom:

Provided that no action for infringement shall be entertained in respect of any manufacture, use or sale of the invention prior to the date of issue of the certificate of registration in the Colony.

Power of Court.

9.—

(1) Subject to the provisions of this Law, the Law relating to patents for the time being in force in the United Kingdom shall, in so far as circumstances admit, apply to the Colony and the Supreme Court shall have power in accordance with such law to grant either absolutely or on such terms and conditions as shall seem just all remedies to which any person may be entitled within the Colony in respect of either claim

to or defence of any right, title or interest in relation to any letters patent in force under a certificate granted under this Law.

(2) The Supreme Court shall have power, upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare that the exclusive privileges and rights conferred by such certificate of registration have not been acquired on any of the grounds upon which the United Kingdom patent might be revoked under the law for the time being in force in the United Kingdom.

(3) Such grounds shall be deemed to include the manufacture, use or sale of the invention in the Colony before the priority date applicable to the patent in the United Kingdom, but not to include the manufacture, use or sale of the invention in the Colony by some person or persons after the priority date applicable to the patent in the United Kingdom and before the date of the issue of the certificate of registration under section 6 of this Law.

12, 13 and 14. Geo. VI, c. 87.

For the purposes of this subsection the expression “ priority date ” in its application to a patent in the United Kingdom has the meaning assigned to it in section 5 of the Patents Act, 1949.

Procedure in applications and appeals.

10. All applications for orders requiring the Registrar to do or abstain from doing any act or applications made by the Registrar for directions or appeals against decisions or orders of the Registrar shall be made to the Supreme Court.

Substitution of amended specifications.

11. Whenever the specifications or drawings of a United Kingdom patent registered in the Colony have been amended by way of disclaimer, correction or explanation, according to the law of the United Kingdom, a request, accompanied by the prescribed fee, two copies of the specifications or drawings as amended, duly certified by the Comptroller General of the United Kingdom Patent Office, and such other information as may be prescribed, may be made to the Registrar to substitute copies of the specifications or drawings as amended, for the specifications or drawings originally filed.

Registration of assignments, etc.

12. Where a person becomes entitled by assignment, transmission, or other operation of law to the privileges and rights conferred by a certificate of registration or to any interest therein, he may make application in the prescribed manner to the Registrar for the entry on the register of such assignment, transmission, or other instrument affecting the title, or giving an interest therein.

The Registrar shall, on sufficient evidence thereof and on payment of the prescribed fee, enter the same in the register, and shall endorse the same on the certificate of registration.

Registration of extensions, etc.

13. Any extension, lapse, revocation and restoration after lapse in the United Kingdom of any patent registered under this Law shall be notified in the prescribed manner by the registered proprietor of such patent to the Registrar, who shall, on sufficient evidence thereof being produced to him and on payment of the prescribed fee, enter the same in the register and shall endorse the same on the certificate of registration referring to such patent or, in the case of an extension or restoration after lapse, shall instead, if the applicant so requests, issue a certificate in the prescribed form under his hand and seal with respect to such entry. No extension or restoration after lapse in the United Kingdom of any patent registered under this Law shall have any force within the Colony unless such extension or restoration is notified to the Registrar under this section.

Registrar may make corrections.

14.—

(1) The Registrar may, on request, made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name—

- (a) correct any clerical error in or in connection with and application for the registration of a patent or in any patent or specification;
- (b) correct any clerical error in the name or address of the registered proprietor of such patent or in any other matter which is entered in the register;
- (c) enter any change in the name, style or address of the registered proprietor of a patent.

(2) Upon the application of the registered proprietor of any patent or other person who may show to the satisfaction of the Registrar that he is an interested party, the Registrar shall rectify the register in regard to any matter entered therein on the production of proof that in pursuance of an order of a court of competent jurisdiction a like rectification in regard to the same matter has been made in the register of patents kept by the Comptroller General under the law relating to patents in the United Kingdom.

Certificate and sealed copies to be evidence.

15.—

(1) A certificate purporting to be under the hand and seal of the Registrar as to any entry, matter, or thing which he is authorised by this Law, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

(2) Printed or written copies or extracts purporting to be certified and sealed by the Registrar or by the Comptroller General of Patents in the United Kingdom, of or from patents, specifications and other documents and of or from registers and other books kept by them shall be admitted in all courts and in all proceedings without further proof or production of the originals.

Inspection, etc.

16. The register kept under this Law shall at all convenient times be open to the inspection of the public subject to the provisions of any law for the time being in force and to such rules as may be prescribed, and certified copies signed and sealed by the Registrar of any entry in such register shall be given to any person requiring the same on payment of the prescribed fee.

Offences.

17.—

(1) If any person makes or causes to be made a false entry in the register, or a writing falsely purporting to be a copy of an entry in the 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, he shall be guilty of an offence and shall on conviction be liable to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(2) If any person falsely represents that any article sold by him is a patented article, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five pounds.

If any person sells an article having stamped, engraved or impressed thereon or otherwise applied thereto the word “ patent, ” “ patented ” or any other word expressing or implying that the article is patented, he shall be deemed for the purposes of this sub-section to represent that the article is a patented article:

Provided that if the person alleged to have committed an offence under this sub-section shall show to the satisfaction of the court that the said article is in fact patented under the provisions of the law in force in the United Kingdom, such representation or sale shall not constitute an offence under this sub-section.

(3) If any person uses on his place of business, or on any document issued by him, or otherwise, the words “ Patent Office. ” “ Registry of Patents ” or any other words suggesting that his place of business is officially connected with, or is the registry of patents, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty pounds.

Royal Arms.

18.—

(1) The grant of a certificate of registration under this Law shall not be deemed to authorise the grantee to use the Royal Arms or to place the Royal Arms on any patented article.

(2) If any person, without the authority of Her Majesty, uses in connection with any business, trade, calling or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty pounds:

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.

Power to make Rules.

19. The Governor in Council may from time to time make Rules—

- (a) prescribing the forms to be used under this Law;
- (b) providing for and regulating the search and inspection of the register;
- (c) otherwise regulating the practice of registration under this Law;
- (d) prescribing and regulating the publication of any documents or applications filed or presented, or of any of the several matters done or required to be done in pursuance of this Law;
- (e) prescribing the fees and fixing the charges to be made for any act, matter or thing under this Law to be done or observed; and
- (f) generally for the better carrying into effect of the provisions of this Law.

Passing off action.

20. Nothing in this Law contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.



Savings.

21.—

(1) Nothing in this Law shall affect any order, rule or requirement made, table of fees or certificate issued, decision or approval given, application made or thing done, under the Law, hereby repealed;* and every such order, rule, requirement, table of fees, certificate, decision, approval, application or thing shall, if in force at the commencement of this Law, continue in force and shall, so far as it could have been made, issued, given or done under this Law, have effect as if made, issued, given or done under the corresponding provisions of this Law.

(2) Any document referring to the Law repealed by this Law shall be construed as referring to the corresponding provisions of this Law.

Cap. 1.

(3) Nothing in this section shall be taken to prejudice the provisions of section 11 of the Interpretation Law.

* The Law repealed by this Law in the Patents Law, 1949, Cap. 200.
This Law came into operation on the 4th September, 1958. 58 Vol. II, 689.