

CHAPTER 227

AN ACT regulating the issue of patents

Cap. 209-1958

[16th May, 1898]

1. This Act may be cited as the

Short title

PATENTS ACT.

2. In this Act—

Interpretation

“Court” means the High Court;

“invention” means any manner of new manufacture, the subject of letters patent and grant of privilege within section 6 of the Statute of Monopolies, that is, the Act of the twenty-first year of the reign of King James the First, chapter 3, entitled “An Act concerning monopolies and dispensations with penal laws and forfeiture thereof”, and includes all alleged inventions;

“prescribed” means prescribed by the Schedule or by rules made under the provisions of this Act, or by any other Act applicable to the case;

“specification” includes all tracings, drawings, diagrams, and other exhibits referred to in such specification.

3. (1) Any person, whether a citizen of Grenada or a British subject or not, may make an application for a patent.

Who may apply for a patent

(2) Two or more persons may make a joint application for a patent and a patent may be granted to them jointly. There may be included amongst those making a joint application persons who are not the inventors of the invention intended to be patented.

4. The Registrar of the Supreme Court or such other officer as the Governor-General may appoint (hereinafter called the Registrar) shall be the Registrar of Patents, and the office of

Registrar of Court to be Registrar of Patents

the Registrar of the Supreme Court or such other office as the Governor-General may prescribe shall be the Registry of patents to be granted under this Act (hereinafter called the Registry).

Form of application to be as set forth in the First Schedule

5. An application for a patent must be made in the form set forth in the First Schedule or in such other form as may be from time to time prescribed, and must be left with the Registrar. If the applicant or applicants do not reside in Grenada he or they must give a postal address within Grenada to which any notice or communication may be addressed.

Application to be accompanied by specification

6. (1) An application must contain a declaration to the effect that the applicant is in possession of an invention whereof he, or, in the case of a joint application, one or more of the applicants, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain a patent; and must be accompanied by either a provisional or a complete specification.

(2) A provisional specification must describe the nature of the invention, and be accompanied by drawings, if required.

(3) A complete specification, whether left on application or subsequently, must particularly describe and ascertain the nature of the invention, and in what manner it is to be performed, and must be accompanied by drawings, if required:

Provided always that if sufficient drawings have been left with the provisional specification, reference may be made thereto.

(4) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification, must end with a distinct statement of the invention claimed.

(5) All drawings, tracings, diagrams, plans, and other exhibits referred to in any application shall be made on tracing linen or some other such durable material to the satisfaction of the Registrar.

Applications to be referred to Attorney-General

7. (1) The Registrar shall refer every application to the Attorney-General, who shall ascertain and report to the Registrar whether the nature of the invention has been fairly described, whether the application, specification, and drawings (if any) have been prepared in the prescribed manner, and whether the title sufficiently indicates the subject matter of the invention.

(2) The Registrar shall also insert in the *Gazette* a notice that the application has been made, and such notice shall state the name of the applicants and the title and general nature of the invention.

8. (1) If the Attorney-General reports that the nature of the invention is not fairly described, or that the application, specification, or drawings has not or have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject matter of the invention, the Registrar shall require that the application specification, or drawings be amended to the satisfaction of the Attorney-General, before he proceeds with the application:

Amendment
of applica-
tion

Provided that the application shall, if the Registrar so directs, bear date as from the time when the requirement is complied with.

(2) The Registrar shall, when an application has been accepted, give notice thereof to the applicant.

(3) If after application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made, accompanied by a specification bearing the same or a similar title, the Registrar, if he thinks fit, on the request of the second applicant or of his legal representative, may, within two months of the grant of a patent on the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon.

Notice of
acceptance of
application

9. (1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of application.

Time
allowed for
leaving
complete
specification

(2) Unless a complete specification is left within that time the application shall be deemed to be abandoned.

10. (1) Where a complete specification is left after a provisional specification, the Registrar shall refer both specifications to the Attorney-General, who shall ascertain and report whether the complete specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification.

Where
complete
specification
is left after
provisional
specification,
both to be
referred to
the Attorney-
General

(2) If the Attorney-General reports that the conditions hereinbefore contained have not been complied with, the Registrar shall refuse to accept the complete specification unless and until the same shall have been amended to the satisfaction of the Attorney-General.

(3) Unless a complete specification is accepted within twelve months from the date of application, then the application shall at the expiration of those twelve months become void.

Notice of acceptance of complete specification

11. The Registrar shall notify the applicant of the acceptance of the complete specification and shall advertise such acceptance in the *Gazette* and the application, specification, or specifications with drawings (if any) shall be open to public inspection.

Attorney-General may extend periods referred to in sections 10 and 16

12. It shall be lawful for the Attorney-General to extend the period of twelve months referred to in section 10(3) and the period of fifteen months mentioned in section 16(3) for such further period as he may deem sufficient to make good any delay which may have been caused by the non-residence of the applicants in Grenada or by any difficulty in obtaining expert advice therein.

Adverse report by Attorney-General

13. Before making a report, either under section 7 or under section 10, which is adverse to the applicant, the Attorney-General shall cause the latter or his representative to be notified that he intends making an adverse report but that before making such report he will hear the applicant (or his legal representative) at the Registry on a date to be fixed by the Registrar.

At the appointed time the Attorney-General shall hear the reasons advanced by the applicant (or his legal representative) should he attend, and thereafter shall report to the Registrar.

In preparation of report Attorney-General may have aid of scientific person

14. For the purpose of preparing his reports under this Act, the Attorney-General may call to his aid such scientific or other person as he may think fit.

The Registrar shall fix the remuneration to be paid such person and shall apply to the applicant for payment of the amount so fixed, and pending receipt thereof the Attorney-General shall defer further consideration of his report.

15. (1) Any person may, at any time within two months from the date of the advertisement of the acceptance of a complete specification, give at the Registry notice of his opposition to the grant of the patent on the ground of the applicant having obtained the invention from him or from a person of whom he is the legal representative, or on the ground that the invention has been patented in Grenada on an application of prior date, but on no other ground.

Notice of opposition to grant of patent

(2) Where such notice is given, the Registrar shall give notice of the opposition to the applicant, and shall, on the expiration of those two months, after hearing the applicant, and the person so giving notice, if desirous of being heard, decide on the case, but subject to appeal to the Attorney-General.

(3) The Attorney-General shall, if required, hear the applicant and any person so giving notice and being in the opinion of the Attorney-General entitled to be heard in opposition to the grant, and shall determine whether the grant ought or ought not to be made.

(4) The Attorney-General may, if he thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the Attorney-General, with the consent of the Governor-General, shall appoint.

16. (1) If there is no opposition, or, in the case of opposition, if the determination is in favour of the grant of a patent, the Registrar shall cause a patent to be prepared in the form set out in the Second Schedule, but with such alterations as may be necessary where there are several applicants, and shall lay the same before the Attorney-General for approval; and, after such approval has been obtained, shall transmit the patent to the Governor-General, who shall seal the same with the Public Seal of Grenada and shall thereafter return it to the Registrar in order that a copy thereof may be recorded in the Registry.

Issue of
letters patent

(2) Letters patent so granted to any person shall secure to the patentee the sole right and privilege during the term limited therein of making, using, exercising, and vending the said invention within Grenada so that during the term aforesaid no other person shall, within Grenada, directly or indirectly make use of or put in practice the said invention, or any part of the same, or in anywise imitate the same, or make or cause to be made any addition thereto or subtraction therefrom whereby to pretend themselves the inventors thereof, without the consent, licence, or agreement of the said patentee under his hand, on pain of being answerable to the patentee for his damages thereby occasioned:

Provided that any such letters shall be deemed to have been granted on this condition, that if at any time it be made to appear to the Court that the grant of such letters patent is contrary to law, or that the said alleged invention is not a new invention as to the public use and exercise thereof within Grenada, or that the said patentee is not the true and first inventor thereof within Grenada, it shall be lawful for the Court in the name and on behalf of Her Majesty the Queen to revoke the said letters patent, whereupon the same shall be void to all intents and purposes:

Provided also that, if the said patentee shall not supply or cause to be supplied, for the service of Her Majesty, all such articles of the said invention as may be required by the officers administering any department of the public service, in such manner, at such times, and upon such prices and terms as may be reasonable, then and in any of the said cases it shall be lawful for the Court in the name and on behalf of Her Majesty to annul and determine such letters patent:

Provided also that it shall be lawful for the patentee, his executors, administrators, or assigns, to grant licences to other persons to make, use, exercise, and vend the said invention on such terms as he or they may see fit:

Provided also that the provisions of this subsection and of all such letters patent shall be construed in the most beneficial sense, for the advantage of the patentee.

(3) A patent shall be sealed as aforesaid, as soon as may be, and not after the expiration of fifteen months from the date of application, except in the cases hereinafter mentioned, that is to say—

- (a) where the sealing is delayed by opposition to the grant of the patent, the patent may be sealed at such time as the Attorney-General may direct;
- (b) if the person making the application dies before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative and sealed at any time within twelve months after the death of the applicant;
- (c) where the period is extended by the Attorney-General under section 12.

17. Every patent shall be dated and sealed as of the day of the application:

Dating and
sealing of
patent

Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification:

Provided also that, in case of more than one application for a patent for the same invention, the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application.

18. Where an application for a patent in respect of an invention has been accepted, the invention may, during the period between the date of the application and the date of sealing such patent, be used and published without prejudice to the patent to be granted for the same, and such protection from the consequences of use and publication shall be regarded as provisional protection.

Provisional protection

19. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention has been sealed on the date of the acceptance of the complete specification:

Privileges of applicant after acceptance of complete specification and until date of sealing of patent

Provided that an applicant shall not be entitled to institute any proceeding for infringement unless and until a patent for the invention has been granted to him.

20. A patentee may restrain any person from injuring his patent, and may recover damages for such infringement by action in the Court.

Patentee may restrain infringement

21. (1) The term limited in every patent for the duration thereof shall be fourteen years from its date.

Duration of patent

(2) But every patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to make the prescribed payments within the prescribed times.

(3) If, nevertheless, in any case, by accident, mistake, or inadvertence, a patentee fails to make any prescribed payment within the prescribed time, he may apply to the Governor-General for an enlargement of the time for making that payment.

(4) Thereupon the Governor-General may, if satisfied that the failure has arisen from any of the above-mentioned causes, on payment to the Registrar of the prescribed fee for enlargement, not exceeding twenty-five dollars, enlarge the time accordingly, subject to the following conditions:

- (a) the time for making any payment shall not in any case be enlarged for more than three months;
- (b) if any proceeding shall be taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

Application
for amend-
ment of
specification

22. (1) An applicant or a patentee may, from time to time, by request in writing left at the Registry, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of such amendment and his reasons for the same.

(2) The request and the nature of such proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give at the Registry notice of his opposition to the amendment.

(3) Where such notice is given, the Registrar shall give notice of the opposition to the person making the request, and shall hear and decide the case subject to an appeal to the Attorney-General.

(4) The Attorney-General shall, if required, hear the person making the request and the person so giving notice and being in the opinion of the Attorney-General entitled to be heard in opposition to the request, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5) Where no notice of opposition is given, or the person so giving notice does not appear, the Registrar shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) When leave to amend is refused by the Registrar, the person making the request may appeal from his decision to the Attorney-General.

(7) The Attorney-General shall, if required, hear the person making the request and the Registrar, and may make an order determining whether, and subject to what conditions, if any, the amendment ought to be allowed.

(8) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before amendment.

(9) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall in all courts and for all purposes be deemed to form part of the specification.

(10) The foregoing provisions of this section do not apply when and so long as any action for infringement or proceeding for revocation of a patent is pending.

23. In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court may at any time order that the patentee shall, subject to such terms as to costs and otherwise as the Court may impose, be at liberty to apply at the Registry for leave to amend his specification by way of disclaimer, and may direct that in the meantime the trial or hearing of the action shall be postponed.

In action for infringement of patent, etc., patentee may amend specification by way of disclaimer

As to damages where amendment by way of disclaimer has been allowed

24. Where an amendment by way of disclaimer, correction, or explanation has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Amendment of specification to be advertised

25. Every amendment of a specification shall be advertised in the *Gazette*.

Letters patent to be duly recorded and specifications numbered

26. (1) The Registrar shall keep a book at the Registry called the Register of Patents, and shall record therein, under a distinguishing number and in the order in which application shall have been duly made to him, a copy of the letters patent, and the christian name or forename and surname of the inventor, and the day of the date of the patent, and shall cause every specification to be marked with the distinguishing number of the invention to which the specification refers.

(2) All assignments, charges, transmissions, amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed, shall be notified to the Registrar, who shall, on sufficient evidence thereof, and on payment of the prescribed fee, record the same in the register of patents.

Refusal to grant patent in certain cases

27. The Registrar may refuse to grant a patent for an invention which is, or of which the use would be, scandalous or contrary to law or morality.

Governor-General to make rules

28. The Governor-General may make rules prescribing the fees to be paid under this Act, and for regulating the advertisements to be made thereunder, and for any other purpose which may be or be deemed necessary for the execution of the provisions of this Act.

Petition to Governor-General for extension of term of patent

29. (1) A patentee may, after advertising in the prescribed manner his intention to do so, present a petition to the Governor-General, praying that his patent may be extended for a further term; but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2) Any person may enter a caveat, addressed to the Governor-General, against the extension.

(3) If it be made to appear by the patentee that he has been inadequately remunerated by his patent, it shall be lawful for the Governor-General to extend the term of the patent for a further term not exceeding seven, or in exceptional cases, fourteen years; or to order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions, and provisions, that to the Governor-General may seem fit.

30. Every patent when sealed shall have effect throughout Grenada.

Patent when sealed to have effect throughout Grenada.

31. (1) Revocation of a patent may be obtained on petition to the Court on any of the following grounds—

Revocation how obtained

- (a) that the patent was obtained by fraud;
- (b) that the patentee was not the true inventor or proprietor of every invention included in his claim; or
- (c) that anything claimed by the patentee as his invention was publicly manufactured, used, or sold within Grenada, before the date of the patent, or included in some prior patent.

(2) A petition for revocation of a patent may be presented by—

- (a) the Attorney-General or any person authorized by him;

- (b) any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims;
- (c) any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee; or
- (d) any person alleging that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold within Grenada before the date of the patent anything claimed by the patentee as his invention.

Procedure

32. (1) In any action or proceeding for the infringement or revocation of a patent, the plaintiff or petitioner must deliver, with his statement of claim or petition, particulars of the breaches complained of or the objections on which he means to rely, and a defendant must deliver, with his statement of defence, particulars of any objections on which he relies, and no evidence, except by leave of the Court, shall be admitted in proof of any breach or objection of which particulars are not so delivered.

(2) Particulars delivered may be from time to time amended by leave of the Court.

(3) When a patent has been revoked on the ground of fraud, the Registrar may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him or his agent a patent in lieu of and bearing the same date as the date of revocation of the patent so revoked, and a copy of such patent shall be published by the Registrar in the *Gazette*, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

(4) No proceeding shall lie for the revocation of a patent vested in Her Majesty's Secretary of State for War or Secretary of State for Defence for the time being except by the consent of the Governor-General.

Act to bind
the Crown
and Govern-
ment

33. A patent shall have to all intents the like effect against Her Majesty the Queen, her heirs and successors, and the Government, as it has against a subject:

Provided that the officers administering any Ministry or Department of the Government may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the service of the Government on terms to be before or after the use thereof agreed on with the approval of the Governor-General between those officers and the patentee or, in default of such agreement, on such terms as may be settled by the Attorney-General and the Registrar and approved by the Governor-General.

Court may order patentee to grant licences

34. If, on the petition of any person interested, it is proved that by reason of the default of a patentee to grant licences on reasonable terms—

- (a) an invention is not being worked in Grenada;
- (b) the reasonable requirements of the public with respect to the invention cannot be supplied; or
- (c) any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Court may order the patentee to grant licences on such terms, and may enforce such order in such manner, as it shall think fit.

35. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Registrar, he may at any time cause a duplicate thereof to be sealed.

Loss or destruction of patent

36. There shall not be entered in the register kept under this Act, or be receivable by the Registrar, any notice of any trust expressed, implied, or constructive.

Trust not to be entered in register

37. (1) If a person possessed of an invention dies without making application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

Person possessed of invention dying, patent may be granted to legal representative

(2) Every such application must be made within six months of the decease of such person, and must contain a declaration by the legal representative that he believes such person to be the true and first inventor of the invention.

38. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

Where patent granted to true inventor not invalidated

39. Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of the invention, any person or persons aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as may have been sustained thereby, if the alleged manufacture, use, sale, or purchase to which the threats related was not in fact an infringement of any legal rights of the person making such threats:

Person threatened with legal proceedings by other person claiming to be patentee, may obtain injunction against continuance of threats

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

Every patent granted for one invention only

40. Every patent shall be granted for one invention only, but may contain more than one claim; but it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it comprises more than one invention.

Patent may be assigned for any part of Grenada

41. A patentee may assign his patent for any place in or part of Grenada as effectually as if the patent were originally granted to extend to that place or part only.

Patent deemed to be registered when name of proprietor is entered in register

42. A patent shall be deemed to be registered when the name of any person is entered as the proprietor thereof in the register of patents, and when a copy of the patent has been recorded therein.

Entry of assignment and transmission in register

43. Where a person becomes entitled, by assignment, transmission, or other operation of law, to a patent, the Registrar shall, on request and on proof of title, cause the name of the person to be entered as proprietor of the patent in the register of patents. The person for the time being entered in the register of patents as proprietor of a patent shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing:

Provided that any equities in respect of the patent may be enforced in like manner as in respect of any other personal property:

Provided also that the priority of all assignments and charges shall, as regards purchasers for value without notice, be determined by priority of registration.

Inspection of
and extracts
from register

44. The register kept under this Act shall be *prima facie* evidence of all matters duly entered therein, and shall together with the specification of every registered patent be open to the inspection of the public on payment of the prescribed fee; and certified copies, sealed with the seal of the Registry, of any entry in the register or of any such specification shall be given to any person requiring the same, on payment of the prescribed fee:

Provided that, whenever any specification or extract includes any tracing, drawing, or diagram, an additional fee for any copy thereof shall be paid equal to the cost of preparing such tracing, drawing, or diagram.

45. (1) The Court on the application of any person aggrieved by the omission without sufficient cause of the name of any person or of any other particulars from a register kept under this Act, or by any entry made without sufficient cause in any such register, may make such order for making, expunging, or varying the entry, as the Court thinks fit; or the Court may refuse the application; and in either case may make such order, without respect to the costs of the proceeding, as the Court thinks fit.

Court may
order varying
of entries in
register

(2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3) An order of the Court rectifying a register shall direct that due notice of the rectification be given to the Registrar.

46. The Registrar may, on request in writing, accompanied by the prescribed fee—

- (a) correct any clerical error in or in connection with an application for a patent; or
- (b) correct any clerical error in the name, style, or address of the registered proprietor of a patent.

Power of
Registrar to
correct
clerical
errors, etc.

47. A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing which he is authorized by this Act or by 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.

Certificate of
Registrar to
be evidence

Orders affecting the Registrar may be made by the Judge

48. An order requiring the Registrar to do or abstain from doing anything under this Act may be made by a Judge on a summons in chambers.

Court may make orders, impose terms, etc.

49. In any proceedings under this Act the Court may at any time make such orders for an injunction, inspection, or account, impose such terms, and give such directions as to the order in which the parties shall be heard, and the procedure under this Act generally, as the Court shall see fit.

Declaration by infant, person of unsound mind, etc.

50. If any person is, by reason of infancy, unsoundness of mind, or other disability, incapable of making any declaration or doing anything required or permitted by this Act or by rules made thereunder, then the guardian or committee (if any) of the person, or, if there be none, any person appointed by the Court upon the petition of any person on behalf of the incapable person or of any other person interested in making such declaration or doing such thing, may make the declaration or a declaration as nearly as possible corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the incapable person; and all acts done by such substitute shall, for the purpose of this Act, be as effectual as if done by the person for whom he is substituted.

Registrar to publish annually list of patents granted

51. The Registrar shall cause to be published in the month of January in each year in the *Gazette*, a list of all patents granted during the preceding year, and any further information that he may deem generally useful or important.

Transmission of copies of specifications, etc.

52. Copies of the specifications of all registered patents and all registered amendments thereof shall, subject to the prescribed rules, be supplied by the patentee to the Registrar for transmission to the Comptroller-General of Patents in England.

Declaration

53. Any declaration required to be made under this Act may be taken by the Registrar.

54. (1) A person who represents that any article sold by him is a patented article when no patent has been granted for the same, shall be guilty of an offence and liable, on summary conviction, to a fine of two hundred and fifty dollars.

Penalty on person falsely representing that article sold by him is a patent article

(2) A person shall be deemed, for the purposes of subsection (1), to represent that an article is patented if he sells the article with the word "patent", "patented", or any other word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, or impressed on or otherwise applied to the article.

55. The Attorney-General may, in connection with the duty imposed on him by this Act, examine witnesses on oath and administer oaths for that purpose, and may from time to time make, alter, and rescind rules, regulating references and appeals to him and the practice and procedure before him under this Act; and in any such proceeding before him the Attorney-General may order costs to be paid by either party, and any such order may be made a rule of the Court.

Attorney-General may examine witnesses on oath
