

Registration of United Kingdom Trade Marks Act

LAWS OF SOLOMON ISLANDS

[1996 EDITION]

CHAPTER 180

REGISTRATION OF UNITED KINGDOM TRADE MARKS

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CHAPTER 180
REGISTRATION OF UNITED KINGDOM
TRADE MARKS

AN ACT TO PROVIDE FOR THE REGISTRATION OF TRADE MARKS
REGISTERED IN THE UNITED KINGDOM

[20th June 1939]

6 of 1939

8 of 1965

LN 46A of 1978

LN 88 of 1978

Short title

1. This Act may be cited as the [Registration of United Kingdom Trade Marks Act](#).

Interpretation

8 of 1965, Sched

LN 46A of 1978

2. In this Act—

"prescribed" means prescribed by this Act or by Rules made thereunder;

"Register" means the Register of Trade Marks kept under this Act;

"Registrar" means the person appointed Registrar-General;

"United Kingdom" includes the Isle of Man.

Application to register trade mark registered in United Kingdom

LN 88 of 1978

3. Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time during the existence of the registration in the United Kingdom to have such trade mark registered in Solomon Islands in respect of some or all the goods comprised in the United Kingdom registration.

1 & 2 Geo. VI. c. 22

Documents required on application for registration

4. An application for registration of a trade mark under this Act shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller-General of the United Kingdom Patent Office (under his title of Registrar of Trade Marks) giving full particulars of the registration of the trade mark in the United Kingdom.

Issue of certificate of registration

LN 46A of 1978

5. Upon such application being lodged, together with the documents mentioned in section

4, the Registrar shall enter the prescribed particulars in the Register, and shall issue a certificate of Registration to the applicant who shall then be the registered proprietor in Solomon Islands of the trade mark in respect of the goods entered in the Register.

Effect of certificate

6. Subject to the provisions of this Act a registered proprietor shall have in Solomon Islands such privileges and rights in the use of the trade mark in respect of the goods entered in the Register as mutatis mutandis would be conferred on him by law for the time being in force in the United Kingdom.

Period for which effective

LN 46A of 1978

7. The privileges and rights conferred by section 6 shall date from the date of Registration in the United Kingdom and shall continue in force, subject to the provisions of section 15, for so long as the Registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in Solomon Islands:

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of the issue of the Certificate of Registration in Solomon Islands.

Saving of "passing off" action

8. Nothing in this Act shall be deemed to affect any right of action against any person for passing off goods as those of another person or any remedy in respect thereof.

Jurisdiction of the Court

9. The 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 on any of the grounds mutatis mutandis on which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom, that the exclusive privileges and rights have not been acquired.

Entry in register of assignments

10. Subject to the provisions of this Act, where a person becomes entitled by assignment or other mode of transfer to the privileges and rights conferred on a registered proprietor by this Act, the Registrar shall, on application being made in the prescribed manner and on proof of title to his satisfaction, cause such person to be entered in the Register as subsequent registered proprietor of the trade mark.

Registered users

LN 46A of 1978

11. Any person entered in the United Kingdom Register of Trade marks under section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a Certificate of Registration under this Act is in force, may apply to be registered in Solomon Islands as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.

1 & 2 Geo. VI. c. 22

Rights of registered users

LN 46A of 1978

12. Upon such application being lodged, together with a certificate of the United Kingdom Register of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said section 28, the Registrar shall cause the applicant to be

entered in the Register of Solomon Islands as a registered user of the trade mark, and on such entry the registered user shall be entitled in Solomon Islands, subject to the aforesaid conditions and restrictions, to such privileges and rights in respect of the goods for which he is entered as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.

Power to make rules and prescribe fees

LN 46A of 1978

13. The Minister may make such rules and do such things as he may think expedient, subject to the provisions of this Act, for regulating procedure under this Act and prescribing the fees to be paid in respect of proceedings under this Act (other than procedure in relation to applications to the Court and fees payable in respect thereof); and generally for prescribing anything which by this Act is to be prescribed.

A register of trade marks to be kept and to be open to inspection

14. The Registrar shall keep in his office a book, to be called the "Register of Trade Marks", in which he shall register the particulars of any documents filed showing the number, nature and date thereof and the name of the registered proprietor or parties thereto. Such Register and all documents relating to entries therein which may have been duly filed, shall be open to the inspection of any person during office hours on payment of the prescribed fee.

Entry in Register of renewals of United Kingdom registration

15. If the registration in the United Kingdom of a trade mark registered under this Act is renewed the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then, on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the Register in the prescribed manner. If the registration in the Register is not so renewed, it

shall be cancelled by the Registrar.

Alteration of Register

16. The Registrar may, on request in writing made by the registered proprietor and on payment of the prescribed fee—

(a) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or registered user is registered;

(b) correct any clerical error in, or in connection with, any application under this Act or in any matter which is entered in the Register;

(c) enter in the Register any change in the name, description or address of the person who is registered as proprietor or user of a trade mark.

Entry in Register or certified copy to be admissible in evidence

LN 46A of 1978

17. Any entry in the Register of Trade Marks or any certified copy thereof of any document duly filed signed by the Registrar shall be admitted in evidence in all Courts of Solomon Islands and in all proceedings without further proof.

Register under No. 2 of 1934

18. The Register kept in accordance with section 11 of the Registration of United Kingdom Trade Marks Regulation, 1934, shall be deemed to be the Register kept under this Act, and all proprietors registered under the Regulation aforesaid shall be deemed to be registered proprietors under this Act.

CHAPTER 180

REGISTRATION OF UNITED KINGDOM TRADE MARKS

Subsidiary Legislation

**THE REGISTRATION OF UNITED KINGDOM TRADE MARKS (FEES)
RULES**

L.N. 53/1992

(Section 13)

[19th June 1992]

1. These Rules may be cited as the Registration of United Kingdom Trade Marks (Fees) Rules.
2. The fees specified in the second column of the Schedule shall be payable in respect of the proceedings specified in the first column in relation thereto.

SCHEDULE

Proceedings Fee \$

On filing application for registration with documents specified in section 4 and making entry in the Register of Trade Marks and issuing Certificate of Registration. 60.00

On any inspection of any document filed or any entry in the Register of Trade Marks or both. 6.00

On registering any assignment, etc., under section 10. 20.00

On filing application for registration with the certificate specified in section 12 and making entry in the Register of Trade Marks. 50.00

On registering any renewal of United Kingdom registration under section 15. 60.00

On registering any alteration under section 16. 20.00

On any certified copy or extract from the Register of Trade Marks. 10.00

On filing any document not otherwise provided for. 5.00

On supplying copy of any document (subject to a minimum of \$1.00) 1.00

On certifying any such copy. 10.00
