

Registration of UK Patents Ordinance

Commencement: 14th July 1924

LAWS OF THE GILBERT ISLANDS

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CHAPTER 87

REGISTRATION OF UNITED KINGDOM PATENTS

ARRANGEMENT OF SECTIONS

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SCHEDULE

An Ordinance to provide for the registration of letters patent granted in the United Kingdom

3 of 1924
2 of 1933
(Cap. 64 of 1952)
6 of 1956
10 of 1967
8 of 1971
(Cap. 61 of 1973)
4 of 1975

Short Title

1. This Ordinance may be cited as the Registration of United Kingdom Patents Ordinance.

Application to register patent granted in United Kingdom

2. Any person being the grantee of a patent in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law, may apply within 3 years from the date of issue of the patent [apply] to have such patent registered in the Gilbert Islands; and where any partial assignment or transmission has been made all proper parties shall be joined in the application for registration.

Documents required on application for registration

3. Every application under this Ordinance shall be made to the Secretary and shall be accompanied by a certified copy 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 issue of the patent on such specification or specifications.

Issue of certificate of registration

4. Upon such application being received together with the documents mentioned in section 3 the Secretary shall file the same in his office and shall issue a certificate of registration.

Effect of certificate

5. Such certificate of registration shall confer on the applicant the same privileges and rights in so far as may be applicable to the Gilbert Islands as he is entitled to in the United Kingdom and as though the patent had been issued in the United Kingdom with an extension to the [Gilbert] Islands.

Period for which effective

6. Privileges and rights so granted 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 Gilbert Islands.

Patent Register

7. The Secretary shall keep in his office a book to be called the "Patent Register" in which he shall register the particulars of any documents filed, showing the number, nature and date thereof and the name of the grantee or parties thereto.

Jurisdiction of the High Court

8. (1) The High 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 laws for the time being in force in the United Kingdom; and such grounds shall be deemed to include the manufacture, use or sale of the invention in the Gilbert Islands 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 Gilbert Islands 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 4.

(2) For the purposes of this section 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.*

1949 c. 87

Substitution of amended for original specification, etc.

9. Whenever the specification or drawings of a United Kingdom patent registered in the Gilbert Islands has been amended by way of disclaimer, correction or explanation according to the law of the United Kingdom, a request accompanied by a copy of the specification and drawings (if any) as amended duly certified by the Comptroller General of the United Kingdom Patent Office, may be made to the Secretary to substitute a copy of the specification and drawings as amended for the specification and drawings originally filed.

Entry on Patent Register of assignment, etc.

10. 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 Secretary for the entry on the Patent Register of such assignment, transmission or other instrument affecting the title or giving an interest therein.

Entry in Patent Register or certified copy thereof to be admissible in evidence

11. Any entry in the Patent Register or any certified copy thereof or of any document, duly filed, signed by the Secretary and given under his hand and seal, shall be admitted in evidence in all courts of the Gilbert Islands and in all proceedings without further proof.

Patent Register etc., to be open to inspection

12. The Patent 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.

Power to make regulations and prescribe fees Schedule

13. The Minister may make regulations and do such things as he may think expedient subject to the provisions of this Ordinance for regulating procedure under this Ordinance, and for prescribing the fees to be paid in respect of proceedings thereunder:

Provided that the fees contained in the Schedule shall be the prescribed fees until amended .by regulations made hereunder.

SCHEDULE

(Regulation 2)

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| 1. On filing application for registration together with documents specified in section 3 of the Ordinance and making entry in the Patent Register and issue of certificate of registration. | 10.00 |
| 2. On inspection of any document filed or entry in Patent Register or both | 2.50 |
| 3. On substitution of amended specification and drawings (if any) | 5:00 |
| 4. On entry in the Patent Register of any assignment etc. under section 10 | 5.00 |
| 5. On any certified copy or extract of entry in the Patent Register | 2.00 |
| 6. On filing any document not otherwise provided for | 2.50 |
| 7. On office copy of any document per folio of 72 words | 0.50 |
| 8. On certifying same | 2.50 |

(Substituted, L.N. 15/80)

*** NOTE**

Section 5 of the Patents Act 1949 of the United Kingdom reads as follows-

"5. Priority date of claims of complete specification

(1) Every claim of a complete specification shall have effect from the date prescribed by this section in relation to that claim (in this Act referred to as the priority date); and a patent shall not be invalidated by reason only of the publication or use of the invention, so far as claimed in any claim of the complete specification, on or after the priority date of that claim, or by the grant of another patent upon a specification claiming the same invention in a claim of the same or later priority date.

(2) Where the complete specification is filed in pursuance of a single application accompanied by a provisional specification or by a specification which is treated by virtue of a direction under subsection (4) of section three of this Act ,as a provisional specification, and the claim is fairly based on the matter disclosed in that specification, the priority date of that claim shall be the date of filing of the application.

(3) Where the complete specification is filed or proceeded with in pursuance of two or more applications accompanied by such specifications as are mentioned in the last foregoing subsection, and the claim is fairly based on the matter disclosed in one of those specifications, the priority date of that claim shall be the date of filing of the application accompanied by that specification.

(4) Where the complete specification is filed in pursuance of a convention application and the claim is fairly based on the matter disclosed in the application for protection in a convention country, or, where the convention application is founded upon more than one such application for protection, in one of those applications, the priority date of that claim shall be the date of the relevant application for protection.

(5) Where, under the foregoing provisions of this section, any claim of a complete specification would, but for this provision, have two or more priority dates, the priority date of that claim shall be the earlier or earliest of those dates.

(6) In any case to which subsections (2) to (5) of this section do not apply, the priority date of a claim shall be the date of filing of the complete specification."