

LAWS OF DOMINICA

**REGISTRATION OF UNITED KINGDOM
PATENTS ACT**

CHAPTER 78:45

Act

9 of 1925

Amended by

4 of 1934

19 of 1939

4 of 1957

1 of 1973

20 of 1977

12 of 1990

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CHAPTER 78:45

**REGISTRATION OF UNITED KINGDOM
PATENTS ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
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CHAPTER 78:45

REGISTRATION OF UNITED KINGDOM
PATENTS ACT

1961 Ed.
Cap. 325.
9 of 1925.

AN ACT relating to patents granted in the United Kingdom.

Commencement.

[23rd April 1925]

Short title.

1. This Act may be cited as the –

REGISTRATION OF UNITED KINGDOM
PATENTS ACT.

Interpretation.

2. In this Act –

“Court” means High Court;

“Registrar” means the Registrar of the High Court.

Application for
registration.

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

Certificate to
accompany
application.

4. Every application under this Act 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 the specification or specifications.

Formalities
before issue of
certificate of
registration.
[1 of 1973
20 of 1977].

5. (1) Upon the application being received, together with the documents mentioned in section 4, the Registrar shall advertise the application in such manner as may be prescribed, and any person may at any time within two months from the date of the advertisement give notice to the Registrar of opposition to the issue of a certificate of registration upon any of the grounds prescribed by section 10 of the Patents Act, for opposition to the grant of letters patent.

Ch. 78:40.

(2) Where notice of opposition is given within the prescribed time, the Registrar shall transmit a copy of the notice to the applicant and after hearing both parties, if desirous of being heard, shall decide on the

(3) If there is no opposition or, in the case of opposition, if the decision of the Registrar is in favour of the issue of the certificate of registration, the Registrar shall issue a certificate of registration, and for the certificate there shall be paid to the credit of the general revenue a fee of fifty dollars.

6. The certificate of registration shall confer on the applicant privileges and rights subject to all conditions established by the law of the State as though the patent had been issued in the State.

Rights on grant of certificate.
[12 of 1990].

7. 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 State.

Commencement and duration of rights.

8. (1) 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 that the exclusive privileges and rights conferred by the certificate of registration have not been acquired on any of the grounds upon which the United Kingdom patent might be revoked under the law in force in the United Kingdom on 2nd November 1978.

Powers of Court over rights conferred by certificate of registration.

(2) The grounds shall be deemed to include the manufacture, use or sale of the invention in the State 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 State 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.

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 (United Kingdom).

12, 13 & 14
Geo.6 c:87.

9. Wherever the specification or drawings of a United Kingdom patent registered in the State 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

Substitution of amended specification and drawings for those originally

any) as amended, duly certified by the Comptroller General of the United Kingdom Patent Office, may be made to the Registrar to substitute a copy of the specification and drawings as amended for the specification and drawings originally filed.

Registration of
assignment or
transmission.

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 Registrar of patents for the entry on the register of the assignment, transmission or other instrument affecting the title or giving an interest therein.

Rules.

11. The Registrar may make such general Rules and do such things as he may think expedient, subject to the provisions of this Act, for regulating procedure under this Act, and for prescribing the fees to be paid in respect of proceedings under this Act.

SUBSIDIARY LEGISLATION

**REGISTRATION OF UNITED KINGDOM
PATENTS RULES**

ARRANGEMENT OF RULES

RULE

1. Short title.
2. A solicitor to represent non-resident applicants.
3. Form of application.
4. Endorsement of solicitor's name.
5. Specification and United Kingdom's certificate.
6. Execution of affidavits, etc.
7. Power of solicitor.
8. Form of advertisement.
9. Preparation of advertisement.
10. Amended specifications and drawings.
11. Assignment, etc.
12. Fees.

FIRST SCHEDULE.

SECOND SCHEDULE.

SUBSIDIARY LEGISLATION

14/1927.
[12 of 1990].

**REGISTRATION OF UNITED KINGDOM
PATENTS RULES**

made under section 11

Commencement.

[22nd September 1927]

Short title.

1. These Rules may be cited as the –

**REGISTRATION OF THE UNITED KINGDOM
PATENTS RULES.**

A solicitor to
represent non-
resident
applicants.

2. Where the applicant does not reside in Dominica, a solicitor of the High Court with an address in Dominica shall be appointed to attend upon the Registrar, receive notices and other communications, and pay all fees in respect of any application.

Form of
application.
First Schedule.
Form A.
Form B.

3. Application for registration shall contain an affidavit or a declaration in Form A or Form B respectively of the First Schedule.

Endorsement of
solicitor's name.

4. On the back of the affidavit or declaration the applicant shall endorse the name and address of the solicitor for the reception of notices and other communications and payment of fees in respect of the application.

Specification and
United King-
dom's certificate.

5. The affidavit or declaration shall be accompanied by the certified copy of the specification or specifications (including drawings, if any) of the patent and the relative certificate of the Comptroller General of the United Kingdom Patent Office, which are to be marked with the attesting officer's signature.

Execution of
affidavits, etc.
[12 of 1990].

6. Affidavits or declarations may be sworn or declared –

- (a) in the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorised by law to administer an oath for the purpose of any legal proceedings;
- (b) in any other part of the Commonwealth, before any Court, Judge, Justice of the Peace, or any officer authorised by law to administer an oath for the purpose of any legal proceed-

(c) if made in a foreign country, before a Dominica diplomatic agent or a Dominica consular officer, or before a Notary Public or before a Judge or Magistrate.

Statutory declarations under the Statutory Declarations Act may be used in the United Kingdom or at a British Embassy or Consulate; elsewhere an affidavit shall be used.

7. All communications to the Registrar, other than those mentioned in the foregoing rules, may be signed by and all attendances upon the Registrar may be made by or through a solicitor of the High Court of Dominica. Power of solicitor.

8. Advertisement of application by the Registrar shall be in Form C of the First Schedule. Form of advertisement. First Schedule. Form C.

9. The notice of advertisement shall be prepared by the applicant's solicitor and submitted to the Registrar with the application. Preparation of advertisement.

10. Where an applicant desires to substitute amended specifications and drawings for those originally filed he shall transmit the request with the certificate of the Comptroller General of the United Kingdom Patent Office supported by an affidavit or declaration as to the rights through a solicitor with an address in Dominica. Amended specifications and drawings.

11. Where a person by assignment, transmission or other operation of law has become entitled to the privileges and rights conferred by a certificate of registration he shall transmit for entry in the register the assignment or other document showing his title or interest through a solicitor with an address in Dominica. Assignment, etc.

12. The fees to be paid to general revenue and to solicitors in respect of proceedings under the Act are set out in the Second Schedule hereto. Fees. Second Schedule.

Rules 3, 8.

FIRST SCHEDULE

FORM A

APPLICATION FOR REGISTRATION

United Kingdom Patents

AFFIDAVIT

I,of make oath and say as follows: I am the grantee (or the assignee or as the case may be) of the United Kingdom Patent No.issued on the.....day of....., 19..... I am in possession of the invention therein described, and the same is not in use by any other person or persons to the best of my knowledge, information and belief; and I humbly pray that a certificate of registration in Dominica may be granted to me.

Sworn at
this day of 19....
before me.
.....

FORM B

APPLICATION FOR REGISTRATION

United Kingdom Patents

DECLARATION

I, of do solemnly and sincerely declare that I am the grantee (or the assignee or as the case may be) of the United Kingdom Patent No. issued on the day of, 19....., that I am in possession of the invention therein described, and that the same is not in use by any other person or persons to the best of my knowledge, information and belief; and I humbly pray that a certificate of registration in Dominica may be granted to me.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act.

Subscribed and declared at
this..... day of, 19....
before me.
.....

FORM C

NOTICE

DOMINICA

The Registration of United Kingdom Patents Act

NOTICE IS HEREBY GIVEN that have applied for registration in Dominica of United Kingdom Patent No.....dated the day of, 19....., and issued on the day of, 19....., and have filed in the Registrar's Office at the Court House, Roseau, Dominica, a complete copy of the specifications and the certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of this patent which will be open to public inspection at the said office at any time between the hours of 10.00 a.m. and 4.00 p.m. on working days.

Any person may within two months from the date of this advertisement give notice to the Registrar of opposition to the issue of a certificate of registration upon any of the grounds prescribed in section 10 of the Patents Act, for opposition to the grant of Letters Patent.

Dated theday of, 19.....

.....
Chief Registrar.

Registrar's Office,
 Court House,
 Roseau, Dominica.

Rule 12.

SECOND SCHEDULE

1. Fees to be paid to general revenue in addition to the fee of fifty dollars for a certificate of registration.

For advertisement of application	\$ 50.00
On filing every amended or substituted specification	50.00
On notice of opposition to grant of certificate of registration	100.00
On hearing of every opposed application	50.00
For every office copy, per folio of seventy-two words	2.50
On deposit of every assignment or document affecting title	50.00
On every search	12.00
For every matter or thing not above provided	25.00

2. Fees payable to solicitors.

In respect of each application	50.00
For registering assignments, etc.	50.00
Copying any document, per folio of seventy-two words	1.00
On opposition such fees as the Registrar may allow on taxation as between solicitor and client.	