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

Current Authorised Pages

<table>
<thead>
<tr>
<th>Pages (inclusive)</th>
<th>Authorised by L.R.O.</th>
</tr>
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<tbody>
<tr>
<td>1-12</td>
<td>1/1991</td>
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</table>
**Index of Subsidiary Legislation**

| Registration of United Kingdom Patents Rules | 7 |

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**LAWS OF DOMINICA**

*Registration of United Kingdom Patents*
CHAPTER 78:45

REGISTRATION OF UNITED KINGDOM
PATENTS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Application for registration.
4. Certificate to accompany application.
5. Formalities before issue of certificate of registration.
6. Rights on grant of certificate.
7. Commencement and duration of rights.
8. Powers of Court over rights conferred by certificate of registration.
9. Substitution of amended specification and drawings for those originally filed.
10. Registration of assignment or transmission.
CHAPTER 78:45

REGISTRATION OF UNITED KINGDOM PATENTS ACT

AN ACT relating to patents granted in the United Kingdom.

[23rd April 1925]

1. This Act may be cited as the -

REGISTRATION OF UNITED KINGDOM PATENTS ACT.

2. In this Act -

"Court" means High Court;
"Registrar" means the Registrar of the High Court.

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.

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.

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.

(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 case.
(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.

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.

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.

(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).

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
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.

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.

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.
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.
8. Form of advertisement.
10. Amended specifications and drawings.
11. Assignment, etc.
12. Fees.

FIRST SCHEDULE.
SECOND SCHEDULE.
REGISTRATION OF UNITED KINGDOM PATENTS RULES

made under section 11

Commencement.

[22nd September 1927]

1. These Rules may be cited as the —

REGISTRATION OF THE UNITED KINGDOM PATENTS RULES.

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.

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

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.

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.

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-
LAWS OF DOMINICA

Registration of United Kingdom Patents

Chap. 78:45

Registration of United Kingdom Patents Rules

[Subsidiary]

(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.

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

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

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.

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.

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.
FIRST SCHEDULE

FORM A
APPLICATION FOR REGISTRATION
United Kingdom Patents

AFFIDAVIT

I, .................................. of ................................ make oath and say as follows: I am the
grandee (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 grandee (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.
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 the .................. day of .................. , 19......

........................
Chief Registrar.

Registrar’s Office,
Court House,
Roseau, Dominica.
SECOND SCHEDULE

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

<table>
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<th>Service</th>
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<tr>
<td>For advertisement of application</td>
<td>$50.00</td>
</tr>
<tr>
<td>On filing every amended or substituted specification</td>
<td>50.00</td>
</tr>
<tr>
<td>On notice of opposition to grant of certificate of registration</td>
<td>100.00</td>
</tr>
<tr>
<td>On hearing of every opposed application</td>
<td>50.00</td>
</tr>
<tr>
<td>For every office copy, per folio of seventy-two words</td>
<td>2.50</td>
</tr>
<tr>
<td>On deposit of every assignment or document affecting title</td>
<td>50.00</td>
</tr>
<tr>
<td>On every search</td>
<td>12.00</td>
</tr>
<tr>
<td>For every matter or thing not above provided</td>
<td>25.00</td>
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2. Fees payable to solicitors.

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