

PATENTS ACT

Principal Act

Act. No. 1924-11		<i>Commencement</i>	19.12.1924
		<i>Assent</i>	19.12.1924
Amending enactment	Relevant current provisions	Commencement date	
Acts. 1932-14	s. 7		
1956-02	s. 7		
1977-24	ss. 2, 3, 7		
1978-31	—		
1980-04	s. 10(1A)		
1991-16	s. 10(1)	18.7.1991	
2007-17	ss. 10(1), (1A), 11	14.6.2007	

ARRANGEMENT OF SECTIONS

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AN ACT TO PROVIDE FOR THE REGISTRATION IN GIBRALTAR OF LETTERS PATENT GRANTED IN THE UNITED KINGDOM.

Short title.

1. This Act may be cited as the Patents Act.

Grant of privileges in Gibraltar.

2. Any person being the grantee of a United Kingdom patent (which expression shall in this Act include a patent treated under any Patents Act in force in the United Kingdom as being granted under such Act by reason of its being a European Patent (UK)) or any person deriving his right from such grantee by assignment, transmission or other operation of law may apply within three years from the date of issue of the patent to have such patent registered in Gibraltar. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

Documents to be forwarded.

3. 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 such specification or specifications and, in the case of a patent treated as being granted in the United Kingdom by virtue of the provisions of section 2, a certificate by an officer duly authorized under the Patents Act that the United Kingdom has accepted the European Patent (UK) designating the United Kingdom as being effective in the United Kingdom and that the particulars of the application are true.

Certificate of registration.

4. Upon such application being received, together with the documents mentioned in section 3, the Registrar of Patents shall issue a certificate of registration.

Effect of registration.

5. Such certificate of registration shall confer on the applicant privileges and rights subject to all conditions established by the law of Gibraltar as though the patent had been issued in the United Kingdom with an extension to Gibraltar.

Duration of protection.

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 Gibraltar.

Power of Supreme Court.

7. The Supreme 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 law for the time being in force in the United Kingdom :

Provided that such grounds shall be deemed to include the manufacture, use or sale of the invention in Gibraltar 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 Gibraltar 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.

For the purposes of this proviso 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, or any other Patents Act for the time being in force.

Amendment of specification, etc.

8. Whenever any specification or drawing of a United Kingdom patent registered in Gibraltar 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 of Patents to substitute a copy of the specification and drawings as amended, for the specification and drawings originally filed.

Assignment etc., of privileges.

9. 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

such assignment, transmission or other instrument affecting the title, or giving an interest therein.

Registrar of Patents, etc.

10.(1) The Registrar of Patents shall be such person as may be appointed by the Minister responsible for trade from time to time. *

(1A) The Minister responsible for trade may appoint one or more Assistant Registrars of Patents, and any Assistant Registrar so appointed may, subject to any directions given to him by the Registrar, exercise all the powers and perform all the duties of the Registrar (other than the powers conferred by section it).

(2) A book to be called “The Patent Register” (in this Act referred to as the register) shall be kept by the Registrar of Patents in which shall be registered the particulars of every application made under this Act.

(3) The register and all documents relating to entries therein which may have accompanied an application for registration, shall be open to the inspection of any person, during office hours, on payment of the prescribed fees.

Rules.

11. The Registrar of Patents 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 for prescribing the fees to be paid in respect of proceedings under this Act:

Provided that the scale of such fees shall be approved by the Minister responsible for trade.

Saving for prerogatives of Crown.

12. Nothing in any grant made under this Act shall prejudice, abridge or derogate from, the prerogatives of Her Majesty.

* LN 1991/152 Governor appoints the Assistant Registrar of Companies.