

CHAPTER 283

REGISTRATION OF UNITED KINGDOM PATENTS ACT

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ACT

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CHAPTER 283

REGISTRATION OF UNITED KINGDOM PATENTS ACT

An Act to provide for the registration in Grenada of letters patent granted in the United Kingdom.

[1st October, 1924.]

1. Short title

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

2. Application for registration of United Kingdom patent

Any person being the grantee of a patent in the United Kingdom or any person deriving his or her 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 Grenada. Where a partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

3. Certified copy of specification

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.

4. Certificate of registration

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

5. Rights conferred by registration

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

6. Commencement and duration of patent registered under this Act

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 Grenada.

7. Powers of High Court over rights conferred by certificate of registration

(1) The High Court shall have power upon the application of any person who alleges that his or her 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.

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

(3) For the purposes of subsection (2), 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, Chapter 277.

8. Substitution of duly certified amended specification

Whenever the specification or drawings of a United Kingdom patent registered in Grenada 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.

9. Entry on register of assignment, etc.

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 or she 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.

10. Rules

The Minister may make such general rules and do such things as he or she 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.
