



ST. HELENA

CHAPTER 129

PATENTS (REGISTRATION) ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 129**PATENTS (REGISTRATION) ORDINANCE**

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CHAPTER 129**PATENTS (REGISTRATION) ORDINANCE**

(Ordinances 2 of 1927, 2 of 1933, 7 of 1956 and 2 of 1989)

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION IN ST. HELENA OF LETTERS PATENT GRANTED IN THE UNITED KINGDOM.

Commencement

[23 May 1927]

Short title

1. This Ordinance may be cited as the Patents (Registration) Ordinance.

Patents may be registered

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 three years from the date of issue of the patent to have such patent registered in St. Helena. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

Specifications and certificate of Comptroller General to be filed

3. Every application under this Ordinance shall be accompanied by two certified copies 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.

Registrar to issue certificate

4.² Upon such application being received, together with the documents mentioned in section 3 of this Ordinance and upon payment of such fees as may be prescribed from time to time by regulations made by the Governor in Council, the Registrar of Patents shall issue a certificate of registration.

Effect of certificate of registration

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

Registration effective during whole period patent is in force

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 St. Helena.

Powers of Court

7.³ (1) 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.

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

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.

Amendment of drawings and specifications

8. Whenever the specification or drawings of a United Kingdom patent registered in St. Helena have 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

² Section 4 amended by Ord. 2 of 1989

³ Section 7 amended by Ord. 7 of 1956

Kingdom Patent Office, may be made to the Registrar to substitute a copy of the specification and drawings as amended for the specifications and drawings originally filed.

Registration of transfers

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 may make rules

10. The Registrar may make such general rules 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 to proceedings under this Ordinance.

Search

11. Every document filed with the Registrar of Patents in pursuance of this Ordinance shall be open to inspection at any time during office hours by any person on payment of the prescribed fee; and the Registrar shall permit to be made by any person a copy of the whole or any part of such document and shall, if required, on satisfying himself as to the accuracy of such copy, certify the same to be a true copy.

Appointment of Registrar

12. For the purposes of this Ordinance the person for the time being performing the duties of Registrar of the Supreme Court shall be the Registrar of Patents.

PATENTS (FEES) REGULATIONS – SECTION 4

(Legal Notice 12 of 1989 as amended by Legal Notices 10 of 2005, 8 of 2009 and 33 of 2012)

Short title

1. These regulations may be cited as the Patents (Fees) Regulations.

Fees

2. The fees set out in the Schedule are the fees prescribed for the purposes of section 4 of the Ordinance.

SCHEDULE**FEES⁴**

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|----|---|---------|
| 1. | On filing a certified copy of letters patent and specifications (fee includes issue of certificate of registration) | £60.00 |
| 2. | On substituting amended specifications on drawings, for every certificate of registration affected | £22.50 |
| 3. | On registering every assignment, transfer or transmission for every certificate of registration affected | £22.50 |
| 4. | For every search | £12.00 |
| 5. | Registrar's certificates, for every endorsement | £22.50. |
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⁴ *Table of fees substituted by L.N. 33 of 2012*