



ST HELENA

REVISED EDITION OF THE LAWS, 2017

EMPLOYMENT & COMMERCE

PATENTS (REGISTRATION) ORDINANCE, 1927¹

*Ordinance 7 of 1927
In force 23 May 1927*

Amended by Ordinances 2 of 1933, 7 of 1956, 2 of 1989

Subsidiary legislation:

PATENTS (FEES) REGULATIONS, 1989

Legal Notice 12 of 1989

Amended by L.N.10/2005, L.N. 8/2009, L.N. 33/2012

PATENTS (REGISTRATION) ORDINANCE, 1927

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AN ORDINANCE to provide for the registration in St Helena of letters patent granted in the United Kingdom.

Short title

1. This Ordinance may be cited as the Patents (Registration) Ordinance, 1927.

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

Patents may be registered

2. (1) Any person being the grantee of a patent in the United Kingdom or any person deriving a right from such grantee by assignment, transmission or other operation of law may apply within 3 years from the date of issue of the patent to have the patent registered in St Helena.

(2) If any partial assignment or transmission of a grant has been made, all relevant parties must be joined in the application for registration.

Specifications and certificate of Comptroller-General to be filed

3. Every application under this Ordinance must be accompanied by 2 certified copies of the specification or specifications (including drawings, if any) of the United Kingdom patent and a certificate of the Comptroller-General of Patents, Designs and Trade Marks in the United Kingdom, giving full particulars of the issue of the patent on such specification or specifications.

Registrar to issue certificate

4.² Upon receiving an application under section 2, the documents mentioned in section 3, and payment of any fee prescribed by the Governor in Council by regulations, the Registrar of Patents must issue a certificate of registration.

Effect of certificate of registration

5. A certificate of registration issued under section 4 confers on the applicant privileges and rights, subject to any 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. (1) Subject to subsection (2), privileges and rights granted by virtue of section 4 date from the date of the patent in the United Kingdom and continue in force only so long as the patent remains in force in the United Kingdom.

(2) No action for infringement shall be entertained in respect of any manufacture, use or sale of the invention which is the subject of the grant prior to the date of issue of the certificate of registration in St Helena.

Powers of court

7. (1) The Supreme Court may, upon the application of any person who alleges that the person's interests have been prejudicially affected by the issue of a certificate of registration, declare that the exclusive privileges and rights conferred by that 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.

² Section 4 corrected by Gazette Notice No. 92 of 31 May 2018

(2) (1) The grounds mentioned in subsection (1) are to 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.

(2) 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, 1977.

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 Patents, Designs and Trade Marks in the United Kingdom, may be made to the Registrar of Patents to substitute a copy of the specification and drawings as amended for the specifications and drawings originally filed.

Registration of transfers

9. A person who 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 in them, may apply 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 in it.

Registrar may make rules

10. The Registrar of Patents may make such general rules and do such things as he or she considers expedient, subject to this Ordinance, for regulating procedure under this Ordinance, and for prescribing the fees to be paid in respect to proceedings under it..

Search

11. (1) Every document filed with the Registrar of Patents pursuant to this Ordinance is open to inspection at any time during office hours by any person on payment of the prescribed fee.

- (2) The Registrar of Patents must-
- (a) permit any person to make a copy of the whole or any part of a document so filed; and
 - (b) if required, on being satisfied as to the accuracy of the copy, certify it to be a true copy.

Appointment of Registrar of Patents

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

PATENTS (REGISTRATION) ORDINANCE, 1927

PATENTS (FEES) REGULATIONS, 1989

(Section 4)

Citation

1. These Regulations may be cited as the Patents (Fees) Regulations, 1989.

Fees

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

SCHEDULE

(Regulation 2)

FEES

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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. | Certificate of Registrar of Patents, for every endorsement | £22.50 |
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