



REGISTRATION OF UNITED KINGDOM PATENTS ACT

Revised Edition
showing the law as at 30 June 2013

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This edition contains a consolidation of the following laws—

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Act 9 of 1925 .. in force 23 April 1925

Amended by Acts: 10 of 1957 .. in force 20 August 1957

4 of 1983 .. in force 6 October 1983

5 of 1991 .. in force 1 May 1990

12 of 2001 .. in force 1 January 2002

Amended by S.R.O.: 22/1956 .. in force 1 July 1956

SEE STATUTORY INSTRUMENT BOOKLET

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REGISTRATION OF UNITED KINGDOM PATENTS ACT

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REGISTRATION OF UNITED KINGDOM PATENTS ACT

*(Acts 9 of 1925, 10 of 1957, 4 of 1983, 5 of 1991,
12 of 2001 and S.R.O. 22/1956)*

Commencement

[23 April 1925]

Short title

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

Interpretation

2. (1) In this Act—

“Court” means the High Court; *(Inserted by Act 4 of 1983)*

“Registrar” means the Registrar of Companies. *(Inserted by Act 5 of 1991)*

(2) A reference to a United Kingdom patent shall be construed as including a reference to a patent granted by the European Patent Office, registered in the United Kingdom and having the same effect in the United Kingdom as a United Kingdom patent.

Application for registration

3. 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 3 years from the date of issue of the patent to have such patent registered in the Territory. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

Certificate to accompany application

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 such specification or specifications.

Formalities before issue of certificate of registration

5. (1) Upon such 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 2 months from the date of such 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 such certificate there shall be paid to the credit of the general revenue of the Territory a fee of \$4.80.

Rights on grant of certificate

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

Commencement and duration of rights

7. (1) 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.

(2) 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 Territory.

Powers of Court

8. (1) The 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) The grounds referred to in subsection (1) shall be deemed to include the manufacture, use or sale of the invention in the Territory 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 Territory 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 5. *(Amended by Act 10 of 1957)*

(3) For the purposes of this section 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 (Imperial) (12, 13 & 14 Geo. VI. c. 87).

Substitution of amended specification and drawings for those originally filed

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

Registration of assignment or transmission

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 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.

Rules

11. The Commission established under section 3 of the Financial Services Commission Act may make such general rules and do such things as it 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. (*Amended by Act 12 of 2001*)
