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CHAPTER 80

REGISTRATION OF UNITED KINGDOM PATENTS

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REGISTRATION OF UNITED KINGDOM PATENTS

1. **Application to register patent granted in United Kingdom**

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

2. **Appointment of Registrar**

There shall be appointed a Registrar of United Kingdom Patents (hereinafter referred to as "the Registrar") for the purpose of giving effect to the provisions of this Act, who shall be a public servant.

3. **Documents required on application for registration**

Every application under this Act shall be made to the Registrar and 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. **Registration**

Upon such application being received in accordance with section 3, the Registrar may file the same in his office and upon doing so shall issue a Certificate of Registration to the applicant.

5. **Effect of Certificate**

Such Certificate of Registration shall confer on the applicant the same privileges and rights in so far as may be applicable to Vanuatu as he is entitled to in the United Kingdom and as though the patent had been issued in the United Kingdom with an extension to Vanuatu.

6. **Period for which effective**

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 Vanuatu.

7. **Register of Patents to be kept**

The Registrar shall keep in his office a book to be called the "Register of Patents" (hereinafter referred to as "the Register") in which he shall register the particulars of any document filed showing the number, nature and date thereof and the name of the grantee or parties thereto.

8. **Jurisdiction of the Supreme Court**

(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 Vanuatu 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 Vanuatu by some person or persons after the priority date applicable to the patent in the United Kingdom.

Kingdom and before the date of the issue of the Certificate of Registration under section 4.

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, of the United Kingdom.

9. Substitution amended for original specification, etc.

Whenever the specification or drawings of a United Kingdom patent register in Vanuatu 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.

10. Entry in 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 may make application in the prescribed manner to the Registrar for the entry in the Register of such assignment, transmission or other instrument affecting the title or giving an interest therein.

11. Entry in Register or certified copy to be admissible in evidence

Any entry in the Register, or any certified copy thereof or of any document duly filed signed by the Registrar and given under his hand and seal, shall be admitted in evidence in any court and in all proceedings without further proof.

12. Register, etc., to be open to inspection

The Register and all documents relating to entries therein which may have been duly filed shall be open to the inspection of any person during office hours on payment of the prescribed fee.

13. Power to make rules and prescribe fees

The Minister responsible for commerce may make such general 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 thereunder:

Provided that the fees contained in the Schedule shall be the prescribed fees altered, amended, revoked or added to by general rules as herein before provided.

SCHEDULE

(section 13)

The fees specified in the second column hereunder shall be payable in respect of the proceedings specified in the first column in relation thereto.

| <i>Proceedings</i> | <i>Fee US\$</i> |
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| On filing application for registration together with documents specified in section 3 and making entry in the Patent Register and issuing of Certificate of Registration | 250.00 |
| On inspection of any document filed or any entry in the Patent Register or both | 20.00 |
| On substitution of amended specification and drawings (if any) | 100.00 |
| On entry in the Patent Register of any assignment, etc., under section 10 | 100.00 |
| On any certified copy or extract of entry in the Patent Register | 50.00 |
| On filing any document not otherwise provided for | 50.00 |
| On office copy of any document per folio of 72 words (subject to a minimum of US\$10) | 2.00 |
| On certifying same | 100.00 |

Table of Amendments (since the Revised Edition 1988)

Schedule *Amended by unnumbered Order pub. Gaz. 8 of 2006*