

REPUBLIC OF VANUATU

BILL FOR THE **PATENTS ACT NO. OF 1999**

Explanatory Note

This note does not form part of the Bill.

PART 1 – PRELIMINARY PROVISIONS

This Part contains the interpretation clause which defines particular terms used in the Bill.

PART 2 – PATENTABILITY

This Part sets out what inventions are patentable and those that are not. An invention to be patentable must be new and involve an inventive step. The priority date for a patent is the date on which the patent application is filed.

PART 3 – RIGHT TO OBTAIN A PATENT

This Part provides that only the inventor and certain other people can be granted a patent. It also sets out when an inventor must be mentioned in the application for a patent and the patent.

PART 4 – APPLICATION FOR PATENTS

This Part provides for the making of an application for the grant of a patent and the matters related to the application process.

PART 5 – PROCEDURE FOR GRANT OF PATENT

This Part sets out the procedure that must be followed in the grant of a patent. This includes searches and examinations conducted by recognised examiners.

PART 6 – REGISTRATION OF PATENTS

This Part provides for the procedure that has to be followed after the grant of a patent. The procedure includes publication of a notice, grant of a certificate and recording the grant in the Register.

PART 7 – RIGHTS OF PROPRIETOR OF PATENT

This Part provides that the proprietor of a patent has the exclusive right to exploit an invention. These rights can be assigned or made subject to licensing contracts.

PART 8 – ASSIGNMENT AND TRANSMISSION, AND JOINT PROPRIETORSHIP

This Part includes clauses providing for the:

- (a) assignment and transmission of patent applications and patents; and
- (b) joint proprietorship of a patent.

PART 9 – LICENCES OR RIGHT AND COMPULSORY LICENCES

This Part provides mainly for licensing which is of two types –licences of right and compulsory licenses. Also included in this Part are provisions for the use of patented inventions for the services of Government and a proprietor's entitlement for remunerations for use of patents.

PART 10 – SURRENDER AND REVOCATION OF PATENTS

This Part makes provisions for the surrender and revocation of patents.

PART 11 – INFRINGEMENT OF PATENT

This Part contains clauses dealing with acts of infringement, and proceedings for infringement of patents and appeals.

PART 12 – REGULATIONS AND OFFENCES

This Part provides for regulations made by the Minister and for the offences under the Bill.

PART 13 – ADMINISTRATION

This Part provides for matters relating to administration. It includes provisions for the appointment of a Registrar and establishment of the Register of Patents.

PART 14 – MISCELLANEOUS

This Part makes contains provisions dealing with protection of the Government, the Registrar and examiners, repeal and savings and commencement of the Act.