

TRINIDAD AND TOBAGO.

Patents, Designs and Trade Marks.

No. 13.—1905.

19th June.

AN ORDINANCE to amend the law relating to Patents,
Designs and Trade Marks.

Amended of No. 25 of 1905.

[L.S.]

H. M. JACKSON,

GOVERNOR.

27th June, 1905.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Patents Ordinance, 1905. Short title.

It shall be read as one with the Patents Designs and Trade Marks Ordinance, No. 76. Construction.

The said Ordinance and this Ordinance may together be cited as the Patents Designs and Trade Marks Ordinances.

2.—(1.) If His Majesty is pleased, by Order in Council, to apply the provisions of Section 103 of the Imperial Act, entitled "The Patents, Designs, and Trade Marks Act, 1883," as amended by the Imperial Act entitled "the Patents Act 1901," to this Colony, then any person who has applied for protection for any invention, design or trade mark in the United Kingdom, or in any foreign State with the Govern- International arrangements for protection of patents.

ment of which His Majesty has made arrangements under the said section, for mutual protection of inventions, designs and trade marks, shall be entitled to a patent for his invention or to registration of his design or trade mark as the case may be under the Patents Designs and Trade Marks Ordinances, in priority to other applicants; and such patent or registration shall take effect from the same date as the date of the application in the United Kingdom or such foreign State (as the case may be).

(2.) Such application shall be made within twelve months from such person applying for protection in the United Kingdom or the foreign State with which the arrangement is in force.

(3.) Nothing in this section contained shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification or the actual registration of his design or trade mark, as the case may be in this Colony.

(4.) The publication in this Colony during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade mark shall not invalidate the patent granted for the invention or the registration of the design or trade mark.

(5.) The application for the grant of a patent or the registration of a design or a trade mark under this section shall be made in the same manner, and subject to the payment of the same fees, as an ordinary application under the Patents Designs and Trade Marks Ordinance, No. 76.

(6.) In the case of a patent, an application under this section shall be accompanied by a complete specification which, if it be not accepted within the period of twelve months, shall with drawings (if any) be open to public inspection at the expiration of that period.

(7.) The provisions of this section shall, in the case of foreign States, apply only in the case of those foreign States

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with respect to which His Majesty, from time to time, by Order in Council, declares the provisions of the aforesaid Section 103 of the said first recited Imperial Act to be applicable, and so long only in the case of each State as such Order continues in force with respect to that State.

3.—(1.) Whenever it appears to the Governor in Executive Council that the legislature of any British Possession has made satisfactory provision for the protection in such Possession of inventions, designs and trade marks patented or registered in this Colony, the Governor in Council may, by Order, apply all or any of the provisions of the last preceding section relating to the protection of inventions, designs and trade marks patented or registered in the United Kingdom, with such variations or additions (if any) as to the Governor in Council seem fit, to inventions patented and designs and trade marks registered in such British Possession. Intercolonial
arrangements.

(2.) An Order in Council under this section shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Ordinance; but the Governor in Council may revoke any such Order.

Passed in Council this Nineteenth day of June, in the year of Our Lord one thousand nine hundred and five.

ALFRED TAITT,
Acting Clerk of the Council.