

TRINIDAD AND TOBAGO.

Patents, Designs and Trade Marks.

No. 10.—1900.

12th March.

AN ORDINANCE to amend the Law of Patents for Inventions, and to provide for the Registration of Designs, and of Trade Marks.

[L.S.]

HUBERT E. H. JERNINGHAM,

GOVERNOR.

28th March, 1900.

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

Short title.

1. This Ordinance may be cited as "The Patents, Designs and Trade Marks Ordinance, 1900."

Appointment of Registrar.

2. It shall be lawful for the Governor to appoint a Registrar of Patents, Designs and Trade Marks, in this Ordinance called the Registrar, with an office to be called the Registry of Patents, Designs and Trade Marks, in this Ordinance called the Registry, and until such appointment be made the Registrar-General shall be and perform the duties of such Registrar, and the office of the said Registrar-General shall be such Registry, and such Registry shall be deemed to be for all purposes within the department of the Registrar-General.

PART I.—PATENTS.

11.—(1.) Any person may make an application for a patent.

Applications for Patents may be made by more than one person.

(2.) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.

(1.) The Registrar on an application by or on behalf of any person claiming to be the inventor or proprietor of any invention, and on the delivery of such Registrar of a declaration in writing according to form A in the first Schedule to this Ordinance together with a specification in duplicate signed by the applicant or his agent, particularly describing the nature of the invention and in what manner the same is to be performed, and on payment of the prescribed fee, shall deliver to such person or his agent a certificate according to form B in the first Schedule to this Ordinance, hereinafter called a patent, and a copy of such patent shall be inserted by the Registrar in the *Royal Gazette*.

On delivery of declaration and specification the Registrar-General to issue patent.

(2.) All drawings, tracings, diagrams, plans and other exhibits referred to in any specification shall be made on tracing linen or some other such durable material, to the satisfaction of the Registrar, and in no case on tracing paper.

(3.) Provided that if in lieu of such specifications as aforesaid the applicant shall deliver a provisional specification describing the nature of the invention and if required by the Registrar accompanied by plans, and shall in lieu of the fees otherwise payable on application for a patent, pay a fee of £1 or such other fee as may be prescribed, the Registrar may issue to the applicant a certificate in the form E. in the First Schedule to this Ordinance and the invention may thereupon be used for a period of nine months or until within such period a patent shall have been granted for the same without prejudice to such patent and in such case such patent shall be granted on delivery within such period of nine

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months of such complete specification as hereinbefore mentioned and on payment of the balance of the fee payable on application for a patent.

Provided that on an application for a patent the specification or provisional specification and drawings, if any, accompanying or left in connection with such application shall not at any time be open to public inspection or be published by the Registrar until and until such patent has been granted.

Inventions to be duly recorded and specifications numbered.

5.—(1.) The Registrar shall keep a book of the Registry called "The Register of Patents," and shall record therein, under a distinguishing number and in the order in which application shall have been duly made to him, every such invention, and the christian and surname of the inventor and the day of the date of the patent, and shall cause every specification to be marked with the distinguishing number of the invention to which the specification refers.

(2.) All assignments, charges, transmissions, amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed, shall be notified to the Registrar who shall, on sufficient evidence thereof, and on payment of the prescribed fee, note the same in the Register of Patents.

Patent to vest exclusive right for fourteen years.

6. Every patent shall vest in the patentee, his executors, administrators or assigns, and licensees, the sole right and benefit of using within the Colony the invention mentioned in such patent for and during the space of fourteen years next after the granting of such patent: Provided that at any time before the expiration of such period His Excellency the Governor may, in his discretion, extend the same for any period not exceeding seven years, and may in like manner extend such further period to a like extent as often as he shall deem right.

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7. Any patentee may, on payment of the prescribed fee enter with the Registrar a disclaimer or disclaimers of any part or parts of either the title of the invention or of the specification, stating the reasons for such disclaimer, or may enter a memorandum of any alteration in such title or specification, not being such disclaimer or such alteration as would make the patentee claim an invention substantially larger than or substantially different from that claimed by the specification as it stood before such amendment; and such disclaimer or memorandum of alteration being filed by the said Registrar shall be deemed and taken to be part of such title or specification: Provided that the foregoing provisions of this Section shall not apply to a patent in respect of which an action for infringement or proceeding for revocation of a patent is pending.

8. Every amendment of a specification shall be advertised in the *Royal Gazette*.

Amendment to be advertised in the *Royal Gazette*.

9. A patentee may restrain any person from infringing his patent, and may recover damages for such infringement by action brought in the Supreme Court.

Patentee may restrain infringement.

10.—(1.) Revocation of a patent may be obtained on petition to the Court on any of the following grounds; namely:

Revocation how obtained.

- (a.) That the patent was obtained by fraud;
- (b.) That the patentee was not the true inventor or proprietor of every invention included in his claim;
- (c.) That anything claimed by the patentee as his invention was publicly manufactured, used, or sold within this Colony, before the date of the patent, or included in some prior patent.

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(2.) A petition for revocation of a patent may be presented by :

- (a.) The Attorney-General or Solicitor-General of the Colony or by any person authorised by them or either of them ;
- (b.) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims ;
- (c.) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee ;
- (d.) Any person alleging that he, or any person under or through whom he claims an interest in any trade, business or manufacture, had publicly manufactured, used, or sold within this Colony before the date of the patent, anything claimed by the patentee as his invention.

11.—(1.) In any action or proceeding for the infringement or revocation of a patent the plaintiff or petitioner must deliver with his statement of claim or petition particulars of the breaches complained of or the objections on which he means to rely, and a defendant must deliver with his statement of defence particulars of any objections on which he relies, and no evidence, except by leave of the Court or a Judge, shall be admitted in proof of any breach or objection of which particulars are not so delivered.

(2.) Particulars delivered may be from time to time amended by leave of the Court or a Judge.

(3.) When a patent has been revoked on the ground of fraud, the Registrar may, on the application of the true inventor made in accordance with the provisions

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of this Ordinance grant to him or his agent a patent according to the form in the First Schedule to this Ordinance in lieu of and bearing the date as the date of revocation of the patent so revoked, and a copy of such patent shall be inserted by the Registrar in the *Royal Gazette*, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

(4.) No proceeding shall lie for revocation of a patent vested in Her Majesty's Secretary of State for War for the time being except by consent of the Governor.

12.—(1.) A patent shall have to all intents the like effect against Her Majesty the Queen, her heirs and successors as it has against a subject.

(2.) But the officers or authorities administering any department of the service of the Crown may, by themselves, their agents, contractors or others at any time after the application, use the invention for the services of the Crown on terms to be before or after the use thereof agreed on with the approval of the Governor between those officers or authorities and the patentee or, in default of such agreement, on such terms as may be settled by the Governor.

13. If on the petition of any person interested it is proved that by reason of the default of a patentee to grant licenses on reasonable terms:

Court may order patentee to grant licenses.

- (a.) An invention is not being worked in the Colony;
- (b.) The reasonable requirements of the public with respect to the invention cannot be supplied; or
- (c.) Any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Court may order the patentee to grant licenses on such terms, and may enforce such order in such manner, as it shall think fit.

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Loss or
destruction of
Patent.

14. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Registrar, the Registrar may at any time cause a duplicate thereof to be sealed.

PART II.—DESIGNS.

Register of
designs.

15. There shall be kept at the Registry a book called "The Register of Designs," wherein shall be entered the names and addresses of proprietors of registered designs and such other matters as may from time to time be prescribed.

Author of new
design to be
deemed pro-
prietor
thereof.

16. The author of any new and original design shall be deemed to be the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any article or substance, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

Application
for registra-
tion of
designs.

17.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in the Colony, and on payment of the prescribed fee, register the design under this part of the Ordinance.

(2.) The application must be made in form C in the first Schedule to this Ordinance or in such other form as may be from time to time prescribed and must be left at the Registry in the prescribed manner.

(3.) The application must contain a statement of the nature of the design and the prescribed class or classes of goods in which the applicant desires that the design be registered.

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(4.) The same design may be registered in more than one class.

(5.) In case of doubt as to the class in which a design ought to be registered the Registrar may decide the question.

(6.) The Registrar may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to a Judge in Chambers.

18. On application for registration of a design the applicant shall furnish to the Registrar the prescribed number of drawings, photographs or tracings of the design sufficient to the Registrar for enabling him to identify the design, and suitable for the official records; or the applicant may instead of such copies furnish exact representations or specimens of the design.

Drawings, &c., to be furnished on application.

19.—(1.) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Ordinance, have copyright in the design during five years from the registration of the design.

Copyright on registration.

(2.) Before delivery on sale of any articles to which a registered design has been applied the proprietor must (if exact representations or specimens were not furnished on the application for registration) furnish to the Registrar the prescribed number of exact representations or specimens of the design; and if he fails to do so the Registrar may erase his name from the register, and thereupon his copyright in the design shall cease.

20. Before delivery on sale of any articles to which a registered design has been applied the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words, or figures, denoting that the design is registered, and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps, to ensure the marking of the article.

Marking registered designs

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Inspection of
registered
designs.

21.—(1) During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorised by the Registrar or by the Court, and furnishing such evidence as may enable the Registrar to identify the design, nor except in the presence of the Registrar, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design or of any part thereof.

(2.) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

Information as
to existence of
copyright.

22. On the request of any person producing a particular design, together with its mark of registration or producing only its mark of registration, or furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, it shall be the duty of the Registrar to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.

Ceasing of
copyright
under certain
circumstances.

23. If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

24. During the existence of copyright in any design no person:

(a.) Shall without the license or written consent of the registered proprietor apply or cause to be applied such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale, to any article

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of manufacture or to any substance artificial or natural, or partly artificial and partly natural ;

- (b.) Shall publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this Section shall be liable for every offence to forfeit a sum not exceeding Fifty Pounds to the registered proprietor of the design, and such registered proprietor may, by action brought in the Supreme Court, recover either such sum as a simple contract debt, or damages arising from any breach of the said Section.

Provided that the total sum forfeited in respect of any one design shall not exceed One Hundred Pounds.

PART III.—TRADE MARKS.

25. There shall be kept at the Registry a book called the Register of Trade Marks wherein shall be entered the names and addresses of proprietors of registered trade marks, notifications of assignments, charges and transmissions of trade marks, and such other matters as may be from time to time prescribed. Register of trade marks.

26—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of a trade mark, and on payment of the prescribed fee, register the trade mark. Application for registration.

(2.) The application must be made in form D in the first Schedule to this Ordinance or in such other form as may be from time to time prescribed, and must be left at the Registry in the prescribed manner.

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(3.) The application must be accompanied by the prescribed number of representations of the trade mark and must state the particular class of goods or classes of goods in connexion with which the applicant desires the trade mark to be registered.

(4.) The Registrar may, if he thinks fit, refuse to register a trade mark, subject to appeal to a Judge in Chambers.

Limit of time
for proceeding
with applica-
tion.

27. Where the registration of a trade mark shall not be completed within twelve months from the date of the application by reason of default on the part of the applicant the application shall be deemed to be abandoned.

Conditions of
registration of
trade mark.

28.—(1.) For the purposes of this Ordinance a trade mark must consist of or contain at least one of the following essential particulars :

- (a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or
- (b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark ; or
- (c.) A distinctive device, mark, brand, heading, label, or ticket ; or
- (d.) An invented word or invented words ; or
- (e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

(2.) There may be added to any one or more of the essential particulars mentioned in this Section any letters, words, or figures, or combination of letters, words, or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to

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the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

(3.) Provided as follows:—

- (i.) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.
- (ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures, used as a trade mark, either in the colony, or elsewhere, before the thirteenth day of August, 1875, may be registered as a trade mark.

29. A trade mark must be registered for particular goods or classes of goods. Connection of trade mark with goods.

30. When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately. Registration of a series of marks.

31. A trade mark may be registered in any colour and such registration shall (subject to the provisions of this Ordinance) confer on the registered owner the Trade marks may be registered in any colour.

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exclusive right to use the same in that or any other colour.

32. Every application for registration of a trade mark under this Ordinance shall as soon as may be after its receipt be advertised by the Registrar in the *Royal Gazette* of the Colony, unless he shall refuse to entertain the application.

Opposition to registration.

33.—(1.) Any person may within three months of the first advertisement of the application, give notice in duplicate to the Registrar of opposition to registration of the trade mark and the Registrar shall send one copy of such notice to the applicant.

(2.) Within one month after receipt of such notice or such further time as the Registrar may allow, the applicant may send to the Registrar a counter statement in duplicate of the grounds on which he relies for his application, and if he does not do so, shall be deemed to have abandoned his application.

Conflicting claims to registration.

34. On the receipt of such counter statement or where each of several persons claims to be registered as proprietor of the same trade mark the Registrar may refuse to register any of them until their rights have been determined by the Court.

Restrictions on registration.

35.—(1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade mark, the Registrar shall not register in respect of the same goods or description of goods a trade mark identical with one already on the register with respect to such goods or description of goods.

(2.) Except as aforesaid the Registrar shall not register with respect to the same goods or description of goods a trade mark having such resemblance to a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

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36. It shall not be lawful to register as part of or in combination with a trade mark any words the use of which would by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in an English Court of Justice.

Words likely to deceive not to be registered.

37.—(1.) Nothing in this Ordinance shall be construed to prevent the Registrar entering on the register in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade mark, any distinctive word or combination of words, or, in the case of a trade mark used before the 12th day of August, 1875, in this Colony or elsewhere, any distinctive device, mark, brand, heading, label, ticket, letter, or figure, or combination of letters, words, or figures, though the same is common to the trade in the goods with respect to which the application is made.

Saving for power to provide for entry on register of common marks as additions to trade marks.

(2.) The applicant for registration of any such addition must however state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register. Provided that a person need not under this Section disclaim his own name or the foreign equivalent thereof or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

(3.) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words, or figures, which was or were before the 13th day of August, 1875, publicly used by more than three persons in this Colony or elsewhere, on the same or a similar description of goods shall for the purposes of this Section be deemed common to the trade in such goods.

38. Application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark, and the date of the application shall for the purposes of this Ordinance be deemed to be, and as

Application to equal public use of trade mark.

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from the First day of January, 1876, to have been the date of the registration.

Right of first proprietor to exclusive use of trade mark.

39. The registration of a person as proprietor of a trade mark shall be *prima facie* evidence of his right to the exclusive use of the trade mark, and shall after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade mark, subject to the provisions of this Ordinance.

Infringement of a trade mark may be restrained and damages recovered.

40. The infringement of a trade mark may be restrained, and damages for such infringement recovered in an action in the Supreme Court, if such trade mark has been registered, or if registration thereof in the Register of Trade Marks has been refused, but in no other case. The Registrar may on request, and on payment of the prescribed fee, grant a Certificate that such registration has been refused.

Plaintiff to have full costs in subsequent action.

41. In an action for infringement of a registered trade mark the Court or a Judge may certify that the right to the exclusive use of the trade mark came in question, and if the Court or a Judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between Solicitor and client, unless the Court or Judge trying the subsequent action certifies that he ought not to have the same.

Assignment and transmission of trade mark.

42. A trade mark, when registered, shall be assigned and transmitted only in connexion with the goodwill of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that goodwill.

Alteration of registered mark.

43.--(1.) The registered proprietor of any trade mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Ordinance, and the Court may refuse or grant leave on such terms as it may think fit.

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(2.) Notice of any intended application to the Court under this section shall be given to the Registrar by the applicant, and the Registrar shall be entitled to be heard on the application.

(3.) If the Court grants leave, the Registrar shall on proof thereof, and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

44.—(1.) At the expiration of fourteen years from the date of the registration the trade mark shall be removed from the register unless the proprietor pays to the Registrar before the expiration of such fourteen years the prescribed fee, and so from time to time at the expiration of every period of fourteen years.

Removal of trade mark after fourteen years unless fee paid.

Provided that three months at least before the expiration of such period the Registrar shall give due notice of such approaching expiration to the proprietor of such trade mark.

(2.) Where after the said three months a trade mark has been removed from the register for non-payment of the prescribed fee, the Registrar may, if satisfied that it is just so to do, restore such trade mark to the register on payment of the prescribed additional fee.

(3.) Where a trade mark has been removed from the register for non-payment of the fee or otherwise, such trade mark shall nevertheless for the purpose of any application for registration during the one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark.

PART IV.—GENERAL.

45. There shall not be entered in any register kept under this Ordinance, or be receivable by the Registrar, any notice of any trust expressed, implied or constructive.

Trust not to be entered in registers.

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Refusal to grant patent, &c., in certain cases.

46. The Registrar may refuse to grant a patent for an invention or to register a design or trade mark which is, or of which the use would be, scandalous or contrary to law or morality.

Patent deemed to be registered when name of proprietor entered in Register.

47. Any patent, design, or trade mark shall be deemed to be registered when the name of any person is entered, as the proprietor thereof, in the Register of Patents, the Register of Designs, or the Register of Trade Marks, as the case may be.

Entry of assignments and transmissions in registers.

48. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade mark, the Registrar shall, on request, and on proof of title, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade mark, in the register of patents, designs, or trade marks, as the case may be. The person for the time being entered in the Register of patents, designs, or trade marks, as proprietor for a patent, copyright in a design, or trade mark as the case may be, shall subject to the provisions of this Ordinance and to any rights, appearing from such register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with the same, and to give effectual receipts for any consideration for such assignment, license or dealing. Provided that any equities in respect of such patent, design or trade mark may be enforced in like manner as in respect of any other personal property: Provided also that the priority of all assignments and charges shall, as regards purchasers for value without notice, be determined by priority of registration.

Inspection of and extracts from register

49. Every register kept under this Ordinance shall be *prima facie* evidence of all matters duly entered therein, and every such register, and the specification of every registered patent open to the inspection of the public on payment of the prescribed fee, subject to the provisions of this Ordinance and to such regulations as may be prescribed; and certified copies sealed with the

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seal of the Registry, of any entry in such register or of any such specification, shall be given to any person requiring the same on payment of the prescribed fee: Provided that whenever any specification or extract includes any tracing, drawing, or diagram, an additional fee for any copy thereof shall be paid equal to the cost of preparing such tracing, drawing, or diagram.

50. The Registrar may, on request in writing, accompanied by the prescribed fee:

Power for Registrar to correct clerical errors, etc.

- (a.) Correct any clerical error in or in connexion with an application for a patent, or for registration of a design or trade mark; or
- (b.) Correct any clerical error in the name, style, or address of the registered proprietor of a patent, design or trade mark; or
- (c.) Cancel the entry or part of the entry of a trade mark on the register: Provided that the applicant accompanies his request by a statutory declaration made by himself stating his name, address and calling, and that he is the person whose name appears on the register as the proprietor of the said trade mark.
- (d.) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design or trade mark to be registered.

Amendment of application.

51. A Certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Ordinance, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Certificate of Registrar to be evidence.

52. An order requiring the Registrar to do, or abstain from doing, anything under this Ordinance, may be made by a Judge on a summons in Chambers.

Orders affecting Registrar may be made by a Judge.

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Court or
Judge may
make orders,
impose terms,
etc.

53. In any proceedings under this Ordinance the Court or a Judge, as the case may be, may at any time make such orders for an injunction, inspection, or account, impose such terms, and give such directions as to the order in which the parties shall be heard, and the procedure under this Ordinance generally, as the Court or Judge shall see fit.

Declaration by
infant, lunatic,
&c.

54. If any person is by reason of infancy, lunacy or other disability, incapable of making any declaration or doing anything required or permitted by this Ordinance or by any rules made under the authority of this Ordinance, then the guardian or committee (if any) of such incapable person, or if there be none, any person appointed by any Court or Judge possessing jurisdiction in respect of the property of persons under disability, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly as possible corresponding thereto, as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Ordinance be as effectual as if done by the person for whom he is substituted.

Publication
quarterly of
List of Patents
granted and
designs and
trade marks
registered.

55. The Registrar shall cause to be published during each quarter in the *Royal Gazette* a list of all patents granted, and designs and trade marks registered during the preceding quarter, and any further information that he may deem generally useful or important.

Transmission
of copies of
specification,
etc.

56. Copies of the specifications of all registered patents and all registered amendments thereof and of all published lists of registered designs and trade marks shall be transmitted to the Controller of Patents, Designs, and Trade Marks in England.

Power to make
Rules for
classifying
goods and
regulating
business of
Registry.

57. The Registrar, with the sanction of the Governor may from time to time make such general rules and do such things as he may think expedient, for regulating the practice of registration under this Ordinance, for classifying goods for the purposes of designs and trade marks, for prescribing the fees to be paid under this

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Ordinance, or for any other purpose which may be or be deemed necessary for the carrying out of the provisions of this Ordinance: and shall also have power to alter, add to, amend or revoke any such rules.

Subject to the provisions hereinbefore contained, the fees mentioned in the Second Schedule to this Ordinance shall be paid to the Registrar. Fees ;
Payment of.

Any rules made in pursuance of this Section shall be laid before the Legislative Council and shall be published in the *Royal Gazette*.

58. Any declaration required to be made under this Ordinance may be taken by the Registrar. Declaration.

59. In this Ordinance,

“Patent” means certificate of registration in the Register of Patents, and includes, whenever not inconsistent with the context, all the rights conferred or evidenced by such registration. Interpretation.

“Patentee” means the person for the time being registered as the proprietor of a patent.

“Invention” means any manner of new manufacture, the subject of letters patent and grant of privilege within Section 6 of the Statute Monopolies, that is, the Act of the twenty-first year of the reign of King James the First, Chapter 3, entitled “An Act concerning monopolies and “dispensations with penal laws and the forfeiture thereof,” and includes an alleged invention.

“Design” means any design applicable to any article or manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining or any other means whatever, manual, mechanical or chemical, separate or combined.

“Copyright” means the exclusive right to apply a design to any article of manufacture or to any such

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substance as aforesaid in the class or classes in which the design is registered.

“Person” includes a body corporate.

“Court” means the Supreme Court of Trinidad and Tobago.

“Judge” means a Judge of the Supreme Court.

“Law Officer” means Her Majesty’s Attorney General or Solicitor-General in this Colony.

“Registrar” shall include any Deputy Registrar or person acting under the authority of such Registrar.

“Registered” means registered in the Register of Patents, the Register of Designs, or the Register of Trade Marks, as the case may be: and “Registration” has a corresponding meaning.

“Prescribed” means prescribed by any of the Schedules to or Rules made under the provisions of this Ordinance, or by any other Ordinance applicable to the case.

“Specification” shall include all tracings, drawings, diagrams and other exhibits referred to in such specification.

“Class” means prescribed class.

“Certified” means certified in accordance with the provisions of the Ordinance No. 9 of 1892.

Repeal.

GO. The Ordinances Nos. 40 of 1894 and 11 of 1897 are hereby repealed.

Passed in Council this twelfth day of March, in the year of Our Lord one thousand nine hundred.

S. W. KNAGGS.

Clerk of the Council.

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THE FIRST SCHEDULE.

FORM A.

(*Sub-section (1) Section 4.*)

FORM OF APPLICATION FOR PATENT.

I, _____, of _____, do solemnly and sincerely declare that I am in possession of an invention for _____ (*state the title of the invention*), which invention I believe will be of great public utility, and that the same is not in use by any person or persons in the Colony of Trinidad and Tobago to the best of my knowledge and belief, and that the instrument in writing under my hand herewith delivered particularly describes and ascertains the nature of the said invention, and the manner in which the same is to be performed; and I humbly pray that a patent may be granted to me for the said invention.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance, 1879, [*or, as the case may be, by virtue of the provisions of the Statutory Declarations Act, 1885*], and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Declared at _____, on the _____ day
of _____, A.D. 19 _____.

Before me,

FORM B.

(*Sub-section (1) of Section 4.*)

FORM OF PATENT.

I, A. B., Registrar of Patents Designs and Trade Marks for the Colony of Trinidad and Tobago, do hereby certify that on the _____ day of _____ has been delivered to me by [or, on behalf of] _____ of _____, a declaration in writing signed by the said _____, of a certain invention, whereof the said _____ claims to be the inventor or proprietor, being an invention (*state the name of the invention*) together with a specification describing the nature of the said invention and the manner in which the same is to be performed, and that the

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name of the said _____ has been entered in the Register of Patents as the proprietor of this patent.

In witness whereof I have hereunto put my hand at Port-of-Spain, in the Island of Trinidad, this _____ day of _____ in the year one thousand _____

FORM C.

(*Sub-section (2) of Section 17.*)

FORM OF APPLICATION FOR REGISTRATION OF DESIGN.

You are hereby requested to register the accompanying Design in Class _____ day of _____ 1 _____ in the name of _____ of _____ who claims to be the proprietor thereof and to return the same to _____

Statement of nature of Design _____

To the Registrar of Patents Designs and Trade Marks for the Colony of Trinidad and Tobago.

(Signed.)

FORM D.

(*Sub-section (2) of Section 26.*)

FORM OF APPLICATION FOR REGISTRATION OF TRADE MARK.

(One representation to be fixed within this space and two others on separate sheets of foolscap of same size.)

(Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.)

You are hereby requested to register the accompanying trade mark in Class _____ in the name of _____ who claims to be the proprietor thereof.

To the Registrar of Patents Designs and Trade Marks for the Colony of Trinidad and Tobago.

(Signed.)

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FORM E.

*(Sub-section (3) of Section 4.)**Form of Certificate of Provisional Protection.*

I, A. B., Registrar of Patents Designs and Trade Marks for the Colony of Trinidad and Tobago hereby certify that on the _____ day of _____ 1____, has been delivered to me by [or on behalf of] _____ of _____ a declaration in writing signed by the said _____ of a certain invention whereof the said _____ claims to be the inventor or proprietor, being an invention [state the name of the invention] together with a provisional specification describing the nature of the invention, and that the said _____ is entitled to provisional protection from the consequences of the use and publication of such invention for the period of nine months from this date or until within that period a patent for the same shall have been granted.

A. B.,
Registrar-General.

THE SECOND SCHEDULE.

(Section 55.)

	£	s.	d.
On application for a Patent or extension thereof	...	10	0 0
„ registration of every disclaimer or amendment	...	2	0 0
„ registration of every assignment, charge, or transmission of a Patent	...	1	0 0
„ application for registration of every Design	...	3	0 0
„ application for registration, or renewal of registration, of every Trade Mark	...	3	0 0
„ restoration to Register (in addition)	...	1	0 0
„ registration of every assignment, charge, or transmission, of copyright in a Design, or property in a Trade Mark	...	10	0
„ publication in <i>Royal Gazette</i> of any application, Declaration, Disclaimer, or other matter required to be published	...	10	0
„ every search or inspection of any of the Registers	...	2	0
„ inspection of any specification	...	3	0
„ every Certificate (other than of the correctness of a copy)	...	1	0 0