

**PATENTS, DESIGNS, COPYRIGHT AND TRADE  
MARKS (EMERGENCY) ACT**

**CHAPTER 82:84**

**Act**  
**27 of 1940**  
Amended by  
5 of 1947

**Current Authorised Pages**

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| <i>(inclusive)</i> | <i>by L.R.O.</i>  |
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*L.R.O. 1/2006*

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**Note on Adaptation**

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).
2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

**CHAPTER 82:84**

**PATENTS, DESIGNS, COPYRIGHT AND TRADE  
MARKS (EMERGENCY) ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Provisions as to existing licences under patents, designs and copyright of enemies and enemy subjects, and as to contracts relating thereto.
4. Power of Controller to grant licences under patents, designs or copyright of enemies and enemy subjects.
5. Power of Controller to suspend trade mark rights of an enemy or an enemy subject.
6. Effect of war on grant of patents and registration of designs and trade marks.
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CHAPTER 82:84

PATENTS, DESIGNS, COPYRIGHT AND TRADE  
MARKS (EMERGENCY) ACT

1950 Ed.  
Ch. 42, No. 8,  
27 of 1940.

**An Act to make such special provision with respect to patents, registered designs, copyright and trade marks, as is expedient to meet any emergency which may arise as a result of war.**

Commencement.

[3RD SEPTEMBER 1939]

Short title.

**1.** This Act may be cited as the Patents, Designs, Copyright and Trade Marks (Emergency) Act.

Interpretation.

**2.** (1) In this Act—

1 & 2 Geo. 5,  
c. 46.

“copyright” has the meaning assigned to it in the Copyright Act, 1911 of the United Kingdom;

Ch. 14:03.

“enemy” and “enemy subject” have the meanings respectively assigned to them by the Trading with the Enemy Act;

Ch. 82:83.

“the Controller”, “design”, “invention”, “patent” and “patentee”, have the meanings respectively assigned to them by the Patents and Designs Act.

(2) Where a patent has been granted to any person in respect of an invention communicated to him by some other person, that other person shall, for the purposes of this Act, be deemed to have an interest in the patent unless the contrary is proved.

Provisions as to  
existing licences  
under patents,  
designs and  
copyright of  
enemies and  
enemy subjects,  
and as to  
contracts  
relating thereto.  
Ch. 14:03.

**3.** (1) Notwithstanding section 4 of the Trading with the Enemy Act, or any rule of law relating to intercourse or dealings with or for the benefit of enemies, a licence under a patent or for the application of a registered design or granting an interest in a copyright, being a licence which would have been in force in favour of a person resident in Trinidad and Tobago if neither the proprietor of the patent or registered design, or the owner of the copyright, as the case may be, nor any person otherwise interested in it, had

been an enemy, shall not be invalid by reason of the fact that the proprietor or owner or any person otherwise interested in it is an enemy, nor shall any contract, in so far as it relates to any such licence, be invalid by reason of the fact that any party to the contract is an enemy.

Nothing in this section shall—

- (a) render valid a grant or an assignment of any such licence as aforesaid, or any contract relating to any such licence, if that grant, assignment or contract is made during the existence of a state of war and is unlawful by virtue of any provision of the said section 4 or of any such rule as aforesaid; or
- (b) authorise the performance of any contract relating to any such licence as aforesaid in a manner inconsistent with any of the provisions of the Trading with the Enemy Act, or of any other written law relating to intercourse with dealings with or for the benefit of enemies, or to the property, rights, or capacity of enemies, or in a manner inconsistent with any rule of law relating to any of those matters. Ch. 14:03.

(2) In the case of any such licence as aforesaid, where an enemy or an enemy subject is, or has at any time since the beginning of 3rd September 1939, been, whether alone or jointly with any other person, the proprietor of the patent or registered design, or the owner of the copyright, as the case may be, or entitled to any other interest therein (not being merely the interest of a licensee), the Controller may, on the application of the licensee or any other person interested in the patent, registered design or copyright, by order—

- (a) revoke the licence;
- (b) revoke or vary any conditions subject to which the licence has effect; or
- (c) revoke or vary any of the provisions of a contract relating to the licence in so far as they relate to it.

An order for a variation made under this subsection may be revoked or varied by a subsequent order so made.

Power of  
Controller to  
grant licences  
under patents,  
designs or  
copyright of  
enemies and  
enemy subjects.

**4. (1) Where—**

- (a) an enemy or an enemy subject is, or has at any time since the beginning of 3rd September 1939, been, whether alone or jointly with any other person, the proprietor of a patent or registered design or the owner of a copyright, or entitled to any other interest in a patent registered design or copyright (not being merely the interest of a licensee); and
- (b) the Controller is satisfied that it is in the interest of all or any of the citizens of Trinidad and Tobago that the rights conferred by the patent should be exercised, or that the design should be applied or the copyright exercised, as the case may be, and that a person who is not an enemy or an enemy subject desires to exercise the said rights or apply the said design or exercise the said copyright and is in a position to do so,

the Controller may, on the application of that person, make an order granting to him a licence under the patent or for the application of the design or granting an interest in the copyright, as the case may be, either for the whole of the residue of the term of the patent, registration or copyright, or for such less period as the Controller thinks fit.

(2) The power of the Controller under this section to make an order granting a licence shall include the power—

- (a) to make an order granting an exclusive licence;
- (b) to make an order granting a licence in relation to a patent, registered design or copyright, notwithstanding that a licence, whether exclusive or otherwise (not being an exclusive licence granted by virtue of the powers conferred by this section), is in force in relation thereto; and
- (c) to make an order granting a licence on any terms that the Controller may think expedient.

(3) Where, under the power conferred by this section, the Controller makes an order granting a licence in relation to a patent, registered design, or copyright in relation to which any other licence has been granted otherwise than by an order made under this section, the Controller may, in relation to that other licence, make any order which the Controller would have had power to make on an application under section 3(2), and which appears to him to be expedient having regard to the order made under this section.

(4) An order granting a licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a Deed granting the licence which the patentee, the proprietor of the registered design, or the owner of the copyright, as the case may be, and all other parties having any interest therein, had executed with full capacity to do so, and the order shall accordingly operate to take away from any such party any right in relation thereto the exercise whereof would be inconsistent with the exercise of the licence in accordance with and subject to the terms on which it is granted.

(5) A licensee under a licence granted under this section may institute proceedings for infringement in his own name as though he were the patentee, the proprietor of the registered design or the owner of the copyright, as the case may be, so, however, that any person other than an enemy who, whether alone or jointly with any other person, is the patentee, the registered proprietor of the registered design, or the owner of the copyright, as the case may be, shall, unless the Court in which the proceedings are taken thinks fit to direct otherwise, be made a party to the proceedings, either—

- (a) if he consents in writing thereto, as a plaintiff; or
- (b) if he does not so consent, as a defendant.

Where any person is made defendant to any proceedings by virtue of this subsection, he is not liable for any costs unless he enters an appearance and takes part in the proceedings.

(6) An order granting a licence under this section shall give directions as to the person to whom or the manner in which

Ch. 14:03.

the licensee is to pay or deal with any royalties or other payments to be paid in respect of the licence. In framing any such directions, the Controller shall have regard to the purposes of any relevant order for the time being in force under the Trading with the Enemy Act; but any directions given by him under this subsection shall, in so far as they may be inconsistent with the provisions of any such order, have effect to the exclusion of those provisions.

(7) An order under this section and a licence granted by such an order may be varied by a subsequent order made by the Controller either—

- (a) where the licensee makes application to the Controller for the variation thereof; or
- (b) where the Controller is of opinion that circumstances have arisen which make it just and equitable, or that the public interest requires, that it should be varied.

(8) An order under this section and a licence granted by such an order may be revoked by a subsequent order made by the Controller in any of the following cases:

- (a) where the licensee makes application to the Controller for the revocation thereof;
- (b) where it appears to the Controller that it was obtained by any misrepresentation, whether intentional or not, or was made or granted without the Controller having full knowledge of the material facts;
- (c) where the licensee has failed to comply with any term on which the licence was granted or with a direction given under subsection (6), or has failed to exercise the licence in such a manner as to satisfy the reasonable requirements of the public in relation to the invention, registered design or work in which copyright subsists, as the case may be, or has charged unreasonable or excessive prices in respect of anything made or done in the exercise of the licence; or

(d) where the Controller is of opinion that circumstances have arisen which make it just and equitable, or that the public interest requires, that it should be revoked.

(9) Where a licence under a patent is in force by virtue of an order made under this section, or the Controller proposes to make an order under this section granting a licence under a patent, and it is made to appear to the Controller that it is difficult or impracticable to describe or refer to an article or substance manufactured under the patent without the use of a trade mark registered in respect of that article or substance or of an unregistered trade mark used in relation thereto, the Controller may make an order in relation to the trade mark under section 5(2) on the application of the licensee, or of the person in whose favour he proposes to make the order granting the licence under the patent, as the case may be, notwithstanding that the trade mark is not and has not been in the proprietorship, or registered in the name, of an enemy or an enemy subject as mentioned in section 5(1).

(10) The Controller may make an order granting a licence under this section with effect retroactive to such date (not being earlier than 3rd September 1939) and to such extent as the Controller may determine and a licence granted in pursuance of any such order may make provision, and shall operate and be deemed to have operated, accordingly.

**5.** (1) Where it is made to appear to the Controller that it is difficult or impracticable to describe or refer to an article or substance without the use of a trade mark registered in respect of that article or substance, being a trade mark which is, or has at any time since the beginning of 3rd September 1939, been registered in the name of an enemy or an enemy subject, whether alone or jointly with another, or which is, or has at any such time as aforesaid been, in the proprietorship of an enemy or an enemy subject, whether alone or jointly with another, the following provisions of this section shall have effect.

Power of Controller to suspend trade mark rights of an enemy or an enemy subject.

(2) On the application of any person who proposes to deal in the course of trade in Trinidad and Tobago with an article or

substance which is or is intended to be the same as, or equivalent to or a substitute for, the article or substance in respect of which the trade mark is registered, the Controller may order that the right to the use of the trade mark given by the registration thereof shall be suspended—

- (a) so far as regards use thereof by the applicant and any such use thereof by any other person in relation to goods connected in the course of trade with the applicant as would not be an infringement of the said right if the applicant were the proprietor of the trade mark;
- (b) to such extent and for such period as the Controller may consider necessary for enabling the applicant to render well known and established some description of, or means of reference to, the article or substance with which he proposes to deal in the course of trade, being a description or means of reference which does not involve the use of the trade mark and, if the Controller so requires, being such a description or means of reference as will be open to the public use.

(3) Where an order has been made under subsection (2), no action for passing off shall lie on the part of any person interested in the trade mark in respect of any use thereof which, by virtue of the order, is not an infringement of the right to the use thereof given by the registration thereof.

(4) This section shall have effect, with the requisite modifications, in relation to unregistered trade marks as it has effect in relation to registered trade marks.

(5) An order under this section may be varied or revoked by a subsequent order made by the Controller.

(6) An order under this section, or under this section read with section 4(9), may be made with effect retroactive to such date (not being earlier than 3rd September 1939) and to such extent as may be specified in the order and shall operate and be deemed to have operated, accordingly.

**6.** (1) Notwithstanding section 4 of the Trading with the Enemy Act, or any rule of law relating to intercourse or dealings with or for the benefit of enemies, it shall be lawful, subject to the provisions of this Act—

Effect of war on grant of patents and registration of designs and trade marks.  
Ch. 14:03.

- (a) for a patent to be granted;
- (b) for a design to be registered;
- (c) for a trade mark to be registered,

under the Patents and Designs Act on the application of an enemy. Ch. 82:83.

Where such a grant or registration is effected on the application of an enemy—

- (i) the grantee or person registered shall not be entitled to require the delivery of the patent or the grant or issue of the certificate of registration, as the case may be; and
- (ii) the patent, or the rights conferred by the registration, as the case may be, shall be subject to any relevant provisions of any written law for the time being in force relating to the property of an enemy.

(2) A declaration made under section 91A of the Patents and Designs Act 1907 of the United Kingdom declaring a country to be a Convention country, shall not cease to have effect for the purposes of section 54 of the Patents and Designs Act by reason that the State is at war with that country.

7 Edw. 7,  
c. 29.

Ch. 82:83.

(3) The Controller may, in any case in which in his opinion it is desirable in the public interest to do so, refuse to take, or suspend the taking of, any proceedings on or in relation to an application of an enemy for a patent or for the registration of a design or of a trade mark.

(4) No act requisite for enabling such a grant or registration as aforesaid to be effected, in so far as it is done for that purpose and for that purpose only, shall, whether the grant or registration is effected or not, be treated as a contravention of any of the provisions of section 4 of the Trading with the Enemy Act, or of any rule of law relating to intercourse or dealings with or for the benefit of enemies.

Ch. 14:03.

(5) References in this section to an application of an enemy shall be construed as including references to an application of an enemy jointly with any other person, whether an enemy or not, and, in the case of an application for a patent, to an application made in respect of an invention communicated by an enemy.

Effect of war on international arrangements as to copyright.

1 & 2 Geo. 5, c. 46.

**7.** (1) When the State is at war with a country in respect of which there was in force immediately before the commencement of the war an Order in Council made under section 29 of the Copyright Act, 1911 of the United Kingdom, then, unless and until the Order in Council is revoked under that Act, it is deemed for the purposes of that Act to continue in force, notwithstanding the state of war, subject to any alteration or variation thereof under that Act.

Ch. 14:03.

(2) Notwithstanding section 4 of the Trading with the Enemy Act, or any rule of law relating to intercourse or dealings with or for the benefit of enemies, any copyright that would have subsisted under the Copyright Act, 1911 of the United Kingdom, by virtue of such an Order in Council as aforesaid if the owner of the copyright had not been an enemy shall so subsist where an enemy is, whether alone or jointly with any other person, the owner thereof.

Ch. 14:03.

Where an enemy, whether alone or jointly with any other person, is the owner of copyright subsisting under the Copyright Act, 1911 of the United Kingdom, the provisions of the Trading with the Enemy Act, and of any other written law relating to intercourse or dealings with or for the benefit of enemies, or to the property, rights, or capacity of enemies, and any rule of law relating to any of those matters, shall, as respects that enemy, have effect in relation to the copyright so subsisting.

Power of Controller to extend time limits having regard to war circumstances.  
Ch. 82:83.

**8.** (1) The Controller may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under the Patents and Designs Act or this Act, for doing any act, where he is satisfied—

- (a) that the act was not done within the time so limited by reason that a person was on active service or by reason of any other circumstances arising from the existence of a state of war which, in the

opinion of the Controller, justify an extension of the time so limited; or

(b) that, by reason of circumstances arising from the existence of a state of war, the doing of the act within the time so limited would have been or would be injurious to the rights or interests of the person by or on whose behalf the act is or was to be done or to the public interest.

(2) An extension under this section of the time for doing any act—

(a) may be for any period that the Controller thinks fit, notwithstanding that by or under any written law in the said Acts power is conferred to extend the time for doing that act for a specified period only; and

(b) may be granted notwithstanding that that time expired before any application or request for extension was made, or that, by reason of that act not having been done within that time, the relevant application, patent, registration or proceeding has ceased or expired, or become void or invalid, or been treated as abandoned.

(3) The powers conferred by this section may be exercised notwithstanding that the exercise thereof benefits, whether directly or indirectly, an enemy or an enemy subject.

(4) In exercising his powers under this section, to extend the time limited for the doing of any act, the Controller may, without prejudice to his general discretion under this section and notwithstanding subsection (3), treat as a sufficient ground for refusing to exercise those powers the fact that the act in question, if it had been done immediately before the expiration of the time so limited, would have been done by or on behalf of a German or Japanese national or a German or Japanese company or a national or company of any country in the case of which the Controller is not satisfied that powers substantially equivalent to those conferred by this section are exercised under the law of that country for the benefit of nationals and companies of Trinidad and Tobago.

Evidence relating to nationality and place of residence, and decisions relating to enemy character. Ch. 82:83. Ch. 14:03.

**9. (1)** For the purposes of this Act—

- (a) the fact that the address of any person registered in any register kept under the Patents and Designs Act, is an address in enemy territory within the meaning of the Trading with the Enemy Act, shall be *prima facie* evidence that that person is resident in that territory; and
- (b) the fact that in any such register a person is stated to be of a particular nationality shall be *prima facie* evidence that he is of that nationality.

(2) No order made by the Controller under this Act shall be held to be invalid by reason only that any decision made for the purposes of the order that a particular person is an enemy or an enemy subject is wrong.

Persons to be heard before making of orders.

**10.** Before deciding as to the making of any order under this Act, the Controller shall, unless having regard to the circumstances he considers it inexpedient or impossible to do so, give to any person who appears to the Controller to be interested such opportunity of being heard as appears to him to be just.

Rules and fees.

**11. (1)** The Controller, with the sanction of the Minister, may make Rules for regulating the practice under this Act, including rules providing for oppositions and rules regulating the service of documents and the time within which any act authorised or required by this Act or the Rules may or must be done.

(2) There shall be paid in respect of applications and other matters under this Act such fees as may be prescribed by the Rules.

(3) The Patents, Designs, Copyright and Trade Marks (Emergency) Rules (formerly contained in the Schedule to this Act) shall be deemed to be made under subsection (1) and may be amended or revoked under this section.

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**SUBSIDIARY LEGISLATION**

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**PATENTS, DESIGNS, COPYRIGHT AND TRADE  
MARKS (EMERGENCY) RULES**

**ARRANGEMENT OF RULES**

**RULE**

1. Citation.
2. Interpretation.
3. Fees.
4. Forms.
5. Leaving and serving documents.
6. Agency.
7. Applications under the Act.
8. Evidence and statement of applicant's request.
9. Copies to accompany application.
10. Opposition.  
Hearing.
11. Grant of patent or registration of trade mark under section 6 where  
sealing or registration fee has not been paid.

**APPENDIX A.**

**APPENDIX B.**

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[Subsidiary]

27 of 1940.

**PATENTS, DESIGNS, COPYRIGHT AND TRADE  
MARKS (EMERGENCY) RULES**

*deemed to be made under section 11*

Citation.

**1.** These Rules may be cited as the Patents, Designs, Copyright and Trade Marks (Emergency) Rules.

Interpretation.

**2.** In these Rules—  
“office” means the office of the Controller;  
“person” includes any Government Department.

Fees.  
Appendix A.

**3.** The fees to be paid on applications and oppositions under these Rules shall be those specified in Appendix A.

Forms.  
Appendix B.

**4.** The Forms hereinafter referred to are those contained in Appendix B.

Leaving and  
serving  
documents.

**5.** Any application, notice, or other document authorised or required to be left, made, or given at the office, or to the Controller, or to any other person under the Act or these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving the sending, it shall be sufficient to prove that the letter was properly addressed and put into the post. Any written communication addressed to a patentee or the registered proprietor of a design or trade mark or other person at his address for service in Trinidad and Tobago furnished in connection with the patent or registration or at his address in non-enemy territory as it appears on the register of patents or the register of designs or the register of trade marks, or to any applicant or opponent in any proceedings under the Act or these Rules at the address appearing on the application or notice of opposition or given for service as hereinafter provided, shall be deemed to be properly addressed.

Agency.

**6.** All communications to the Controller under the Act and these Rules (except the applications set out in rule 7) may be signed by, and all attendances upon the Controller may be made by or

through, an agent duly authorised to the satisfaction of the Controller, and resident or having a place of business in Trinidad and Tobago. Service upon such an agent of any document relating to the proceeding or matter in which he is authorised shall be deemed to be service upon the person so appointing him, and all communications directed to be made to the person in respect of the proceeding or matter may be addressed to the agent. In any particular case the Controller may, if he thinks fit, require the personal signature or presence of an applicant, opponent, or other person.

7. (1) An application under section 3 (2) of the Act for an order for the revocation of a licence, or for the revocation or variation of any conditions of a licence or any provisions of a contract relating to a licence, shall be made on and in accordance with Form 1, and shall state the applicant's reasons for his request. Applications under the Act. Form 1.

(2) An application under section 4 of the Act for an order granting a licence shall be made on and in accordance with Form 2. Form 2.

(3) An application under section 5 of the Act for an order for the suspension of rights in connection with a trade mark shall be made on and in accordance with Form 3. Form 3.

- (4) An application for the revocation or variation of—
- (a) an order varying a licence or a contract relating to a licence under section 3 (2) of the Act; or
  - (b) an order granting a licence under section 4 of the Act and the licence granted thereby; or
  - (c) an order suspending rights in connection with a trade mark under section 5 of the Act,

shall be made on and in accordance with Form 4 and shall state the applicant's reasons for his request. Form 4.

8. An application made as prescribed in rule 7 shall, where necessary, be accompanied by evidence in the form of or covered by a statutory declaration, showing that any conditions laid down Evidence and statement of applicant's request.

by, or requirements of the Act in connection with the application in question are satisfied. Where a licence, or the variation of a licence or of a contract relating to a licence, is asked for, the application shall be accompanied by a statement setting out the principal conditions upon which the applicant desires a licence to be granted, or the variations which he desires shall be made in any conditions of the licence or any provisions of the contract relating to a licence, as the case may be.

Copies to accompany application.

**9.** An application as aforesaid shall be accompanied by a copy thereof (unstamped) and by a copy of any evidence or statement accompanying it. A copy of the application and of any such evidence or statement shall, wherever possible, be sent by the Controller to the patentee, or the registered proprietor of the design or trade mark, or the owner of the copyright, as the case may be, at his address for service in Trinidad and Tobago, or at any other address that may appear to the Controller to be proper, to any licensee or other person whose name, with an address in Trinidad and Tobago, appears upon the relevant register to indicate that he has an interest in the patent, design or trade mark in question and to any other person who may appear to the Controller to be sufficiently interested in the matter.

Opposition.

**10.** If any person to whom copies are sent under rule 9, or any other person who may be considered by the Controller to be sufficiently interested in the matter, intends to oppose the application, he shall, within fourteen days of the despatch of the copies, or such further time, not exceeding fourteen days or in exceptional circumstances twenty-eight days, as the Controller may, on good reason being shown, and whether or not the time extended had expired before the request for extension was made, allow, give notice of his opposition on and in accordance with Form 5, setting out the grounds upon which he opposes the application. The notice shall be accompanied by a copy thereof (unstamped), and there may be filed therewith, in duplicate, any relevant evidence that the opponent desires to furnish. A copy of the notice and of any

Form 5.

evidence accompanying it shall be sent by the Controller to the applicant. No further evidence shall be filed by any party except by leave, or on requisition, of the Controller. After such last-mentioned copies have been so sent, or if no notice of opposition is given, the Controller shall in due course appoint a Hearing unless, having regard to the circumstances, he considers it inexpedient or impossible to do so, or the parties have stated that they do not desire to be heard. The Controller shall give all the parties at least ten days' notice of the Hearing unless in any case the parties agree to accept shorter notice or the Controller for any special reason otherwise directs. At any such Hearing, the applicant, and any person who has given notice of opposition as aforesaid, may appear and be heard.

However, in any case in which it is proved to the satisfaction of the Controller that it is desirable in the public interest that any order to be made upon an application as aforesaid should be made at an early date, he may consider the application and, if he decides to make an order thereon, make the order as soon as may be, without giving opportunity for the filing of a notice of opposition to the application and without considering any such notice that may have been filed or hearing any person who may have filed such a notice.

**11.** Where an application has been made—

- (a) for the grant of a patent in which, if granted, there would be a proprietorship or interest of an enemy or enemy subject within the meaning of section 4(1)(a) of the Act; or
- (b) for the registration of a trade mark which, if granted, would satisfy the conditions of section 5(1) of the Act as regards the name of the person in which the trade mark would be registered, or as to its proprietorship,

Grant of patent or registration of trade mark under section 6 where sealing or registration fee has not been paid.

and the application is in order for the delivery of the patent or the registration of the trade mark, as the case may be, except that the registration fee has not been paid, then, any person who proposes

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**Chap. 82:84**

*Patents, Designs, Copyright  
and Trade Marks (Emergency)*

[Subsidiary]

*Patents, Designs, Copyright and Trade Marks (Emergency) Rules*

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to apply under section 4 of the Act for a licence in respect of the patent when granted, or under section 5 of the Act for the suspension of rights in connection with the trade mark when registered may pay the registration fee and the Controller may thereupon grant the patent or register the trade mark in accordance with section 6 of the Act.

**APPENDIX A**

Rule 3.  
 [51/1980].

**LIST OF FEES**

| Matter or proceeding   | Amount<br>\$ |
|--|--------------|
| 1. On application under section 3(2) for an order for the revocation of a licence, or for the revocation or variation of any conditions of a licence or any provisions of a contract relating to a licence—in respect of each patent, registered design or copyright work ... .. | 20.00        |
| 2. On application under section 4 for an order granting a licence—in respect of each patent, registered design or copyright work ... ..  | 20.00        |
| 3. On application under section 5 for an order for the suspension of rights in connection with a trade mark—in respect of each registration ... ..   | 20.00        |
| 4. On application for the revocation or variation of—  |              |
| (a) an order varying a licence or a contract relating to a licence under section 3(2), or  |              |
| (b) an order granting a licence under section 4 and the licence granted thereby, or  |              |
| (c) an order suspending rights in connection with a trade mark under section 5, in respect of each patent, registered design, copyright work, or trade mark registration ...   | 20.00        |
| 5. On notice of opposition under rule 10 to an application—in respect of each patent, registered design, copyright work, or trade mark registration ... ..   | 20.00        |

Rule 4.

APPENDIX B

Rule 7(1).

FORM 1

PATENTS, DESIGNS, COPYRIGHT AND TRADE MARKS  
(EMERGENCY) ACT

*[To be accompanied by a copy (unstamped) and (where necessary) by evidence and a statement, as in rules 8 and 9 and copies thereof].*

APPLICATION FOR REVOCATION OR VARIATION OF A  
LICENCE OR A CONTRACT RELATING TO A LICENCE

(a) I [or We] .....hereby apply under section 3(2) of the Act for an order for the revocation (b) [or variation of the conditions] of

*or*

(b) (the revocation or variation of the provisions of a contract dated the .....day of.....,20....., relating to) a licence granted to ..... by ..... and dated the .....day of ....., 20....., in respect of ..... No. (c) .....

My [or Our] reasons for making this request are as follows:

My [or Our] address for service in Trinidad and Tobago is:

Dated this .....day of ....., 20.....

(d)

To the Controller,  
Intellectual Property Office.

- 
- (a) Here insert (in full) name, address, calling and nationality of person or persons applying.
  - (b) Cancel any words not applicable.
  - (c) Here insert number of patent or registered design or particulars of copyright, as the case may be.
  - (d) To be signed by the applicant or applicants.

**FORM 2**

Rule 7(2).

**PATENTS, DESIGNS, COPYRIGHT AND TRADE MARKS  
(EMERGENCY) ACT**

*[To be accompanied by a copy (unstamped) and (where necessary)  
by evidence and a statement as in rules 8 and 9 and copies thereof].*

**APPLICATION FOR LICENCE**

(a) I [or We] .....hereby apply under section 4 of the Act for an  
order granting a licence in respect of (b) .....

My [or Our] address for service in Trinidad and Tobago is:

Dated this ..... day of ....., 20.....

(c)

To the Controller,  
Intellectual Property Office.

- 
- (a) Here insert (in full) name, address, calling and nationality of person or persons applying.
  - (b) Here insert number of patent or registered design or particulars of copyright, as the case may be.
  - (c) To be signed by the applicant or applicants.
-

Rule 7(3).

**FORM 3**

**PATENT, DESIGNS, COPYRIGHT AND TRADE MARKS  
(EMERGENCY) ACT**

*[To be accompanied by a copy (unstamped) and (where necessary) by evidence and a statement as in rules 8 and 9 and copies thereof].*

**APPLICATION FOR SUSPENSION OF RIGHTS IN  
CONNECTION WITH A TRADE MARK**

(a) I [or We] ..... hereby apply under section 5 of the Act for an Order that the rights in connection with the trade mark registered in Class ..... under No. .... and standing in the name of ..... of ..... be suspended for ..... years to the following extent: (b) .....

(c) I [or We] propose to deal in the course of trade with .....under the description or reference .....

My [or Our] address for service in Trinidad and Tobago is:

Dated this .....day of ....., 20.....

(d)

To the Controller,  
Intellectual Property Office.

- 
- (a) Here insert (in full) name, address, calling and nationality of person or persons applying.  
(b) Here insert particulars of the suspension desired.  
(c) Here insert particulars of the article or substance with which the applicant proposes to deal and the description or reference which he proposes to use in connection with it.  
(d) To be signed by the applicant or applicants.

**FORM 4**

Rule 7(4).

**PATENTS, DESIGNS, COPYRIGHT AND TRADE MARKS  
(EMERGENCY) ACT**

**APPLICATION FOR REVOCATION OR VARIATION  
OF CONTROLLER'S ORDER**

(a) I [*or We*] ..... hereby request that the Order of the Controller dated the ..... day of ....., 20....., (b) [and made under section 3(2) of the Act in favour of ..... in connection with a licence or a contract relating to a licence in respect of (c) .....]

*or*

(b) [granting a licence under section 4 of the Act in favour of ..... and the licence granted thereby, in respect of (c) .....]

*or*

(c) [and made under section 5 of the Act suspending rights in connection with Registered Trade Mark No. (c) ..... in favour of ..... ] may be revoked (b) (*or* may be varied in the following manner: .....).

My [*or Our*] address for service in Trinidad and Tobago is:

Dated this .....day of ....., 20.....

(d)

To the Controller,  
Intellectual Property Office.

- 
- (a) Here insert (in full) name, address, calling and nationality of person or persons applying.
  - (b) Cancel the words not applicable.
  - (c) Here insert number of patent or registered design or trade mark, or particulars of copyright, as the case may be.
  - (d) To be signed by the applicant or applicants for revocation or variation.

Rule 10.

**FORM 5**

**PATENTS, DESIGNS, COPYRIGHT AND TRADE MARKS  
(EMERGENCY) ACT**

*[To be accompanied by a copy (unstamped) and (where necessary)  
by evidence in duplicate as in rule 10].*

**OPPOSITION TO APPLICATION**

(a) I [or We] ..... hereby give Notice of Opposition to the  
Application made by .....of .....on the  
..... day of ....., 20....., for (b) ..... upon  
the grounds (c) .....

My [or Our] address for service in Trinidad and Tobago is:

Dated this .....day of ....., 20.....

(d)

To the Controller,  
Intellectual Property Office.

- 
- (a) Here insert (in full) name, address, calling and nationality of the Opponent or Opponents.
  - (b) Here insert particulars of the application opposed.
  - (c) Here state the grounds upon which the application is opposed.
  - (d) To be signed by the Opponent or Opponents, or his or their duly authorised agent.
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