

Bill No. 26 of 1956.
 PATENTS AND DESIGNS (AMENDMENT) BILL, 1956.
 ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of section 59 of the Principal Ordinance.

A BILL.

Intituled

AN ORDINANCE TO AMEND THE PATENTS AND DESIGNS ORDINANCE.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Patents and Designs (Amendment) Ordinance, 1956, and shall be read and construed as one with the Patents and Designs Ordinance, hereinafter referred to as the Principal Ordinance.

Short title.

Cap. 342.

2. Section 59 of the Principal Ordinance is hereby amended by the deletion of that part of the section commencing with the words "Such grounds shall be deemed to include" to the end of the section and by the substitution of the following therefor—

Amendment of section 59 of the Principal Ordinance.

"Such grounds shall be deemed to include the manufacture, use or sale of the invention in the Colony before the priority date applicable to the patent in the United Kingdom, but not to include the manufacture, use or sale of the invention in the Colony by some person or persons after the priority date applicable to the patent in the United Kingdom and before the date of issue of the certificate of registration under section 56 of this Ordinance.

For the purposes of this subsection, the expression 'priority date' in its application to a patent in the United Kingdom has the meaning assigned to it in section 5 of the Patents Act, 1949."

12, 13 and 14 Geo VIC. 87

OBJECTS AND REASONS.

Section 57 of the Patents and Designs Ordinance (Chapter 342) provides that upon the issue by the Registrar of a certificate of registration of a United Kingdom patent, certain privileges and rights shall be conferred on the applicant as though the patent had been issued in the United Kingdom with an extension to the Colony. In pursuance of this principle, section 59 of the ordinance provides that a patent may be revoked upon (inter alia) use of the invention in the Colony prior to the date of the patent in the United Kingdom. This corresponded with the position under the United Kingdom Patents Acts, 1907 to 1946.

2. However, under the United Kingdom Patents Act, 1949, which repeals these Acts, a patent may be invalidated only in respect of use on or after a date prescribed by that Act which is called "the priority date" and may vary according to the circumstances.

3. This bill seeks to bridge the gap of time between the date now fixed in the United Kingdom as the date of the patent and the priority date referred to above by amending section 59 so as to substitute that priority date for the date of the patent in the United Kingdom.

C. WYLIE,
 Attorney General.

19th March, 1956.
 (Bill No. 26 of 1956)
 (L. 44/21/1 IV)