



MONTSERRAT

CHAPTER 15.22

REGISTRATION OF UNITED KINGDOM PATENTS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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¹ In addition to the amendment of the Registration of United Kingdom Patents Act (the “principal Act”), the Registration of United Kingdom Patents (Amendment and Validation) Act (No. 20 of 2013) also deems the Commissioner appointed under the Financial Services Commission Act to have been appointed as Registrar under the principal Act as of 12 January 2012; validates acts done under the principal Act by the Commissioner and by staff of the Financial Services Commission between 3 January and 3 June 2013; provides that all moneys received by the Commissioner for the registration of United Kingdom patents between 3 January and 3 June 2013 are to be treated as having been lawfully paid; and provides that nothing in the Act (No. 20 of 2013) affects the right of the Commissioner to bring any proceedings arising out of or in connection with any actions or omissions validated by the Act (No. 20 of 2013).



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CHAPTER 15.22

**REGISTRATION OF
UNITED KINGDOM PATENTS ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
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CHAPTER 15.22

REGISTRATION OF UNITED KINGDOM PATENTS ACT

(Acts 9 of 1925, 9 of 1957 and 20 of 2013, S.R.O. 15/1956)

Commencement

[23 April 1925]

Short title

1. This Act may be cited as the Registration of United Kingdom Patents Act.

Interpretation

2. In this Act—

“**Court**” means the High Court;

“**Registrar**” means the person appointed as Commissioner under section 10 of the Financial Services Commission Act.

(Amended by Act 20 of 2013)

Application for registration

3. Any person being the grantee of a patent in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law may apply within three years from the date of issue of the patent to have such patent registered in Montserrat. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

Certificate to accompany application

4. Every application under this Act shall be accompanied by a certified copy of the specification or specifications (including drawings, if any) of the United Kingdom patent and a certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the issue of the patent on such specification or specifications.

Formalities before issue of certificate of registration

5. (1) Upon such application being received, together with the documents mentioned in section 4, the Registrar shall advertise the application in such manner as may be prescribed, and any person may at any time within two months from the date of such advertisement give notice to the Registrar of opposition to the issue of a certificate of

registration upon any of the grounds prescribed by section 10 of the Patents Act, for opposition to the grant of Letters Patent.

(2) Where notice of opposition is given within the prescribed time, the Registrar shall transmit a copy of the notice to the applicant and after hearing both parties, if desirous of being heard, shall decide on the case.

(3) If there is no opposition, or, in the case of opposition, if the decision of the Registrar is in favour of the issue of the certificate of registration, the Registrar shall issue a certificate of registration, and for such certificate there shall be paid to the credit of the general revenue of Montserrat a fee of \$4.80.

Rights on grant of certificate

6. Such certificate of registration shall confer on the applicant privileges and rights subject to all conditions established by the law of Montserrat as though the patent had been issued in the United Kingdom with an extension to Montserrat.

Commencement and duration of rights

7. Privileges and rights so granted shall date from the date of the patent in the United Kingdom and shall continue in force only so long as the patent remains in force in the United Kingdom: Provided that no action for infringement shall be entertained in respect of any manufacture, use or sale of the invention prior to the date of issue of the certificate of registration in Montserrat.

Powers of Court

8. (1) The Court shall have power upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare that the exclusive privileges and rights conferred by such certificate of registration have not been acquired on any of the grounds upon which the United Kingdom patent might be revoked under the law for the time being in force in the United Kingdom.

Such grounds shall be deemed to include the manufacture, use or sale of the invention in Montserrat 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 Montserrat by some person or persons after the priority date applicable to the patent in the United Kingdom and before the date of the issue of the certificate of registration under section 5.

(2) For the purposes of this section 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 (Imperial).

Substitution of amended specification and drawings for those originally filed

9. Whenever the specification or drawings of a United Kingdom patent registered in Montserrat has been amended by way of disclaimer, correction or explanation, according to the law of the United Kingdom, a request, accompanied by a copy of the specification and drawings (if any) as amended, duly certified by the Comptroller General of the United Kingdom Patent Office, may be made to the Registrar to substitute a copy of the specification and drawings as amended for the specification and drawings originally filed.

Registration of assignment or transmission

10. Where a person becomes entitled by assignment, transmission, or other operation of law to the privileges and rights conferred by a certificate of registration or to any interest therein, he may make application in the prescribed manner to the Registrar of Patents for the entry on the register of such assignment, transmission, or other instrument affecting the title, or giving an interest therein.

Rules

11. The Registrar may make such general rules and do such things as he may think expedient, subject to the provisions of this Act, for regulating procedure under this Act, and for prescribing the fees to be paid in respect of proceedings under this Act.

REGISTRATION OF UNITED KINGDOM PATENTS RULES

ARRANGEMENT OF RULES

RULE

1. Short title
2. A solicitor in Montserrat to represent non-resident applicants
3. Form of application
4. Endorsement of solicitor's name
5. Specification and United Kingdom's certificate
6. Execution of affidavits, etc.
7. Power of solicitor
8. Form of advertisement
9. Preparation of advertisement
10. Amended specifications and drawings
11. Assignment, etc.
12. Fees

SCHEDULES

REGISTRATION OF UNITED KINGDOM PATENTS RULES – SECTION 11

(S.R.O.s (L.I.) 14/1927 and 42/1973)

Commencement

[22 September 1927]

Short title

1. These Rules may be cited as the Registration of United Kingdom Patents Rules.

A solicitor in Montserrat to represent non-resident applicants

2. Where the applicant does not reside in Montserrat, a solicitor of the High Court with an address in Montserrat shall be appointed to attend upon the Registrar, receive notices and other communications and pay all fees in respect of any application.

Form of application

3. Application for registration shall contain an affidavit or a declaration in Form A or Form B respectively of the First Schedule.

Endorsement of solicitor's name

4. On the back of the affidavit or declaration the applicant shall endorse the name and address of the solicitor for the reception of notices and other communications and payment of fees in respect of the application.

Specification and United Kingdom's certificate

5. The affidavit or declaration shall be accompanied by the certified copy of the specification or specifications (including drawings if any) of the patent and the relative certificate of the Comptroller General of the United Kingdom Patent Office, which are to be marked with the attesting officer's signature.

Execution of affidavits, etc.

6. Affidavits or declarations may be sworn or declared—

- (a) in the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorized by law to administer an oath for the purpose of any legal proceedings;
- (b) in any other part of Her Majesty's Dominions, before any Court, Judge, Justice of the Peace, or any officer authorised by law to administer an oath for the purpose of any legal proceedings;
- (c) if made out of Her Majesty's Dominions, before a British Minister or person exercising the functions of a British Minister a British Consul or other British Consular Officer, or before a Notary Public or before a Judge or Magistrate.

Statutory Declarations under the Statutory Declarations Act, 1835, (5 & 6 Wm. 4. c. 62), may be used in the United Kingdom or at a British Embassy or Consulate, elsewhere an affidavit shall be used.

Power of solicitor

7. All communications to the Registrar, other than those mentioned in the foregoing rules, may be signed by and all attendances upon the Registrar may be made by or through a solicitor of the High Court.

Form of advertisement

8. Advertisement of application by the Registrar shall be in form "C" of the First Schedule.

Preparation of advertisement

9. The notice of advertisement shall be prepared by the applicant's solicitor and submitted to the Registrar with the application.

Amended specifications and drawings

10. Where an applicant desires to substitute amended specifications and drawings for those originally filed he shall transmit the request with the certificate of the

Comptroller General of the United Kingdom Patent Office supported by an affidavit or declaration as to his rights through a solicitor with an address in Montserrat.

Assignment, etc.

11. Where a person by assignment, transmission or other operation of law has become entitled to the privileges and rights conferred by a certificate of registration he shall transmit for entry in the register the assignment or other document showing his title or interest through a solicitor with an address in Montserrat.

Fees

12. The fees to be paid to general revenue and to solicitors in respect of proceedings under these rules are contained in the Second Schedule.

FIRST SCHEDULE

FORM A

(Rule 3)

**APPLICATION FOR REGISTRATION
UNITED KINGDOM PATENTS**

AFFIDAVIT

I of make oath and say as follows: I am the Grantee (or the assignee or as the case may be) of the United Kingdom Patent No. issued on the day of, 20.....: I am in possession of the invention therein described, and the same is not in use by any other person or persons to the best of my knowledge, information and belief: and I humbly pray that a certificate of registration in Montserrat may be granted to me.

Sworn at
this day of,
20..... before me: }

FORM B

(Rule 3)

APPLICATION FOR REGISTRATION
UNITED KINGDOM PATENTS

DECLARATION

I of do solemnly and sincerely declare that I am the Grantee (or the assignee or as the case may be) of the United Kingdom Patent No. issued on the day of, 20..... that I am in possession of the invention therein described, and that the same is not in use by any other person or persons to the best of my knowledge, information and belief: and humbly pray that a certificate of registration in Montserrat may be granted to me.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835 (5 & 6 Wm. 4. C. 62).

Subscribed and declared at }
..... }
this day of, }
20..... before me:

FORM C

(Rule 8)

REGISTRATION OF UNITED KINGDOM PATENTS ACT

NOTICE

NOTICE IS HEREBY GIVEN that have applied for registration in Montserrat of United Kingdom Patent No. dated the day of, 20..... and issued on the day of, 20..... and have filed in the Registrar’s Office at the Court House at a complete copy of the specifications and the certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of this patent which will be open to public inspection at the said office at any time between the hours of 9 a.m. and 3.30 p.m. on working days except on Wednesdays when the hours will be from 9 a.m. to 12 noon.

Any person may within two months from the date of this advertisement give notice to the Registrar of opposition to the issue of a certificate of registration upon any of the grounds prescribed in section 10 of the Patents Act, for opposition to the grant of Letters Patent.

Dated the day of, 20..... .

.....
Registrar

Registrar’s Office,
Court House,

.....

SECOND SCHEDULE

(Rule 12)

	\$
1. Fees to be paid to general revenue in addition to the fee of \$10 for a Certificate of Registration—	
(1) for advertisement of application	10
(2) on filing every amended or substituted application	20
(3) on notice of opposition to grant of Certificate of Registration	20
(4) on hearing of every opposed application	20
(5) for every office copy per folio of 72 words	1
(6) on deposit of every assignment or document affecting Title	15
(7) on every search	5
(8) for every matter or thing not above provided	5
2. Fees payable to solicitors—	
(9) in respect of each application	30
(10) for registering assignments	30
(11) copying any document per folio of 72 words	1
(12) on opposition such fees as the Registrar may allow on taxation as between Solicitor and Client.	

(Substituted by S.R.O. 42/1973)