



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

**THE PATENTS, DESIGNS AND
TRADE MARKS ORDINANCE 1984**

CHAPTER G.6

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains:

The Patents, Designs and Trade Marks Ordinance 1984 - Ordinance No.9 of 1984

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An Ordinance to give legal effect in the Territory to rights and remedies in respect of patents, designs and trade marks registered in the United Kingdom and for matters incidental thereto.

Citation.

1. This Ordinance may be cited as the Patents, Designs and Trade Marks Ordinance 1984, ROBIOT c.G.6.

Legal effect in the Territory of rights and remedies in England in respect of patents, designs and trade marks.

2. (1) Subject to the provisions of this Ordinance, any right or entitlement in, under or in respect of any patent granted, or design or trade mark registered, in the United Kingdom, whether before or after 1st July 1984, other than a right or entitlement relating to only part of the United Kingdom, shall have effect in the Territory as it has in England, and the same remedies shall be available for infringement thereof as are available in England.

(2) Subsection (1) of this section shall also apply in relation to –

(a) patents treated as if granted in the United Kingdom; and

(b) rights conferred by the publication of an application for the grant of a patent as it applies in relation to a patent granted in the United Kingdom.

(3) Nothing in this Ordinance, or in the law of England as applied in the Territory by virtue of this Ordinance, shall preclude the granting of a licence limited to the Territory in respect of any patent, design or trade mark in relation to which subsection (1) of this section applies, or the exclusion of the Territory from a licence in respect of any such patent, design or trade mark.

Transitional provisions in respect of patents.

3. (1) Where a patent is granted in the United Kingdom for an invention, a person who in the Territory before 1st July 1984 does in good faith an act which would constitute an infringement of the patent if it were in force, or makes in

good faith effective and serious preparations to do such an act, shall have the rights conferred by subsection (2) of this section.

(2) Any such person shall have the right –

(a) to continue to do or, as the case may be, to do that act himself;
and

(b) if it was done or preparations had been made to do it in the course of a business, to assign the right to do it or to transmit that right on his death or, in the case of a body corporate on its dissolution, to any person who acquires that part of the business in the course of which the act was done or preparations had been made to do it, or to authorise it to be done by any partners of his for the time being in that business and, the doing of that act by virtue of this subsection shall not amount to an infringement of the patent concerned.

(3) The rights mentioned in subsection (2) of this section shall not include the right to grant a licence to any person to do an act so mentioned.

(4) Where a patented product is disposed of by any person to another in exercise of a right conferred by subsection (2) of this section, that other and any person claiming through him shall be entitled to deal with the product in the same way as if it had been disposed of by a sole registered proprietor.

Transitional provisions in respect of designs.

4. Nothing in this Ordinance shall affect the right of a person who was lawfully using a design in the Territory at 1st July 1984 to continue to use it after this date.

Transitional provisions in respect of trade marks.

5. Nothing in this Ordinance shall entitle a person who in the United Kingdom is the proprietor or a registered user of a registered trade mark to interfere with or restrain the use in the Territory by any person of a trade mark identical with or nearly resembling it in relation to goods in relation to which that person or a predecessor in title of his has continuously used that trade mark from a date before 1st July 1984.

