

# LEGISLATIVE COUNCIL.

No. S. 130.—The following Bills were read a first time at a Meeting of the Council held on the 1st June, 1911 :—

## A BILL

ENTITLED

An Ordinance to amend the Trade Marks Ordinance, 1909.

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

Short title.      1. This Ordinance may be cited as the Trade Marks Amendment Ordinance, 1911.

Amends Ordinance No. 40 of 1909.      2. The Trade Marks Ordinance, 1909, is hereby amended as follows :—

(a.) In section 3 thereof by the deletion of the words “The Seal of the Trade Marks Office Hongkong” and the substitution therefor of the words “Registrar of Trade Marks Hongkong” and the use of such seal from and after the 10th day of December, 1909, is hereby validated and authorised.

(b.) In section 12 thereof by the repeal of sub-section (2).

(c.) By the insertion therein after section 55 thereof of the following heading and sub-section :—

### *Appeals to the Governor.*

Appeals to the Governor.      55a.—Where under this Ordinance an appeal is made to the Governor the Governor may refer such appeal to the Court in lieu of hearing and deciding it himself, but unless the Governor so refers the appeal it shall be heard and decided by him and his decision shall be final.

### *Objects and Reasons.*

The inscription on the seal of the Registrar of Trade Marks does not tally with the inscription required by section 3 of the Principal Ordinance, the amendment validates the existing seal and authorises its future use. Section 12 (2) of the Principal Ordinance does not appear in the Imperial Act and as it deals with procedure it has been transferred to the rules relating to procedure made under the Principal Ordinance.

C. G. ALABASTER,  
*Attorney General.*

## A BILL

ENTITLED

An Ordinance to amend the Patents Amendment Ordinance, 1909.

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

Short title and construction.      1. This Ordinance may be cited as “The Patents Amendment Ordinance, 1911,” and shall be read and construed as one with the Patents Ordinance, 1892, and the Patents Amendment Ordinance, 1909, hereinafter called “the Amending Ordinance” and this Ordinance and the said Ordinances may hereafter be cited as “the Patents Ordinances, 1892 to 1911”.

Amends section 4 of Ordinance No. 22 of 1909.      2. Section 4 of the Amending Ordinance is hereby amended as follows :—

In sub-section (1) by the substitution of the words “Governor-in-Council” for the word “Governor”.

3. Section 5 of the Amending Ordinance is hereby amended as follows :—

Amends section 5 of Ordinance No. 22 of 1909.

(a.) In sub-section (1) by the substitution of the word and figure "sub-section (2)" for the words and figures "sub-sections (2) and (3)", and by the substitution of the words "in force on the 13th day of August, 1909," for the words "now in force".

(b.) By the repeal of sub-section (2).

(c.) By the re-numbering of sub-section (3) so as to read (2), and by the addition at the end thereof of the following provisoes :—

" Provided that an order of revocation made under section 27 of the Act of the Imperial Parliament 7 Edward VII cap. 29 (The Patents and Designs Act 1907) shall not operate so as to revoke or to constitute a ground for revocation of any Letters Patent granted in this Colony under this Ordinance and provided also that Letters Patent granted in this Colony shall not be revoked solely on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the Colony if it is manufactured or carried on exclusively or mainly in the United Kingdom or in any British Possession."

Limitation on revocation in Hongkong.

4. Section 6 of the Amending Ordinance is hereby amended by the deletion of all the words after the word "thereof" in line 3 to the end of the section, and the words "Governor-in-Council" in the Principal Ordinance thereby changed to the word "Governor" are hereby restored.

Amends section 6 of Ordinance No. 22 of 1909.

5. Section 8 of the Amending Ordinance is hereby amended as follows :—

Amends section 8 of Ordinance No. 22 of 1909.

In section 12 by the substitution of the words "Governor-in-Council" for the word "Governor" throughout the said section.

6. Sections 3 and 7 of the Amending Ordinance are hereby repealed and the words thereby deleted from sections 3 and 8 of the Principal Ordinance are hereby restored.

Repeals sections 3 and 7 of Ordinance No. 22 of 1909.

*Objects and Reasons.*

These amendments in the Patents Ordinances are undertaken in consequence of instructions received from His Majesty's Principal Secretary of State for the Colonies. The 13th August, 1909, was the date of the passing of Ordinance No. 22 of 1909 but as that was an amending Ordinance to be read and construed with Ordinance No. 2 of 1892 the use of the words "under the provisions of such statutes as are now in force in the United Kingdom" were confusing as it was intended to include the Imperial Act of 1907. The first proviso is inserted because His Majesty's Secretary of State after consultation with the Board of Trade has decided that patents in Crown Colonies should not necessarily be revocable as a result of revocation in the United Kingdom. The second proviso is adapted to the needs of the Colony. The English Act enforces the manufacture of patented articles in England. The Colony is a centre of Colonial Trade but few articles are manufactured here; and to revoke the local patents on articles manufactured in the Empire, which are not also manufactured locally, would be to destroy the value of local patents and to sacrifice the spirit of the Imperial Act to its letter.

C. G. ALABASTER,  
*Attorney General.*