

**No. S. 229.**—The following bill, which it is proposed to introduce into the Legislative Council shortly, is published for general information. A draft of the rules which it is proposed to make under the Ordinance is also published:—

[No. 14 :—14.8.25.—6.]

C.S.O. 3596/22.

**A BILL**

INTITLED

An Ordinance to provide for the registration in Hongkong of letters patent granted in the United Kingdom.

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 Registration of United Kingdom Patents Ordinance, 1925.

**Registrar of Patents.** 2.—(1) It shall be lawful for the Governor to appoint a Registrar of Patents.

(2) Until the Governor shall make an appointment under sub-section (1), the officer who immediately before the commencement of this Ordinance was discharging the duties of Registrar of Patents under the Patents Ordinance, 1892, shall be the Registrar of Patents for the purposes of this Ordinance.

**Ordinance No. 2 of 1892.**

**Application for registration in Hongkong of patent granted in the United Kingdom.** 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 Hongkong. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

**Application to be accompanied by certain documents.** 4. Every application under this Ordinance 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.

**Issue of certificate of registration.** 5. Upon such application being received, together with the documents mentioned in section 4, and upon payment of the prescribed fees and of the cost of any prescribed advertisement, the Registrar of Patents shall issue a certificate of registration.

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

7. The 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 Hongkong.

Period of rights conferred by registration.

8. The Supreme 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, 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, that the exclusive privileges and rights conferred by such certificate of registration have not been acquired.

Power to declare exclusive privileges not acquired.

9. Whenever the specification or drawings of a United Kingdom patent registered in Hongkong has or have 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.

Amendment of specification or drawings.

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.

Registration of assignment, etc.

11. The Registrar may make such rules and do such things as he may think expedient, subject to the provisions of this Ordinance, for prescribing the procedure under this Ordinance and the fees to be paid in respect of proceedings under this Ordinance: Provided always that no such rules shall come into operation until the same shall have been approved by the Legislative Council and published in the Gazette.

Power to make rules, prescribing procedure, and fees.

12. User and publication in the Colony under any order of provisional protection granted under section 11 of the Patents Ordinance, 1892, shall not form any ground for any declaration under section 8 of this Ordinance.

Provisional protection orders made under Ordinance No. 2 of 1892, s. 11.

13. The Patents Ordinance, 1892, is repealed.

Repeal of Ordinance No. 2 of 1892.

14. This Ordinance shall come into operation on the 1st day of January, 1926.

Commencement.

#### *Objects and Reasons.*

1. This bill is introduced in order to carry out the recommendations of the British Empire Patent Conference, 1922, and of the Imperial Economic Conference, 1923. The bill has been adapted, with slight altera-

tions, from a draft model Ordinance prepared by the Board of Trade. The Secretary of State lays great stress on the necessity for the simplest possible procedure and on the desirability of the greatest possible uniformity in the legislation required to give effect to the scheme.

2. The general intention of the scheme is to provide for a practically automatic registration in the various Crown Colonies and Protectorates, upon application, of patents granted in the United Kingdom. Broadly speaking, this is the intention of our present Patents Ordinance, but the procedure under the bill is somewhat simpler. It will also be cheaper. Section 11 of the present Ordinance, 1892, provides for a certain provisional protection in the Colony pending the grant of Letters Patent in the United Kingdom. This provision will disappear from our statute book, but it appears to have been of very little practical use.

3. The Secretary of State has emphasised the necessity for keeping the fee for registration to approximately £1. Rule 4 of the draft of the rules to be made by the Registrar under the Ordinance contains the table of fees. The fee on registration of a patent will be \$5, and as \$3 stamp duty will be payable on the statutory declaration which must accompany the application for registration, the cost of obtaining registration of a patent will be \$8. In addition the applicant will have to bear the cost of advertising in the Gazette the issue of the certificate of registration. The expense of this will depend on the length of the advertisement, the average cost being probably about \$7 to \$12. The cost of getting any assignment or transmission of interest entered on the register will be \$5 + \$3 = \$8. In this case no advertisement will be required, but of course in the case of an assignment stamp duty, *i.e.*, \$10, will have to be paid on the assignment. Searches and certified copies will cost the same as under the existing law.

4. Clause 14 of the bill postpones the commencement of the Ordinance until the 1st January, 1926.

H. E. POLLOCK,  
*Attorney General.*

12th August, 1925.

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**Draft**  
of  
Rules to be made by the Registrar of Patents  
under the proposed  
Registration of United Kingdom Patents Ordinance.

*Rules made by the Registrar of Patents under section 11 of the Registration of United Kingdom Patents Ordinance, 1925, Ordinance No. \_\_\_\_\_ of 1925, on the day of \_\_\_\_\_, 1925.*

**PATENTS.**

1. Every application for registration of a patent shall be accompanied by a statutory declaration setting out the interest and title of the applicant and stating that, to the best of the applicant's knowledge and belief, the invention has not been publicly used in Hongkong.

2. The issue of every certificate of registration of a patent shall forthwith be notified by the Registrar of Patents in the Gazette at the expense of the applicant.

3. Every application under section 10 of the Ordinance shall be accompanied by a statutory declaration setting out the interest and title of the applicant, and by the original or a certified copy of every document on which the applicant's title depends.

4. The following fees shall be payable to the Registrar of Patents :—

Certificate of registration of patent	- - - - -	\$ 5.00
Entry on Register under section 10	- - - - -	5.00
Search of Register	- - - - -	1.00
Certified copies of entries in Register,		
for the first folio of 72 words	- - - - -	2.00
for every subsequent folio	- - - - -	0.25

*Registrar of Patents.*

, 1925.

NOTE.—Rule 4 above contains the fees payable to the Registrar of Patents. There are also the following incidental expenses connected with registration :—

Stamp duty on statutory declaration	- - - - -	\$ 3.
Cost of advertisement in Gazette. (Varies with length of advertisement: average is about \$7 to \$12).		
Stamp duty on assignment of patent	- - - - -	\$10.

Approved by the Legislative Council, this \_\_\_\_\_ day of \_\_\_\_\_, 1925.

*Clerk of Councils.*

COUNCIL CHAMBER,  
\_\_\_\_\_, 1925.