

COLONIAL SECRETARY'S DEPARTMENT

No. 423.—The following Rules relative to the granting of Patents for inventions made by Civil Servants are published for general information.

(Rules amended, see G.N. 222/33).

E. R. HALLIFAX,
Colonial Secretary.

30th June, 1932.

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1. Any Government officer who has made an invention
 - (a) may, at his own expense, and
 - (b) shall, at the expense of the Government if so required by the Governor, lodge an application for provisional protection with the Registrar of Patents in the United Kingdom, and shall at the same time send a copy of the application to the Governor through the Head of his Department. The Governor shall decide as expeditiously as possible whether the invention shall be regarded as secret, and his decision shall be forthwith communicated to the Head of the officer's Department for the information of the officer.

 - 2.—(1) As soon as practicable, the Governor shall decide whether the officer shall or shall not be allowed controlling rights in the patent, and his decision shall be communicated to the Head of the officer's Department for the information of the officer.

 - (2) Pending the decision of the Governor as to such controlling rights, all rights in the invention shall be deemed to belong to and to be held in trust for the Government.

 - (3) If the Governor decides that the officer shall be allowed controlling rights in the patent, the following provisions shall apply :—
 - (a) The officer shall, subject to the provisions of Rule 1 of these Rules, be responsible for all expenditure in taking out the patent.
 - (b) The Governor may attach to his decision such conditions as he may think fit and, in particular, may reserve to the Government a right of user of the invention free of royalty, or a right to a share of any commercial proceeds, or both such rights.
 - (c) The officer may, whether any rights are reserved under paragraph (b) of this Rule or not, apply to the Awards Committee as constituted under paragraph 7 of these Rules (hereinafter referred to as "the Committee") through the Head of his Department for an award in respect of his invention.
 - (d) The question whether an award shall be made, the amount thereof, and, if a share of commercial proceeds is reserved to the Government, the amount of such share shall be determined by the Governor after investigation by the Committee.

 4. If the Governor decides that the officer shall not be allowed controlling rights in the patent, the following provisions shall apply :—
 - (a) The officer shall assign all his rights in the invention to the Government.
 - (b) The Government shall be responsible for all expenditure in taking out the patent.
 - (c) The Governor shall decide whether the officer shall or shall not be allowed a share of any commercial proceeds.
 - (d) The officer may, whether he is allowed a share in the commercial proceeds or not, apply to the Committee through the Head of his Department for an award in respect of his invention.

(e) The question whether an award shall be made, the amount thereof, and, if the Governor decides that the officer shall be allowed a share in the commercial proceeds, the amount of such share be determined by the Governor after investigation by the Committee.

5. In the event of a material change taking place in the circumstances which existed at the time when an award or allocation of commercial proceeds was made, the original decision may be modified by the Governor after further investigation by the Committee; provided that, in any such modification of the original decision, the amount of an award which has been paid shall not be reduced.

6. Where an invention is in all respects alien to the employment of the officer, he shall normally be granted the full rights in such invention.

7. There shall be constituted for the purposes of these Rules an Awards Committee which shall consist of a judicial or legal officer appointed by the Governor as Chairman and such other persons as the Governor may from time to time by notice in the Gazette appoint.

8. An officer shall be entitled at his own expense to appear personally before the Committee or to be represented in such manner as the Committee may approve.

9. All conclusions of the Committee shall be embodied in recommendations which shall be forwarded to the Governor.

10. The Committee may make Rules for regulating their proceedings, but no such Rules shall come into force until they shall have been approved by the Governor.

11. In fixing the amount of any award or of the share of any commercial proceeds reserved to the Government under Rule 3 (d) or allowed to the officer under Rule 4 (e) (as the case may be), any reasonable expenses to which an officer may have been put in connexion with his inventions shall be taken into account.

APPOINTMENT OF AWARDS COMMITTEE UNDER RULE 7.

His Excellency the Officer Administering the Government has been pleased to appoint the following to be the Awards Committee constituted under Rule 7:—

- Chairman*:—
1. The officer performing the duties of Attorney General for the time being.
 2. The officer performing the duties of Registrar of Patents for the time being.
 3. The head of Department of the officer concerned.