

CHAPTER 59.

REGISTRATION OF UNITED KINGDOM TRADE MARKS.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION IN THE COLONY OF TRADE MARKS REGISTERED IN THE UNITED KINGDOM. 16 of 1938.

[18th August, 1949.]

1. This Ordinance may be cited as the Registration of United Kingdom Trade Marks Ordinance. Short Title.

2. In this Ordinance :—

Definitions.

“ Court ” means the Supreme Court of the Colony.

“ Registrar ” means the person from time to time performing the duties of Registrar-General.

“ Register ” means the register kept by the Registrar-General in pursuance of section 14 of this Ordinance.

3. Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time during the existence of the registration in the United Kingdom to have such trade mark registered in the Colony in respect of some or all of the goods comprised in the United Kingdom registration. Registration in Colony of Trade Marks registered in the United Kingdom.

4. An application for registration of a trade mark under this Ordinance shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller-General of the United Kingdom Patent Office (under his title of Registrar of Trade Application for registration.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Marks) giving full particulars of the registration of the trade mark in the United Kingdom.

Issue of  
Certificate of  
Registration.

5. Upon such application being lodged together with the documents mentioned in section 4 of this Ordinance, the Registrar shall enter the prescribed particulars in the Register, and shall issue a certificate of registration to the applicant, who shall then be the registered proprietor in the Colony of the trade mark in respect of the goods entered in the register.

Privileges  
and rights  
conferred by  
Certificate of  
Registration.

6. Subject to the provisions of this Ordinance, a registered proprietor shall have in the Colony such privileges and rights in the use of the trade mark in respect of the goods entered in the Register as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.

Privileges  
and rights,  
continuance  
of.

7. The privileges and rights conferred by section 6 of this Ordinance shall date from the date of registration in the United Kingdom and shall continue in force, subject to the provisions of section 15 of this Ordinance, for so long as the registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in the Colony :

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of issue of the certificate of registration in the Colony.

Right of  
action  
against per-  
son passing  
off goods as  
those of  
another  
person not  
affected.

8. Nothing in this Ordinance shall be deemed to affect any right of action against any person for passing off goods as those of another person or any remedy in respect thereof.

Court may  
declare  
privileges  
and rights  
not to have  
been  
acquired.

9. 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 on any of the grounds *mutatis mutandis* on which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom that the exclusive privileges and rights have not been acquired.

10. Subject to the provisions of this Ordinance, where a person becomes entitled by assignment or other mode of transfer to the privileges and rights conferred on a registered proprietor by this Ordinance, the Registrar shall, on application being made in the prescribed manner, and on proof of title to his satisfaction, cause such person to be entered in the register as subsequent registered proprietor of the trade mark.
11. Any person entered in the United Kingdom Register of Trade Marks under section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a certificate of registration under this Ordinance is in force may apply to be registered in the Colony as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.
12. Upon such application being lodged, together with a certificate of the United Kingdom Registrar of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said section 28, the Registrar shall cause the applicant to be entered in the register of the Colony as a registered user of the trade mark, and on such entry the registered user shall be entitled in the Colony, subject to the aforesaid conditions and restrictions, to such privileges and rights in respect of the goods for which he is entered as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.
13. The Registrar may make such rules and do such things as he may think expedient, subject to the provisions of this Ordinance, for regulating procedure under this Ordinance, and prescribing fees to be paid in respect of proceedings under this Ordinance, and generally for prescribing anything which by this Ordinance is to be prescribed.
14. The Registrar shall keep a register of all applications lodged and certificates of registration issued under this Ordinance and of all additions or alterations thereto and such register shall be open at any reasonable time for public inspection in the office of the Registrar.

Assignment  
or trans-  
mission of  
registered  
trade mark.

Defensive  
registration  
of well  
known trade  
marks.

Entry in  
Register.

Registrar  
may make  
rules  
regulating  
procedure  
and pre-  
scribing fees.

Register.

Notification of registration in the United Kingdom to be made to the Registrar.

**15.** If the registration in the United Kingdom of a trade mark registered under this Ordinance is renewed, the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the Register in the prescribed manner. If the registration in the Register is not so renewed it shall be cancelled by the Registrar.

Cancellation, correction, or alteration of registration.

**16.** The Registrar may, on request in writing, made by the registered proprietor, and on payment of the prescribed fee—

- (1) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered ;
- (2) correct any clerical error in or in connection with any application under this Ordinance or in any matter which is entered in the Register ;
- (3) enter in the Register any change in the name, description or address of the person who is registered as proprietor or user of a trade mark.