



ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P15

PATENTS ACT

Showing the Law as at 15 December 2002

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 9/2002, in force 12 August 2002

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PATENTS ACT

PART 1

PRELIMINARY PROVISIONS

Definitions

1. (1) In this Act—

“Agent” means an agent approved and authorised by the Registrar to represent patent proprietors before him or an Attorney-at-Law;

“Attorney-at-Law” means a legal practitioner admitted to practise before the Eastern Caribbean Supreme Court in Anguilla;

“Comptroller-General” means the Comptroller-General of Patents, Designs and Trade Marks in the United Kingdom;

“Court” means the High Court;

“European patent (UK)” means a patent granted under the Convention on the Grant of European Patents and designating the United Kingdom;

“invention” means an idea of an inventor which permits in practice the solution to a specific problem in the field of technology;

“inventor” means the actual deviser of an invention and “joint inventor” shall be construed accordingly;

“Paris Convention” means the Paris Convention for Protection of Industrial Property signed in Paris on the 20th day of March, 1888 as amended from time to time;

“patent” means the title granted to protect an invention;

“patented invention” means an invention for which a patent is granted and “patented process” shall be construed accordingly;

“patented product” means a product which is a patented invention or, in relation to a patented process, a product obtained directly by means of the process or to which the process has been applied;

“prescribed” means prescribed by regulation;

“published” means made available to the public and a document shall be taken to be published if a reproduction thereof can be inspected as of right by members of the public whether on payment of fee or not;

“register” means enter in the Register;

“Register” means the Register of Patents maintained pursuant to section 16;

“Registrar” means the Registrar of Patents appointed pursuant to section 2 and “his seal”, in relation to the Registrar, means a seal prepared under that section;

“regulation” means a regulation made under section 39;

“right”, in relation to an application for a patent or a patent, includes an interest in the application for the patent or patent and, without prejudice to the foregoing, any reference in this Act to a right in a patent includes a reference to a share in the patent.

(2) A reference in this Act to an enactment (including any enactment of the United Kingdom) is a reference to that enactment as amended, and includes a reference to that enactment as extended or applied by or under any other enactment, including any other provision of this Act.

PART 2

REGISTRATION OF PATENTS

Registrar and other officers

2. (1) The Registrar of Companies shall be the Registrar of Patents.

(2) The Registrar may direct a seal or seals to be prepared for the authentication of documents required for or in connection with the registration of patents.

(3) Any functions of the Registrar under this Act may, to the extent authorised by him, be exercised by any officer on his staff.

Patentable inventions

3. (1) A patent may be granted only for an invention in respect of which the following conditions are satisfied—

- (a) the invention is new;
- (b) it involves an inventive step;
- (c) it is capable of industrial application.

(2) An invention is new if it is not anticipated by prior art.

(3) Prior art shall consist of everything disclosed to the public, anywhere in the world, by publication in tangible form or by oral disclosure, by use or in any other way, prior to the filing or, where appropriate, the priority date of the application claiming the invention.

(4) For the purposes of subsection (3), disclosure to the public of the invention shall not be taken into consideration if such disclosure occurred within 12 months preceding the filing date or, where applicable, the priority date of the application for a patent, and the disclosure was due to or in consequence of—

- (a) acts committed by the applicant or his predecessor in title; or

(b) an abuse committed by a third party with regard to the applicant or his predecessor in title.

(5) An invention shall be taken to involve an inventive step if, having regard to the prior art relevant to the application claiming the invention and as defined in subsection (3), it is not obvious to a person having ordinary skill in the art.

(6) An invention shall be taken to be capable of industrial application if it can be made or used in any kind of industry including handicraft, agriculture, fishery and services.

(7) Inventions, the commercial exploitation of which would be contrary to public order or morality, shall not be patentable.

Exclusions from patentability

4. It is hereby declared that the following even if they are inventions are excluded from patentability, that is to say, anything which consists of—

(a) a discovery, scientific theory or mathematical method;

(b) a scheme, rule or method for performing a mental act, playing a game or doing business;

(c) diagnostic, therapeutic and surgical methods for the treatment of humans or animals, but not including the products used in any of these methods.

Right to patent and naming of inventor

5. (1) The right to a patent shall belong to the inventor.

(2) Where 2 or more persons have jointly made an invention, the right to the patent shall belong to them jointly.

(3) Where and to the extent to which 2 or more persons have made the same invention independently of each other, the person whose application has the earliest filing date or, if priority is claimed, the earliest validly claimed priority date shall have the right to the patent, as long as the application is not withdrawn, abandoned or rejected.

(4) The right to a patent may be assigned or may be transferred by succession.

(5) Where an invention is made in execution of an employment contract, the right to the patent shall belong, in the absence of contractual provisions to the contrary, to the employer.

(6) The inventor shall be named as such in the patent, unless in a special written declaration signed by him and addressed to the Registrar, he indicates that he wishes not to be named. Any promise or undertaking by the inventor made to any person to the effect that he will make such a declaration shall be without legal effect.

Application

6. (1) Every application for a patent shall be filed with the Registrar and shall be subject to the payment of the prescribed application fee.

(2) Every application shall contain—

- (a) a request for the grant of the patent;
- (b) a description of the invention;
- (c) one or more claims and any drawings referred to in the description or any claim; and
- (d) an abstract.

(3) The request shall contain a petition to the effect that a patent be granted, the name of and other prescribed data concerning the applicant, the inventor and the agent, if any, and the title of the invention. Where the applicant is not the inventor, the request shall be accompanied by a statement justifying the applicant's right to the patent.

(4) The description shall disclose the invention in a manner which is clear and complete enough for the invention to be carried out by a person having ordinary skill in the art, and shall, in particular, indicate at least one mode known to the applicant for carrying out the invention.

(5) The claim or claims shall—

- (a) define the matter for which protection is sought;
- (b) be clear and concise; and
- (c) be fully supported by the description.

(6) Drawings shall be required when they are necessary for the understanding of the invention.

(7) The description and the drawings may be used to interpret the claims.

(8) The purpose of the abstract is to give technical information; it shall not be taken into account for the purpose of interpreting the scope of the protection.

(9) The applicant may, up to the time when the application is in order for grant, withdraw the application during its pendency.

Application: unity of invention; amendment and division

7. (1) The application for a patent shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.

(2) The applicant may, up to the time when the application is in order for grant, amend the application, but the amendment shall not go beyond the disclosure in the initial application.

(3) The applicant may, up to the time when the application is in order for grant, divide the application into 2 or more applications (“divisional applications”), but each divisional application shall not go beyond the disclosure in the initial application.

(4) Each divisional application shall be entitled to the filing date and, where applicable, the priority date of the initial application.

(5) The fact that a patent has been granted on an application that did not comply with the requirement of unity of invention under subsection (1) shall not be a ground for the invalidation of the patent.

Right of priority

8. (1) An application for a patent may contain a declaration claiming the priority, as provided for in the Paris Convention, of one or more earlier national, regional or international applications filed by the applicant or his predecessor in title in or for any State party to the Paris Convention.

(2) Where the application contains a declaration under subsection (1), the Registrar may require that the applicant furnish, within the prescribed time, a copy of the earlier application certified as correct by the registry with which it was filed.

(3) The effect of the declaration shall be as provided in the Paris Convention.

(4) Where the Registrar finds that the requirements under this section and the regulations pertaining thereto have not been fulfilled, the declaration shall be considered not to have been made.

Information concerning corresponding foreign applications for patents

9. (1) The applicant for a patent shall, upon request, furnish the Registrar with the date and number of any application for a patent filed by him abroad ("foreign application") relating to the same or essentially the same invention as that claimed in the application filed with the Registrar.

(2) The applicant shall, upon request, furnish the Registrar with the following documents relating to any of the foreign applications referred to in subsection (1)—

- (a) a copy of any communication received by the applicant concerning the results of any search or examination carried out in respect of the foreign application;
- (b) a copy of the patent granted on the basis of the foreign application;
- (c) a copy of any final decision rejecting the foreign application or refusing the grant requested in the foreign application;
- (d) a copy of any final decision invalidating the patent granted on the basis of the foreign application referred to in subsection (1).

Filing date and examination

10. (1) The Registrar shall accord the date of receipt of the application as the filing date if, at the time of receipt, the application contains—

- (a) an express or implicit indication that the granting of a patent is sought;
- (b) indications allowing the identity of the applicant to be established; and
- (c) a part which on the face of it appears to be a description of an invention.

(2) Where the Registrar finds that the application did not, at the time of receipt, fulfill the requirements referred to in subsection (1), he shall invite the applicant to file the required correction

and shall accord as the filing date the date of receipt of the required correction, but if no correction is made, the application shall be treated as if it had not been filed.

(3) Where the application refers to drawings which in fact are not included in the application, the Registrar shall invite the applicant to furnish the missing drawings.

(4) Where the applicant complies with the invitation referred to in subsection (3), the Registrar shall accord as the filing date the date of receipt of the missing drawings. Otherwise, the Registrar shall accord as the filing date the date of receipt of the application and shall treat any reference to the drawings as non-existent.

(5) After according a filing date, the Registrar shall examine whether the application complies with the requirements of sections 6(1) to (3) and the Regulations and those requirements of this Act and the Regulations which are designated by the Regulations as formal requirements for the purposes of this Act and whether information requested under section 9, if any, has been provided.

(6) Where the Registrar is of the opinion that the application complies with the requirements of subsection (5), the Registrar shall take a decision as to whether requirements of sections 3, 4, 6(4), (5) and (6) and 7 and the regulations are fulfilled and for this purpose the Registrar may, as provided for in the Regulations, cause the application to be examined.

Grant of patent and changes in patents

11. (1) Where, after examining the application, the Registrar is satisfied that an application for a patent ought to be granted, he shall grant the patent. Otherwise, he shall refuse the application and notify the applicant of that decision.

(2) When he grants a patent, the Registrar shall—

- (a) publish a reference to the grant of the patent;
- (b) issue to the applicant a certificate of the grant of the patent and a copy of the patent;
- (c) record the patent; and
- (d) make available copies of the patent to the public on payment of the prescribed fee.

(3) The Registrar shall, upon request of the owner of the patent, make changes in the text or drawings of the patent in order to limit the extent of the protection conferred thereby, but the change would not result in the disclosure contained in the patent going beyond the disclosure contained in the initial application on the basis of which the patent was granted.

Rights conferred by patent

12. (1) The exploitation of the patented invention in Anguilla by persons other than the owner of the patent shall require the agreement of the owner.

(2) For the purposes of this Act, “exploitation” of a patented invention means any of the following acts—

- (a) when the patent has been granted in respect of a product—

- (i) making, importing, offering for sale, selling or using the product, or
 - (ii) stocking such product for the purposes of offering for sale, selling or using;
- (b) when the patent has been granted in respect of a process—
- (i) using the process, or
 - (ii) doing any of the acts referred to in paragraph (a) in respect of a product obtained directly by means of the process.

(3) The owner of the patent shall, in addition to any other rights, remedies or actions available to him, have the right, subject to subsection (4) and section 14, to institute court proceedings against any person who infringes the patent by performing, without his agreement, any of the acts referred to in subsection (2) or who performs acts which make it likely that infringement will occur.

(4) The rights under the patent shall not extend—

- (a) to acts in respect of articles which have been put on the market in Anguilla by the owner of the patent or with his consent;
- (b) to the use of articles on aircraft, land vehicles or vessels of other countries which temporarily or accidentally enter the airspace, territory or waters of Anguilla;
- (c) to acts done only for experimental purposes relating to a patented invention; or
- (d) to acts performed by any person who in good faith, before the filing or, where priority is claimed, the priority date of the application on which the patent is granted, was using the invention or was making effective and serious preparations for such use in Anguilla.

(5) The right of prior user referred to in paragraph (4)(d) may be transferred or devolve only together with the enterprise or business, or with that part of the enterprise or business, in which the use or preparations for use have been made.

Duration and annual fees

13. (1) Subject to subsection (2), a patent shall expire 20 years after the filing date of the application for the patent.

(2) In order to maintain the patent or application for a patent, the prescribed annual fee shall be paid in advance to the Registrar for each year, starting 1 year after the filing date of the application for grant of the patent. A grace period of 6 months shall be allowed for the late payment of the prescribed annual fee on payment of the prescribed surcharge. If the annual fee is not paid in accordance with the provisions of this subsection, the patent application shall be deemed to have been withdrawn or the patent shall lapse.

Exploitation by Government or person thereby authorised

14. (1) Where—

- (a) the public interest, and, in particular, national security, nutrition, health or the development of other vital sectors of the national economy so requires; or
- (b) the Court has determined that the manner of exploitation by the owner of the patent or his licensee is anti-competitive, and the Governor in Council is satisfied that the exploitation of the invention in accordance with this subsection would remedy such practice;

the Governor in Council may decide that, even without the agreement of the owner of the patent, a Government agency or a third person designated by the Governor in Council may exploit the invention.

(2) The exploitation of the invention shall be limited to the purpose for which it was authorised and shall be subject to the payment to the owner of an adequate remuneration for it, taking into account the economic value of the decision of the Governor in Council, as determined in the decision, and, where a decision has been taken under paragraph (1)(b), the need to correct anti-competitive practices. The Governor in Council shall take his decision after considering representations made in writing by the owner of the patent and any interested person if they wish to make such representations.

(3) Upon the request of the owner of the patent, of the Government agency or of the third person authorised to exploit the patented invention, the Governor in Council may, after considering any representations made in writing by the parties, if either or both wish to make representations, vary the terms of the decision authorising the exploitation of the patented invention to the extent that changed circumstances justify the variation.

(4) Upon the request of the owner of the patent, the Governor in Council shall terminate the authorisation if he is satisfied, after hearing the parties, if either or both wish to make representations, that the circumstances which led to his decision have ceased to exist and are unlikely to recur or that the Government agency or third person designated by him has failed to comply with the terms of the decision.

(5) Notwithstanding subsection (4), the Governor in Council shall not terminate the authorisation if he is satisfied that the need for adequate protection of the legitimate interests of the Government agency or third person designated by him justifies the maintenance of the decision.

(6) Where a third person has been designated by the Governor in Council, the authorisation may only be transferred with the enterprise or business of that person or with the part of the enterprise or business within which the patented invention is being exploited.

(7) The authorisation shall not exclude—

- (a) the conclusion of licence contracts by the owner of the patent; or
- (b) the continued exercise by the owner of the patent of his rights under section 12(2).

(8) A request for the Governor in Council's authorisation shall be accompanied by evidence that the owner of the patent has received a request for a contractual licence from the person seeking the authorisation, but that that person has been unable to obtain such a licence on reasonable commercial terms and conditions and within a reasonable time. This subsection shall not apply in

cases of national emergency or other circumstances of extreme urgency, but in such cases the owner of the patent shall be notified of the Governor in Council's decision as soon as reasonably practicable.

(9) The exploitation of the invention by the Government agency or third person designated by the Governor in Council shall be predominantly for the supply of the market in Anguilla.

(10) The exploitation of an invention in the field of semi-conductor technology shall only be authorised for—

- (a) public, non-commercial use; or
- (b) where the Court has determined that the manner of exploitation of the patented invention by the owner of the patent or his licensee is anti-competitive and the Governor in Council is satisfied that the issuance of the non-voluntary licence would remedy such practice.

(11) The decisions of the Governor in Council under subsections (1) to (10) may be appealed to the Court.

Invalidation

15. (1) Any interested person may apply to the Court to invalidate a patent.

(2) The Court shall invalidate the patent if the person requesting the invalidation proves that any of the requirements of sections 3, 4 and 6(4), (5) and (6) is not fulfilled or if the owner of the patent is not the inventor or his successor in title.

Register of Patents

16. (1) There shall be maintained at the Register of Companies a Register of Patents in which there shall be entered—

- (a) all patents in force together with the names and addresses of their proprietors;
- (b) particulars of assignments and transmissions of registered patents;
- (c) particulars of all licences under patent; and
- (d) such other matters relating to patents as may be prescribed or as the Registrar may think fit.

(2) Save as may otherwise be prescribed, the Register shall, at all convenient times, be open to inspection by the public and certified copies of any entry in the Register shall be given to any person requiring them on payment of the prescribed fee.

(3) The Register shall be *prima facie* evidence of any matters required or authorised by or under this Act to be entered therein.

(4) No notice of any trust, whether express, implied or constructive, shall be entered in the Register and the Registrar shall not be affected by any such notice.

(5) The Register need not be kept in documentary form.

PART 3

REGISTRATION OF UK AND EUROPEAN (UK) PATENTS

Registration of title to UK and European (UK) patents

17. (1) Any person for the time being entered in the United Kingdom register of patents as the grantee of a patent or any person deriving his right to such a grant by assignment, transmission or other operation of law, may apply to the Registrar within 3 years from the date of grant to have the patent registered in Anguilla.

(2) In this section, “date of grant” means—

- (a) in relation to a patent under the Patents Act 1977 (UK), the date upon which the patent takes effect pursuant to section 25 of that Act; and
- (b) in relation to a European patent (UK), the date upon which the patent takes effect in the United Kingdom pursuant to section 77 of the Patents Act 1977 (UK).

(3) Every application under this section shall—

- (a) be made in such manner as may be prescribed;
- (b) in the case of a patent, the specification of which was published in a language other than English, be accompanied by a certified copy of the translation into English of the specification; and
- (c) in any other case, be accompanied by a certified copy of the specification, together with the drawings (if any) relating to the patent and a certificate of the Comptroller-General giving full particulars of the grant of the patent or of its taking effect in the United Kingdom on such specification.

Issue of certificate

18. Upon an application under section 17 being received, together with the documents mentioned in that section and upon payment of the prescribed fees and of the cost of any prescribed advertisement and no notice of opposition being filed within the prescribed time, the Registrar shall issue a certificate of registration.

Cancellation of registration and registration of change of name or address

19. (1) The Registrar may, on request in writing made by the registered proprietor—

- (a) cancel the registration of a patent; or
- (b) enter in the Register any change of the name or address of the registered proprietor.

(2) The Registrar may, on request in writing made by a registered licensee of a patent, enter in the Register any change in his name or address.

(3) Any notice or summons sent to the address notified to the Registrar in accordance with subsection (1) shall be deemed to be sufficiently served.

Effect of registration

20. The rights and remedies conferred on the registered proprietor of a patent under this Act shall, in respect of a patent registered under this Part, date from the commencement of term of the patent in the United Kingdom and shall continue in force for so long only as the patent remains in force in the United Kingdom, but no action for infringement shall be entertained in respect of any act prior to the date of issue of the registration in Anguilla.

Amendment of specification or drawings

21. Whenever the specification or drawings of a patent registered in Anguilla has or have been amended or treated as amended, according to the law of the United Kingdom, a request, accompanied by a copy of the specification or drawings (if any) as amended, or a copy of the translation into English of the amendment, as the case may be, duly certified by the Comptroller-General, may be made to the Registrar to substitute the specification and drawings as amended for the specification and drawings originally filed.

Registration of assignment, etc.

22. A person who 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 may make application in the prescribed manner to the Registrar for the entry in the Register of such assignment, transmission or other instrument affecting the title, or giving an interest therein.

Power of Court to revoke registration

23. (1) A petition for the revocation of the registration of a patent under this Part may be presented to the Court by—

- (a) the Attorney General or by any person who alleges that his interests have been prejudicially affected by such registration on the ground that the patent was registered on the application of a person not entitled under the provisions of this Act to make the application; or
- (b) the Attorney General or by any person having a sufficient interest on the ground of any contravention of, or failure to observe, a condition registered in relation to that patent.

(2) On the presentation of any petition under this section, the Court may, after considering the representations of any party to the proceedings, revoke the registration or dismiss the petition and the Registrar shall forthwith take such action as the order of the Court may require.

(3) In proceedings under this section, the Court may determine any question which it may consider necessary or expedient to determine in connection with the revocation of the registration.

Rectification of Register

24. (1) The Court may, on the application of the Attorney General or of any person having a sufficient interest, order the Register to be rectified in respect of a registration under this Part by the

making of any entry therein or the variation or deletion of any such entry and the Registrar shall forthwith take such action as the order may require.

(2) In proceedings under this section, the Court may determine any question which it may be necessary or expedient to determine in connection with the rectification of the Register.

Adaptation of entries to UK registration

25. The Registrar may, either at the written request of a person having sufficient interest or of his own motion, make such amendment to or substitution of any entry in the Register as is necessary to bring it into conformity with the entry for the time being in respect of that patent in the United Kingdom register of patents.

PART 4

SUPPLEMENTARY PROVISIONS

Changes in ownership

26. Any change in the ownership of the registration of a patent, or in the ownership of an application therefor, shall be in writing to the Registrar and shall, at the request of any interested party be recorded and, except in the case of an application, published by the Registrar. Such change shall have no effect against third parties until such recording is effected.

Licence contracts

27. Any licence contract concerning a patent, or an application therefor, shall be submitted to the Registrar who shall keep its contents confidential but shall record it and publish a reference thereto. The licence contract shall have no effect against third parties until such recording is effected.

Agents

28. Where an applicant's ordinary residence or principal place of business is outside Anguilla, he shall be represented by an Agent resident in Anguilla.

Correction of errors and extension of time

29. (1) The Registrar may, subject to the Regulations, correct any error of translation or transcription, clerical error or mistake in any application or document filed with the Registrar or in any recording effected pursuant to this Act or the Regulations.

(2) If the Registrar is satisfied that the circumstances justify it, he may, upon receiving a written request, extend the time for doing any act or taking any proceeding under this Act and the Regulations, upon notice to the parties concerned and upon such terms as he may direct. The extension may be granted although the time for doing the act or taking the proceeding has expired.

Exercise of discretionary powers

30. The Registrar shall give any party to a proceeding before him an opportunity of being heard before exercising adversely to that party any discretionary power vested in him by this Act or the Regulations.

Competence of Court; appeals

31. (1) The Court shall have jurisdiction in cases of dispute relating to the application of this Act and the Regulations and in matters which under this Act are to be referred to the Court.

(2) Any decision taken by the Registrar under this Act, in particular the grant of a patent, or the refusal of an application for such a grant, may be the subject of an appeal by any interested party to the Court and such appeal shall be filed within 2 months of the date of the decision.

Infringement and offences

32. (1) Subject to section 12(4), exploitation in Anguilla of a patented invention referred to in section 12 by a person other than the owner of the title of the patent and without the agreement of the latter shall constitute an infringement.

(2) On the request of the owner of the title of the patent, or of a licensee if he has requested the owner to institute court proceedings for specific relief and the owner has refused or failed to do so, the Court may grant an injunction to prevent infringement or imminent infringement, may award damages and may grant any other remedy provided for in the general law.

(3) Any person who knowingly performs an act which constitutes an infringement is guilty of an offence and is liable to a fine of \$100,000 or to imprisonment for a term of 5 years or to both.

Reversal of burden of proof

33. (1) For the purposes of proceedings, other than criminal proceedings, in respect of the violation of the rights of the owner of the patent referred to in sections 32(1) and (2), where the subject matter of the patent is a process for obtaining a product, the Court may order the defendant to prove that the process to obtain an identical product is different from the patented process.

(2) Any identical product when produced without the consent of the patent owner shall, in the absence of proof to the contrary, be deemed to have been obtained by the patented process if—

(a) the product is new; or

(b) a substantial likelihood exists that the product was made by the process and the owner of the patent has been unable through reasonable efforts to determine the process actually used.

(3) In requiring the production of evidence, the Court before which the proceedings referred to in paragraphs (2)(a) and (b) take place shall take into account the legitimate interests of the alleged infringer in not disclosing his manufacturing and business secret.

Offences by bodies corporate

34. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he (as well as the body corporate) is guilty of that offence and is liable to be proceeded against and punished accordingly.

Falsification of Register

35. A person who—

- (a) makes or causes to be made—
 - (i) a false entry in the Register, or
 - (ii) anything falsely purporting to be a copy of an entry in that Register; or
- (b) produces or tenders or causes to be produced or tendered in evidence any such thing;

knowing or having reason to believe the entry or thing to be false, is guilty of an offence and is liable to imprisonment for a term of 2 years or to a fine or to both.

Privilege for certain communications

36. For the removal of doubt, it is hereby declared that the privilege from disclosure conferred by law in legal proceedings in respect of communications made with an Attorney-at-Law or a person acting on his behalf, or in relation to information contained or supplied to an Attorney-at-Law or a person acting on his behalf, for the purpose of any pending or contemplated proceedings before the Court, extends to such communications so made for the purpose of any pending or contemplated proceedings before the Registrar under this Act.

Immunity as regards official acts

37. Neither the Governor nor any employee of the Crown—

- (a) shall be taken to warrant the validity of any patent granted under this Act or any treaty or international convention which is extended to Anguilla; or
- (b) shall incur any liability by reason of or in connection with any examination or investigation required or authorised by this Act or any such treaty or international convention, or any report or other proceedings consequent on any such examination or investigation.

Saving in respect to rights to sell forfeited articles

38. Nothing in this Act affects the right of the Crown or any person in the employment of the Crown to dispose of or use articles forfeited under the laws relating to customs.

Regulations

39. (1) The Governor in Council may by regulation make provision for the purpose of carrying this Act into effect including—

- (a) prescribing any thing that may be prescribed under this Act;
- (b) requiring the payment of fees in respect of any action that the Registrar is required or authorised to take under this Act, other than anything for which a fee is to be prescribed under paragraph (a), and prescribing their amount;
- (c) respecting the manner of filing of applications and other documents;
- (d) requiring and regulating the translation of documents and the filing and authentication of any translation;

- (e) respecting the service of documents.
- (2) Regulations made under this Act may—
- (a) make different provision in relation to different cases or circumstances; and
 - (b) contain such incidental, supplementary or transitional provisions as the Governor in Council may consider necessary or expedient.

Application of treaties and international conventions

40. The provisions of any treaty or international convention in respect of patents which are extended to Anguilla shall apply to matters dealt with by this Act and, in case of conflict with provisions of this Act, the treaty or international convention shall prevail over this Act.

Administrative instructions

41. The Registrar may issue administrative instructions relating to the procedures under this Act and the Regulations as well as to the other functions of the Financial Services Department or the Registrar.

Citation

42. This Act may be cited as the Patents Act, Revised Statutes of Anguilla, Chapter P15.

Transitional provisions

- 43.** On 12th August 2002—
- (a) any registered patent registered or purported to be registered in accordance with the Patents Act (Cap. 189) (now repealed) and the Registration of United Kingdom and European (UK) Patents Act, 1980 (now repealed) (whether before or after 12th August 2002) shall have effect as if registered under this Act; and
 - (b) an application for the registration of a patent made under the Patents Act (Cap. 189) (now repealed) and the Registration of United Kingdom and European (UK) Patents Act, 1980 (now repealed) and not yet determined shall be treated as an application under this Act.
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