

LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977

CHAPTER 87

REGISTRATION OF UNITED KINGDOM PATENTS

ARRANGEMENT OF SECTIONS

Section

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13. Power to make regulations and prescribe fees

SCHEDULE

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

Commencement: 14th July 1924

3 of 1924
2 of 1933
(Cap. 64 of 1952)
6 of 1956
10 of 1967
8 of 1971
(Cap. 61 of 1973)
4 of 1975

1. This Ordinance may be cited as the Registration of United Kingdom Patents Ordinance. Short title

2. 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 3 years from the date of issue of the patent to have such patent registered in the Gilbert Islands; and where any partial Application to register patent granted in United Kingdom

assignment or transmission has been made all proper parties shall be joined in the application for registration.

Documents
required on
application
for registra-
tion

3. Every application under this Ordinance shall be made to the Secretary and 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

4. Upon such application being received together with the documents mentioned in section 3 the Secretary shall file the same in his office and shall issue a certificate of registration.

Effect of
certificate

5. Such certificate of registration shall confer on the applicant the same privileges and rights in so far as may be applicable to the Gilbert Islands as he is entitled to in the United Kingdom and as though the patent had been issued in the United Kingdom with an extension to the Islands.

Period for
which effec-
tive

6. 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 the Gilbert Islands.

Patent Regis-
ter

7. The Secretary shall keep in his office a book to be called the "Patent Register" in which he shall register the particulars of any documents filed, showing the number, nature and date thereof and the name of the grantee or parties thereto.

Jurisdiction
of the High
Court

8. (1) The High 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 that the exclusive privileges and rights conferred by such certificate of registration have not been acquired on any of the grounds upon which the United Kingdom patent might be revoked under the laws for the time being in force in the United Kingdom; and such grounds shall be deemed to include the manufacture, use or sale of the invention in the Gilbert Islands before the priority date applicable to the patent in the United Kingdom, but not to include the manufacture, use or sale of the invention in the Gilbert Islands by some person or persons after the priority

date applicable to the patent in the United Kingdom and before the date of the issue of the certificate of registration under section 4.

(2) For the purposes of this section the expression "priority date" in its application to a patent in the United Kingdom has the meaning assigned to it in section 5 of the Patents Act 1949.*

1949 c. 87

9. Whenever the specification or drawings of a United Kingdom patent registered in the Gilbert Islands has 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 Secretary to substitute a copy of the specification and drawings as amended for the specification and drawings originally filed.

Substitution of amended for original specification, etc.

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 Secretary for the entry on the Patent Register of such assignment, transmission or other instrument affecting the title or giving an interest therein.

Entry on Patent Register of assignment, etc.

11. Any entry in the Patent Register or any certified copy thereof or of any document, duly filed, signed by the Secretary and given under his hand and seal, shall be admitted in evidence in all courts of the Gilbert Islands and in all proceedings without further proof.

Entry in Patent Register or certified copy thereof to be admissible in evidence

12. The Patent Register and all documents relating to entries therein which may have been duly filed, shall be open to the inspection of any person during office hours on payment of the prescribed fee.

Patent Register, etc., to be open to inspection

13. The Minister may make regulations and do such things as he may think expedient subject to the provisions of this Ordinance for regulating procedure under this Ordinance, and for prescribing the fees to be paid in respect of proceedings thereunder:

Power to make regulations and prescribe fees

Provided that the fees contained in the Schedule shall be the prescribed fees until amended by regulations made hereunder.

Schedule

*See Note at end.

SCHEDULE
(Section 13)

	\$ c.
On filing application for registration together with documents specified in section 3 and making entry in the Patent Register and issue of certificate of registration	2 00
On inspection of any document filed or any entry in the Patent Register or both	50
On substitution of amended specification and drawings (if any)	1 00
On entry in the Patent Register of any assignment, etc., under section 10	1 00
On any certified copy or extract of entry in the Patent Register	1 00
On filing any document not otherwise provided for	25
On office copy of any document per folio of seventy-two words	10
On certifying same	50

NOTE

Section 5 of the Patents Act 1949 of the United Kingdom reads as follows—

5. Priority date of claims of complete specification

(1) Every claim of a complete specification shall have effect from the date prescribed by this section in relation to that claim (in this Act referred to as the priority date); and a patent shall not be invalidated by reason only of the publication or use of the invention, so far as claimed in any claim of the complete specification, on or after the priority date of that claim, or by the grant of another patent upon a specification claiming the same invention in a claim of the same or later priority date.

(2) Where the complete specification is filed in pursuance of a single application accompanied by a provisional specification or by a specification which is treated by virtue of a direction under subsection (4) of section three of this Act as a provisional specification, and the claim is fairly based on the matter disclosed in that specification, the priority date of that claim shall be the date of filing of the application.

(3) Where the complete specification is filed or proceeded with in pursuance of two or more applications accompanied by such specifications as are mentioned in the last foregoing subsection, and the claim is fairly based on the matter disclosed in one of those specifications, the priority date of that claim shall be the date of filing of the application accompanied by that specification.

(4) Where the complete specification is filed in pursuance of a convention application and the claim is fairly based on the matter disclosed in the application for protection in a convention country, or, where the convention application is founded upon more than one such application for protection, in one of those applications, the priority date of that claim shall be the date of the relevant application for protection.

(5) Where, under the foregoing provisions of this section, any claim of a complete specification would, but for this provision, have two or more priority dates, the priority date of that claim shall be the earlier or earliest of those dates.

(6) In any case to which subsections (2) to (5) of this section do not apply, the priority date of a claim shall be the date of filing of the complete specification.

Section 22 of the UK Act

5. Section 22 of the Copyright Act, 1956 of England does not apply as part of the law of Kiribati.”.

CAP.61 – REGISTRATION OF UNITED KINGDOM PATENTS
(Cap.87 of 1977)

Registration of United Kingdom Patents Ordinance

Section 5 (1977, S.5)

Omit the section, substitute –

“Effect of certificate

5. A certificate of registration under section 4 confers on the applicant, as far as may be, the same privileges and rights in Kiribati as he is entitled to in the United Kingdom.”.

Section 8 (1977, S.8)

Omit from subsection (2) “the Patents Act 1949”, substitute “the Patents Act, 1949 of England”.

Section 13 (1977, S.13)

Omit “The Governor in Council may make regulations and do such things as he may think expedient subject to the provisions of this Ordinance”, substitute “The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations”.

CAP.62 – UNITED KINGDOM DESIGNS PROTECTION
(Cap.99 of 1977)

United Kingdom Designs Protection Ordinance

Section 2 (1977, S.2)

Omit the section, substitute –

“Protection of UK registered designs

2. Subject to this Ordinance, the registered proprietor of a design registered in the United Kingdom under the Registered Designs Acts, 1949 to 1961 of the United Kingdom, or any Act amending or substituted for those Acts, has, as far as may be, the same privileges and rights in Kiribati as he is entitled to in the United Kingdom.”.

KIRIBATI GAZETTE

No. 11

Friday 28th November, 1980

SUPPLEMENT NO. 2

Legal Notice No 14

MAGISTRATES' COURTS ORDINANCE 1977
(ORDINANCE NO 17 OF 1977)

THE MAGISTRATES' COURTS
(LANGUAGE OF COURTS) ORDER 1980

IN exercise of the powers conferred by section 41(1) of the Magistrates' Courts Ordinance 1977 (hereinafter referred to as the "principal Ordinance") and all other powers him enabling the Chief Justice hereby makes the following Order:-

1. This Order may be cited as the Magistrates' Court (Language of Courts) Order 1980 and shall be deemed to have come into force on 1st January 1980.

Citation and
Commencement

2. Where any Magistrates' Court consisting of a Single Magistrate sitting alone and established under the provisions of section 7(5) of the principal Ordinance is constituted by a Magistrate who is not I-Kiribati the language of such Court shall be English.

Language of
Magistrates'
Court with
Single Non-
I-Kiribati
Magistrate
to be English

3. In all Magistrates Courts whether constituted by a Single Magistrate sitting alone or constituted by three or five Magistrates sitting together, the language of such Courts shall be I-Kiribati except as specified in a paragraph 2 hereof.

Language of
all other
Magistrates'
Courts to be
I-Kiribati

Made at the High Court, Betio, this 19th day of March, 1980

J A O'BRIEN QUINN
Chief Justice

Published by exhibition at the Public Office of the Beretitenti this 26th day of March 1980.

ABURETI TAKAIO
for Secretary to the Cabinet

Legal Notice No. 15

REGISTRATION OF UNITED KINGDOM PATENTS
ORDINANCE (Cap. 61)

REGISTRATION OF UNITED KINGDOM PATENTS
(FEES) REGULATIONS, 1979

IN exercise of the powers conferred upon me by section 13 of the Registration of United Kingdom Patents Ordinance I

hereby make the following Regulations:-

1. These Regulations may be cited as the Registration of United Kingdom Patents (Fees) Regulations, 1979.
2. The fees payable in respect of proceedings under the Ordinance shall be those specified in the Schedule hereto in substitution for the fees specified in the Schedule to the Ordinance.

SCHEDULE
(Regulation 2)

1. On filing application for registration together with documents specified in section 3 of the Ordinance and making entry in the Patent Register and issue of certificate of registration	10.00
2. On inspection of any document filed or entry in Patent Register or both	2.50
3. On substitution of amended specification and drawings (if any)	5.00
4. On entry in the Patent Register of any assignment etc. under section 10.	5.00
5. On any certified copy or extract of entry in the Patent Register	2.00
6. On filing any document not otherwise provided for	2.50
7. On office copy of any document per folio of 72 words50
8. On certifying same	2.50

Dated the 31st day of December, 1979.

TAOMATI IUTA
Minister of Trade, Industry & Labour

Published by exhibition at the Public Office of the Beretitenti this 31st day of December, 1979.

ABURETI TAKAIO
for Secretary to the Beretitenti

Notice No. 16

REPUBLIC OF KIRIBATI
INCOME TAX ORDINANCE
(CAP. 52)

PIONEER COMPANY (GILBERT ISLANDS INDUSTRIES
LIMITED) ORDER 1979

In exercise of the power conferred by section 10 of the Income Tax Ordinance the Minister of Finance makes the following order

1. This Order may be cited as the Pioneer Company (Gilbert Islands Industries Limited) Order 1979.
2. In this Order, "relevant provisions" means paragraphs