



**TURKS AND CAICOS ISLANDS**

**CHAPTER 17.03**  
**PATENTS ORDINANCE**  
**and Subsidiary Legislation**

**Revised Edition**  
showing the law as at 31 December 2014

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance.

This edition contains a consolidation of the following laws—

**PATENTS ORDINANCE**

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Legal Notice 1/1984 .. in force 20 January 1984

Amended by Legal Notice 17/2009 .. in force 11 September 2009





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**CHAPTER 17.03**

**PATENTS ORDINANCE**

**ARRANGEMENT OF SECTIONS**

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## CHAPTER 17.03

### PATENTS ORDINANCE

(Ordinances 7 of 1982 and 16 of 2007)

AN ORDINANCE TO MAKE PROVISION FOR THE REGISTRATION OF PATENTS.

#### Commencement

[1 October 1990]\*

#### Short title

1. This Ordinance may be cited as the Patents Ordinance.

#### Interpretation

2. In this Ordinance, unless the context otherwise requires—

“Board” means the Board of the Commission appointed under the Financial Services Commission Ordinance;

“Commission” means the Turks and Caicos Financial Services Commission established under the Financial Services Commission Ordinance, 2001 and preserved and continued under the Financial Services Commission Ordinance; (*Inserted by Ord. 16 of 2007*)

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

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

“managing director” means the managing director of the Commission appointed under the Financial Services Commission Ordinance; (*Inserted by Ord. 16 of 2007*)

“patent” means a patent granted under the Patents Act 1949 or under the Patents Act 1977, and means also a European patent (U.K.) that has effect in the United Kingdom pursuant to section 77 of the Patents Act 1977;

“Patents Act 1949” means the Act of that title of the United Kingdom;

“Patents Act 1977” means the Act of that title of the United Kingdom;

“priority date” has the meaning assigned to it—

- (a) in the case of a patent under the Patents Act 1949, by section 5 of that Act;
- (b) in the case of a patent under the Patents Act 1977, by section 5 of that Act;

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\* By Ordinance 20 of 1990, certain acts done under this Ordinance before commencement were validated

- (c) in the case of a European patent (U.K.) by section 5 of the Patents Act 1977 subject to the incidents and modifications mentioned in section 78 of that Act;

“Registrar” means the Registrar of Patents appointed under section 3.

### Registrar of Patents

3. (1) The Commission shall appoint a person as Registrar of Patents on such terms and conditions as it considers appropriate.

(2) The Commission may appoint one or more assistant Registrars of Patents who may perform any of the duties assigned and exercise any of the powers and discretions conferred by this Ordinance on the Registrar.

(3) The Registrar and assistant Registrars of Patents are employees of the Commission and shall carry out their duties and exercise their powers under this Ordinance subject to the general direction of the Board and the management and supervision of the managing director of the Commission.

(4) The Commission shall not appoint a person as Registrar or assistant Registrar of Patents unless it is satisfied the person is fit and proper and has the appropriate knowledge and experience to undertake his duties.

(5) The Registrar shall have an official seal bearing such device as may be approved by the Board, and an impression of such seal shall be judicially noted and admitted in evidence.

*(Substituted by Ord. 16 of 2007)*

### Register of Patents

4. (1) The Registrar shall keep at the Registry a book called the Register of Patents, hereinafter referred to as the Register, in which entries shall be made of the names and addresses of grantees of certificates of registration under this Ordinance, such particulars regarding the subject matter of the patent as the Registrar considers necessary to identify it and entries of all corrections, amendments, assignments, transmissions or other matters which the Registrar is empowered or required by law to record.

(2) The Register shall be *prima facie* evidence of all matters directed or authorised by or under any law for the time being in force relating to patents to be entered therein.

### Application for registration of patent

5. (1) Any person being the grantee of a patent, or any person deriving his right to the use of a patent by assignment, transmission or other operation of law, may within five years from the date of grant of the patent apply to have such patent registered in the Islands. Where any partial assignment or transmission has been made all proper parties shall be joined in the application for registration.



- (2) In this section “the date of grant” means—
- (a) in relation to a patent under the Patents Act 1949, the date of sealing of the patent under section 19 of that Act;
  - (b) in relation to a patent under the Patents Act 1977, the date upon which the patent takes effect pursuant to section 25 of that Act; and
  - (c) in relation to a European patent (U.K.), the date upon which the patent takes effect in the United Kingdom pursuant to section 77 of the Patents Act 1977.

### **Documents to accompany application**

6. An application for registration under the provisions of this Ordinance shall be accompanied by—

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

### **Issue of certificate of registration**

7. Upon an application for registration of a patent being received, together with the documents referred to in section 6, and upon payment of the prescribed fees and of the costs of any prescribed advertisement, the Registrar shall enter the particulars in the Register and shall issue a certificate of registration authenticated by his official seal.

### **Rights conferred by registration and duration thereof**

8. (1) A certificate of registration issued under section 7 shall confer on the applicant for registration of the patent privileges and rights, subject to the provisions of this Ordinance and to any other law for the time being in force in the Islands, as though the patent concerned had been granted in the United Kingdom with an extension to the Islands.

(2) The privileges and rights so granted shall date from the commencement of the term 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 the Islands in respect of any act done prior to the date of issue of the certificate of registration in the Islands.

### **Power to declare exclusive rights not acquired**

9. (1) 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, after hearing the parties or their counsel, to declare, on any of the grounds upon which the patent might be revoked or treated as revoked under the law for the time being in force in the United Kingdom, that exclusive privileges and rights purporting to have been conferred by such certificate of registration have not been acquired.

(2) The grounds referred to in subsection (1) shall be deemed to include the manufacture, use or sale of the invention in the 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 Islands by some person after the priority date applicable to the patent in the United Kingdom and before the date of issue of the certificate of registration under section 7.

### **Amendment of specifications or drawings**

10. Whenever the specifications or drawings of a patent registered in the Islands have been amended or treated as amended, according to the law of the United Kingdom, a request, accompanied by the specifications and drawings (if any) as amended, or a copy of the translation into English of the amendment, as the case may be, may be made to the Registrar to substitute the specifications and drawings as amended for the specifications and drawings (if any) as originally filed.

### **Registration of assignment, etc**

11. (1) Where a person becomes entitled by assignment, transmission or by 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 for the entry on the Register of such assignment, transmission or other instrument affecting the title or giving any interest therein, and the Registrar, if he is satisfied that the application is in order and duly supported by the documents, shall amend or annotate the entry in the Register accordingly.

(2) The Supreme Court shall have power upon the application of any person who alleges that his interests have been prejudicially affected by any entry in the Register made under the provisions of subsection (1), after hearing the parties or their counsel, to make such order for the correction or amendment of the Register as the justice of the case requires.

### **Application to the Crown**

12. Subject to the provisions of this Ordinance, a certificate of registration shall have the same effect against the Crown as it has against a subject.

### **Use of patented invention for the services of the Crown**

13. (1) (a) Notwithstanding anything in this Ordinance or in any other law, the Government, and any public officer or other person in the

service of the Crown and any person authorised in writing by the Governor, may use any patented invention for the services of the Crown in accordance with the following provisions of this section.

(b) An invention for which a patent has been granted or has taken effect in the United Kingdom shall, upon the issue of a certificate of registration of such patent under this Ordinance (but not earlier) become a patented invention for the purposes of this section, and shall remain a patented invention only for so long as the patent remains in force in the United Kingdom, save that if a declaration is made under this Ordinance that the exclusive privileges and rights purporting to have been conferred by such certificate have not been acquired the invention shall not be or be regarded as having been a patented invention within the meaning of this section.

(2) If and so far as the patented invention has before its priority date been duly recorded by or tried by or on behalf of any department of Her Majesty's Government in the United Kingdom or the United Kingdom Atomic Energy Authority or the Government, otherwise than in consequence of the communication thereof, in confidence, directly or indirectly by the person entered as the grantee or proprietor of the patent on the register of patents kept pursuant to the Patents Act 1977, or by any person from whom he derives his title, any use of the invention by virtue of this section may be made free of any royalty or other payment to the person entitled, under the relevant certificate of registration issued under this Ordinance to the privileges and rights conferred by such certificate.

(3) If and so far as the patented invention has not been so recorded or tried as aforesaid, any use of the invention made by virtue of this section at any time after the issue under this Ordinance of the certificate of registration of the patent granted for that invention, or in consequence of any such communication as aforesaid, shall be made upon such terms as may be agreed upon, either before or after the use, between the Government and the person entitled under the certificate of registration to the privileges and rights conferred thereby, or as may in default of agreement be determined by the Court on a reference under section 15.

(4) The authority of the Governor in respect of a patented invention may be given under this section either before or after the certificate of registration of the patent for the invention is issued and either before or after the acts in respect of which the authority is given or done, and may be given to any person whether or not he is authorised directly or indirectly by the person entitled under the certificate of registration to the privileges and rights conferred thereby to use the invention.

(5) Where any use of a patented invention is made by the Government, or by any person with the authority of the Governor under this section, then, unless it appears to the Governor acting in his discretion that it would be contrary to the public interest so to do, he shall notify the holder of the certificate of registration under this Ordinance as soon as practicable after the use has begun, and furnish

him with such information as to the extent of the use as he may from time to time require.

### **Rights of third parties in respect of Crown use**

**14.** (1) In relation to the use of a patented invention within the meaning of paragraph (b) of subsection (1) of section 13, made for the services of the Crown—

- (a) by the Government or by a person authorised by the Governor under section 13; or
- (b) by the person entitled under the certificate of registration to the privileges and rights conferred thereby, to the order of the Government,

the provisions of any licence, assignment or agreement made between the persons entitled under the certificate of registration to the rights and privileges thereby conferred, or any person who derives title from him or from whom he derives title, and any person other than the Government shall be of no effect in so far as those provisions restrict or regulate the use of the invention, or any model, document or information relating thereto, or provide for the making of payments in respect of any such use or calculated by reference thereto.

(2) Where an exclusive licence granted otherwise than for royalties or other benefits determined by reference to the use of the invention is in force in the Islands, then—

- (a) in relation to any use of the patented invention which, but for the provisions of this section and section 13, would constitute an infringement of the rights of the licensee, subsection (3) of section 13 shall have effect as if, for the reference to the person entitled under the certificate of registration to the privileges and rights conferred thereby, there were substituted a reference to the licensee; and
- (b) in relation to the use of the patented invention by the licensee by virtue of an authority given under section 13, that section shall have effect as if the said subsection (3) were omitted.

(3) Subject to the provisions of subsection (2), where the patent has been assigned to the person entitled under the certificate of registration thereof to the privileges and rights conferred by such certificate in consideration of royalties or other benefits determined by reference to the use of the patented invention, then—

- (a) in relation to any use of the invention by virtue of section 13, subsection (3) of that section shall have effect as if the reference to the person entitled under the certificate of registration to the privileges and rights thereby conferred included a reference to the assignor, and any sum payable by virtue of that subsection shall be divided between the person entitled as aforesaid and the assignor in such proportion as may be agreed upon between them

or as may, in default of agreement, be determined by the Supreme Court on a reference under section 15; and

- (b) in relation to any use of the invention made for the services of the Crown, by the person entitled under the certificate of registration to the privileges and rights conferred thereby, to the order of the Government, subsection (3) of section 13 shall have effect as if that use were made by virtue of an authority given under that section.

(4) Where, under subsection (3) of section 13, payments are required to be made by the Government to a person entitled under the certificate of registration to the privileges and rights thereby conferred in respect of any use of the patented invention, any person being the holder of an exclusive licence in force in the Islands (not being such a licence as is mentioned in subsection (2) of this section) authorising him to make use of the invention, shall be entitled to recover from the person entitled as aforesaid under the certificate such part (if any) of those payments as may be agreed upon between that person and the person so entitled, or as may, in default of agreement be determined by the Supreme Court, on a reference under section 15, to be just having regard to any expenditure incurred by that person—

- (a) in developing the said invention; or
- (b) in making payments to the person entitled as aforesaid to the said privileges and rights, other than royalties or other payments determined by reference to the use of the invention, in consideration of the licence,

and if, at any time before the amount of any such payment has been agreed upon between the Government and the person entitled to the said privileges and rights, that person gives notice in writing to the Governor, any agreement as to the amount of that payment shall be of no effect unless it is made with his consent.

### **Reference of dispute as to Crown use**

**15.** (1) Any dispute as to the exercise by the Government or a person authorised by the Governor of the powers conferred by section 13, or as to terms for the use of a patented invention for the services of the Crown thereunder, or as to the right of any person to receive any part of a payment made in pursuance of subsection (3) of that section, may be referred to the Supreme Court by either party to the dispute.

(2) In any proceedings under this section in which the Attorney General represents the Crown or the Government, the Attorney General may—

- (a) if the person entitled under the relevant certificate to the privileges and rights thereby conferred is a party to the proceedings, apply for a declaration, on any of the grounds upon which such a declaration may be made under section 9, that the exclusive rights and privileges purporting to be conferred by such certificate of registration have not been acquired;

(b) in any case, put in issue the validity of the certificate without applying for such a declaration as aforesaid.

(3) If in any such proceedings as aforesaid any question arises as to whether an invention has been recorded or tried as mentioned in section 13, and the disclosure of any document recording the invention, or of any evidence of the trial thereof, would in the opinion of the Governor acting in his discretion be prejudicial to the public interest, the disclosure may be made confidentially to counsel for the other party or to an independent expert mutually agreed upon.

(4) In determining under this section any dispute between the Government and any person as to the terms for the use of an invention for the services of the Crown, the Court shall have regard to any benefit or compensation which that person or any person from whom he derives title may have received, or may be entitled to receive, directly or indirectly from the Government in respect of the invention in question.

### **Rules of court**

**16.** (1) The Chief Justice may make Rules of Court to provide for the procedure for the reference to the Supreme Court of any dispute arising under the provisions of section 9, 11 and 15 and for the determination of any such dispute, and any such rules may include provision for the whole or any part of the proceedings, or for any question or issue of fact, to be referred to a special referee or arbitrator to be appointed by the Court, on such terms as the Court may direct.

(2) Until such time as any Rules of Court are made under the provisions of subsection (1), the procedure to be followed in the case of any such dispute as is mentioned in that subsection shall be in conformity with such directions as the Chief Justice may give in any particular case.

### **Rules**

**17.** The Governor may make rules for carrying into effect the provisions of this Ordinance and, without derogation from the generality of the power hereby conferred, such rules may prescribe the duties of the Registrar, the procedure to be followed and the fees to be paid in respect of any proceedings under this Ordinance.

### **No other patent registrations to have effect**

**18.** No registration of any patent under any law relating to the registration of patents in force in Jamaica shall have any effect as a registration extending for any purpose to the Turks and Caicos Islands.

**PATENTS RULES**  
**ARRANGEMENT OF RULES**

**RULE**

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SCHEDULE 1: Fees

SCHEDULE 2: Forms





**PATENTS RULES – SECTION 17**  
*(Legal Notices 1/1984 and 17/2009)*

**Commencement**

*[20 January 1984]*

**Short Title**

1. These Rules may be cited as the Patents Rules.

**Interpretation**

2. In these Rules, unless the context otherwise requires, the following expressions have the following meanings—

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

“Convention” means the Convention on the grant of European Patents;

“date of grant” means—

- (a) in relation to a patent under the Patents Act 1949, the date of sealing of the patent under section 19 of that Act;
- (b) in relation to a patent under the Patents Act 1977, the date upon which the patent takes effect pursuant to section 25 of that Act; and
- (c) 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;

“European List” means the list of professional representatives maintained by the European Patents Office in pursuance of the Convention;

“European Patent Office” means the office of that name established by the Convention;

“European Patent (UK)” means a patent granted under the Convention designating the United Kingdom;

“European Register” means the Register of European Patents maintained under the Convention;

“Ordinance” means the Patents Ordinance;

“patent” means a patent granted under the Patents Act 1949 or under the Patents Act 1977, and means also a European Patent (UK) that has effect in the United Kingdom pursuant to section 77 of the Patents Act 1977;

“Patents Act 1949” means the Act of that title of the United Kingdom;

“Patents Act 1977” means the Act of that title of the United Kingdom;

“Patents Acts” means the Patents Act 1949 and the Patents Act 1977;

“register” means the Register of Patents maintained under section 4(1) of the Ordinance;

“Registrar” means the Registrar of Patents appointed under section 3 of the Ordinance;

“Schedule” means one of the Schedules appended to these Rules and numbered 1 and 2 respectively;

“section” means a section of the Ordinance, a subsection being indicated by a number enclosed in brackets immediately following the number of the section;

“United Kingdom Register” means the Register of Patents maintained under the Patents Acts.

### **Fees**

3. The fees to be paid in respect of any matters arising under the Ordinance shall be those specified in Schedule 1, and in any case where a form specified in that Schedule as the corresponding form in relation to any matter is required to be used, that form shall be accompanied by the fee specified in that matter.

### **Forms**

4. The forms mentioned in these Rules are those set out in Schedule 2 and such forms shall be used in all cases to which they are applicable and may be modified as directed by the Registrar.

### **Agents**

5. (1) The authorisation of an agent for the purposes of any business under the Ordinance shall be signed by the applicant himself but, unless the Registrar otherwise directs in any particular case, all notices, applications, or other documents filed under the Ordinance may be signed by an agent duly authorised to the satisfaction of the Registrar and all attendances upon the Registrar may be made by or through such agent.

(2) The Registrar may refuse to recognise as such agent—

- (a) any person whose name has been erased from, and not restored to, the European List or any Register of Patent agents maintained in any country in which he carries on, or has carried on, business;
- (b) any person whom under any statutory power the Comptroller has refused to recognise as such agent in respect of any business under the Patents Acts.

(3) The authorisation of an agent shall, unless the Registrar otherwise directs, be given on Form P 1.

### **Procedure on application: general**

6. (1) An application under section 5 shall, if the applicant claims to be the grantee of the patent to which the application relates, be made on Form P2; and if the applicant claims to have derived his right to the use of such patent by assignment, transmission or other operation of law, an application under that section shall be made on Form P3.

(2) An application under section 5 shall be accompanied by the following—

- (a) the prescribed fee;

- (b) the documents specified in section 6, together with a further copy of any specification or translation of a specification and a copy of any drawing accompanying the application; and
- (c) if the application is made on Form P3, proof of the applicant's title to the use of the patent, such proof to be to the satisfaction of the Registrar, who may, before approving the application, require such further evidence of title, whether by way of declaration, production of documents, or otherwise, as he thinks fit.

(3) Where the applicant claims title to the use of the patent by virtue of a partial assignment or transmission of the patent or any right or rights in respect of the use of that patent, the Form P3 may also be signed by any other person claiming a partial interest in the patent or in any such rights, and any person so signing shall be deemed to acknowledge the applicant's title and to agree to registration of the patent.

(4) The Registrar may at his discretion direct that for the purpose of section 5(1) any person should properly be a party to an application made on Form P3 in any case where there has been, or appears to him to have been, a partial assignment or transmission. If the Registrar gives such a direction, that person shall thereupon be deemed to have an interest in the application, and the Registrar shall take all necessary steps to notify him of the application and its nature and of all proceedings in connection therewith, and may not, if he thinks fit, proceed further with the application unless that person either signs the Form P3 or otherwise intimates to the Registrar's satisfaction that he acknowledges the applicant's title and agrees to registration of the patent.

(5) In the case of an application by the personal representative of a deceased person who, immediately before his death, was entitled to make an application for registration under section 5, the probate of the will of the deceased, or the letter of administration of the estate, or an official copy of the probate or letters of administration, shall be produced to the Registrar in proof of the applicant's title to act as personal representative.

#### **Application to be *Gazetted*: subsequent procedure**

7. (1) Upon receipt of an application under section 5, and if Rules 5 and 6 have been complied with to his satisfaction, the Registrar shall advertise the application in the *Gazette* in such manner as he may think fit, and any person may, within two months from the date of publication of such advertisement, give notice to the Registrar on Form P5 of opposition to the issue of a certificate of registration, and shall state in such notice his grounds for opposition and shall at the same time pay the prescribed fee.

(2) Where such notice of opposition is given within the prescribed time, the Registrar shall send a copy of the notice to the applicant and, after hearing all the parties, if desirous of being heard, shall decide the issue.

(3) If there is no opposition, or, in the case of opposition, if the Registrar decides to issue the certificate of registration, he shall, as required by section 7, enter the particulars in the register and issue to the applicant a certificate of registration on Form P6 authenticated by his official seal. The particulars to be entered shall include the following—

- (a) the name, address and nationality of the grantee of the certificate;

- (b) the title of the invention;
- (c) the number of the patent in the United Kingdom Patent Office or, in the case of a European Patent (UK), in the European Patent Office;
- (d) the date of grant of the patent;
- (e) the term for which the patent has been granted in the United Kingdom or, in the case of a European Patent (UK), the term for which the patent should under section 77 of the Patents Act 1977 be treated as if it were a patent granted under that Act;
- (f) the date of registration in the register; and
- (g) the grantee's address for service in the Islands.

(4) The Registrar may at the time of registration of the patent or at any time thereafter enter in the register such other particulars relating to that patent as he may think fit.

#### **Amendment of specification or drawings**

8. A request under section 10 to substitute an amended specification or amended drawings shall be made on Form P7 and shall be accompanied by—

- (a) the prescribed fee, and
- (b) two copies, authenticated to the Registrar's satisfaction, of the specification and drawing (if any) as amended; or, if the application is in a language other than English, two copies, authenticated as aforesaid, of a translation into English of the amended specification, together with two copies of the amended drawing (if any).

#### **Assignments and transmissions: procedure**

9. (1) An application under section 11(1), by any person claiming to be entitled by assignment, transmission or operation of law to the privileges and rights conferred by a certificate of registration or to any interest therein, shall be made on Form P8, and shall be accompanied by—

- (a) the prescribed fee;
- (b) a copy, authenticated to the Registrar's satisfaction, of any relevant entry in the United Kingdom Register or the European Register in respect of the assignment, transmission or operation of law referred to in the application;
- (c) an official copy, or a copy authenticated to the Registrar's satisfaction, of any document which is referred to in the application and is a matter of record in the United Kingdom or elsewhere;
- (d) unless the Registrar otherwise directs, the original of any document which is referred to in the application and is not a matter of record as aforesaid, together with a copy thereof authenticated to the Registrar's satisfaction;

- (e) if the application is by a personal representative of a person who, immediately before his death, was entitled to the privileges and rights conferred by a certificate of registration granted under the Ordinance, the probate of the will of the deceased or the letters of administration of the estate, or an official copy of the probate or letters of administration; and
- (f) in any case, such further proof of the applicant's title in respect of the patent or any interest therein, or in respect of the privileges and rights conferred by the certificate of registration granted under the Ordinance, as the Registrar may require, whether by way of declaration, production of documents, or otherwise, as he thinks fit.

(2) Upon receipt of an application under section 11(1) and if he is satisfied that this Rule has otherwise been complied with, the Registrar may, at his discretion, advertise the application in the *Gazette* in such manner as he thinks fit, and any person may within two months from the date of publication of such advertisement give written notice to the Registrar on Form P9 of opposition to the registration for which application has been made, and shall state in such notice his grounds for opposition, and shall at the same time pay the prescribed fee.

(3) Where such notice of opposition is given within the prescribed time, the Registrar shall send a copy of the notice to the applicant and, after hearing all the parties, if desirous of being heard, shall decide the issue.

(4) If there is no opposition, or in the case of opposition, if the Registrar decides to proceed with the registration, and if the Registrar is satisfied that this Rule has otherwise been complied with, he shall register the assignment, transmission or other instrument, or the operation of law, as the case may be, affecting the title to the patent or giving any interest therein, as required by section 11(1), and shall, as required by that section, amend or annotate in the Register the entry relating to the patent concerned in the application. The amendment or annotation shall include—

- (a) the name, address and nationality of the applicant;
- (b) the applicant's address for service in the Islands;
- (c) the date of the assignment, transmission, or other instrument, or operation of law, as the case may be, and its nature and effect; and
- (d) the date of registration in the Register.

(5) Upon making the amendment or annotation in the Register as aforesaid, the Registrar shall issue to the applicant a certificate of registration on Form P10 authenticated by his official seal.

### **Correction of the Register: procedure**

**10.** (1) The Registrar may, either on the requests of any person interested or without such request, correct any clerical error in any patent on the Register, or in any application to register a patent under the Ordinance, or in any document filed in pursuance of such an application, or any error in the Register or in any certificate issued by the Registrar. Such a request by a person interested shall be on Form P11 and shall be accompanied by the prescribed fee.

(2) The Registrar may at his discretion advertise the application in the *Gazette* in such manner as he thinks fit, and shall do so if it appears to him that the intended correction would materially alter the meaning or scope of the document to which the request for correction relates.

(3) Any person may, within two months from the date of publication in the *Gazette* of such advertisement, give notice to the Registrar on Form P12 of opposition to the correction which the Registrar has been requested to make, and shall state in such notice his grounds for opposition, and shall at the same time pay the prescribed fee.

(4) Where such notice of opposition is given within the prescribed time, the Registrar shall send a copy of the notice to the person making the request for correction and, after hearing both parties, if desirous of being heard, shall decide the issue.

(5) If there is no opposition, or in the case of opposition if the Registrar decides to make the correction to which the request relates, the Registrar shall make the correction in the Register and enter in the Register the date on which the correction was made, and shall issue to the person making the request a certificate on Form P13 authenticated by his official seal.

### **Certified copies**

11. Certified copies of any entry in the Register, or certified copies of, or extracts from, patents, specifications and other public documents kept by the Registrar, or of and from registers and other records kept by him, may be furnished by the Registrar on payment of the fees prescribed by these Rules.

### **Information**

12. The Registrar may, upon the request of any person on Form P14 and upon payment of the prescribed fee, furnish any information as to a matter affecting a patent or an application for registration of a patent in the Register.

### **Evidence before the Registrar**

13. (1) Where under these Rules evidence is required to be filed it shall be by declaration or affidavit unless the Registrar otherwise directs or these Rules otherwise provide.

(2) The declarations and affidavits shall be made and subscribed as follows—

- (a) in the Islands, before any court, Judge, Justice of the Peace, Magistrate, Notary Public, the Registrar General, the Registrar, or other officer authorised by law to administer an oath for the purpose of any legal proceedings;
- (b) in the United Kingdom, before any Justice of the Peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceedings;
- (c) in any other part of the Commonwealth, before any court, Judge, Justice of the Peace, or any officer authorised by law to administer an oath there for the purpose of any legal proceedings; and

(d) if made elsewhere than in the Commonwealth, before a British Minister, or a Consul, Vice-Consul, or a Notary Public, or before a Judge or Magistrate.

(3) Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person authorised by this Rule to take a declaration in testimony that the declaration was made and subscribed before him, may properly be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

#### **Address for service, name and nationality**

14. (1) Every person concerned in any proceedings to which these Rules relate and every person to whom a certificate of registration of a patent is granted under the Ordinance, shall furnish to the Registrar an address for service in the Islands, and that address may be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or to whom the certificate is or has been granted.

(2) A request by any person whose name is entered in the Register for the alteration of that name, or of his nationality or address, or address for service, entered in the Register, shall be made on Form P15 and shall be accompanied by the prescribed fee.

(3) Before acting on a request to alter a name or nationality, the Registrar may require such proof of the alteration as he may think fit.

(4) If the Registrar is satisfied that the request should be granted, he shall cause the Register to be amended or annotated accordingly.

#### **Advertisement in newspapers**

15. In any case where the Registrar is required or empowered by these Rules to publish an advertisement in the *Gazette*, he may, if he thinks fit, publish the advertisement both in the *Gazette* and in a newspaper, in which event the cost of publication in the newspaper shall be payable by the person making the application or request so advertised as if it were a fee prescribed by these Rules, and any period of time prescribed by these Rules for giving notice of opposition shall, if the date of publication in the *Gazette* precedes the date of publication in the newspaper, commence to run from the later date.

#### **Payment of fees**

16. Any fees prescribed by these Rules shall be paid at the time of filing the application, request, notice or other matter to which such fees relate. If any prescribed fee has not been paid, or if the cost of advertising in a newspaper has not been paid under rule 15, the Registrar may at his discretion decline to proceed with the application, request, notice or other matter, as the case may be.

#### **Authentication of copies**

17. Where under these Rules a copy of a document is required to be authenticated to the Registrar's satisfaction, he shall be satisfied as to authenticity if such a copy purports to be certified by the Comptroller and to be sealed with the seal of the United Kingdom

Patent Office, and no further proof of authenticity shall be required; and, in the case of a European Patent (UK), he shall be satisfied as to authenticity if such a copy purports to be certified by an officer of the European Patent Office who appears to him to have, or who usually has, authority to give such certificate in respect of European Patents (UK), and no further proof of authenticity shall be required.

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**SCHEDULE 1**

*(Rule 3)*

**LIST OF FEES PAYABLE**

No.	Matter or Proceeding	Fee \$	Corres- ponding Form
1.	On application to register a patent under section 5 of the Ordinance—		
	(a) if by a person claiming to be the grantee	75	P 2
	(b) if otherwise than by a person claiming to be the grantee	100	P 3
2.	On notice of opposition under Rule 7(1) for each application opposed, by opponent	150	P 5
3.	On request under section 10 of the Ordinance to amend specification or drawings	40	P 7
4.	On application under section 11(1) of the Ordinance to register an assignment, transmission or operation of law, for each application	50	P 8
5.	On notice of opposition under Rule 9(2) for each application opposed, by opponent	150	P 9
6.	On request under Rule 10 to correct any clerical error in any patent on the register, or in any application to register a patent, or in any document filed in pursuance of such application, or any error in the register or in any certificate issued by the Registrar	40	P11
7.	On notice of opposition under Rule 10(3) for each request opposed, by opponent	150	P 12
8.	For certifying office copies, MSS., printed or photographic, for each	20	—
9.	On request for information under Rule 12 as to a matter affecting a patent or an application therefore	25	P 14
10.	On request for alteration of name, nationality or address under Rule 14	30	P 15

*(Substituted by Legal Notice 17/2009)*

**SCHEDULE 2**

*(Rule 4)*

**INDEX OF FORMS**

Form	Description
P 1	Authorisation of agent
P 2	Application for registration of patent, the applicant claiming to be the grantee
P 3	Application for registration of patent, the applicant not claiming to be the grantee
P 5	Notice of opposition under rule 7(1)
P 6	Certificate of registration under rule 7(3)
P 7	Request under section 10 to amend specification or drawings
P 8	Application under section 11(1) to register an assignment, transmission or operation of law
P 9	Notice of opposition under rule 9(2)
P 10	Certificate of registration under rule 9(5)
P 11	Request under Rule 10 to correct any clerical error in any patent on the Register, or in any application to register a patent, or in any document filed in pursuance of such application, or any error in the Register or in a certificate issued by the Registrar
P 12	Notice of opposition under rule 10(3)
P 13	Certificate of correction under rule 10(5)
P 14	Request for information under rule 12
P 15	Request for alteration of name, nationality or address under rule 14

FORM P 1  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

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**AUTHORISATION OF AGENT**

---

I (or We)\* ..... of .....  
have appointed ..... of .....  
to act as my (or our) agent for the following matter or proceeding .....

And I (or We) request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

I (or We) hereby revoke all previous authorisations, if any, in respect of the same matter or proceeding.

My nationality is (or Our nationalities are): .....  
.....

Dated this.....day of.....20.....

Signed: *(The person or persons appointing the agent)*

.....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\* The full name of all the partners in a firm must be stated, and the kind of body corporate and its country of incorporation.

\_\_\_\_\_

FORM P 2  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

**APPLICATION FOR REGISTRATION OF A PATENT,  
THE APPLICANT CLAIMING TO BE THE GRANTEE**

Application is hereby made for registration in the Register of Patents, pursuant to section 5 of the Patents Ordinance, of the patent particulars whereof are stated in the Schedule below. Particulars of the applicant(s) who claim(s) to be the grantee of the patent, are as follows:—

Name(s) in full .....  
Trade or business address (registered office, if a body corporate).....  
.....  
Nationality (or country of incorporation, if a body corporate)  
.....  
Address for service in the Islands:.....

SCHEDULE

Title of the invention:.....  
.....  
Number of the patent in the United Kingdom Patent Office:.....  
In the case of a European Patent (UK), number of the patent in the European Patent Office:  
.....  
Date of grant of the patent: .....  
Place where patent granted: .....

Dated this ..... day of ..... 20.....  
Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

FORM P 3  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**APPLICATION FOR REGISTRATION OF A PATENT,  
THE APPLICANT NOT CLAIMING TO BE THE GRANTEE**

---

Application is hereby made for registration in the Register of Patents, pursuant to section 5 of the Patents Ordinance, of the patent particulars whereof are stated in the Schedule below. Particulars of the applicant(s), who claim(s) to have derived his (or their) right to the use of the patent by assignment, transmission or by operation of law, are as follows:—

Name(s) in full.....

Trade or business address (registered office, if a body corporate):

.....  
.....

Nationality (or country of incorporation, if a body corporate):

.....

Address for service in the Islands:.....

Short particulars of assignment, transmission or operation of law under which the applicant claims to have derived his right:

.....

SCHEDULE

Title of the invention: .....

.....

Number of the patent in the United Kingdom Patent Office: .....

In the case of a European Patent (UK), number of the patent in the European Patent Office:

.....

Date of grant of the patent: .....

Place where patent granted: .....

Dated the ..... day of ..... 20.....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

FORM P 5  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE  
NOTICE OF OPPOSITION UNDER RULE 7(1)

In the matter of an Application No .....for registration of a Patent  
I (or We) .....  
of .....  
hereby give notice of my (or our) intention to oppose the registration of the patent advertised  
under the above number in the *Gazette* (or the newspaper known as .....)  
of the ..... day of ..... 20 ....., No ..... page .....

The grounds of opposition are as follows:.....  
.....

My (or Our) address for service in the Islands in these proceedings is:  
.....

Dated the ..... day of ..... 20.....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\_\_\_\_\_

Patent No:.....

FORM P 6  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**CERTIFICATE OF REGISTRATION UNDER RULE 7(3)**

---

I,..... Registrar of Patents in the Turks and Caicos Islands, do hereby certify that on the ..... day of .....20 ..... the patent particulars whereof are stated in the Schedule below was registered in the Register of Patents maintained by me in the name(s) of .....  
.....  
of (registered office, if a body corporate) .....  
whose nationality (or country of incorporation, if a body corporate) is .....  
.....  
The number of the patent in the Register is .....

SCHEDULE

Title of invention .....  
.....  
Number of the patent in the United Kingdom Patent Office:.....  
In the case of a European Patent (UK), number of the patent in the European Patent Office:  
.....  
Date of grant of the patent: .....  
Place where the patent was granted: .....  
Term for which granted (or to be treated as granted) in the United Kingdom:  
.....

The address of the grantee(s) for service in the Islands is: .....

The privileges and rights granted by this certificate shall date from the commencement of the term 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.

Sealed at my direction, this .....day of ..... 20.....

.....  
REGISTRAR OF PATENTS

Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

Patent No: .....

FORM P 7  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**REQUEST UNDER SECTION 10 TO AMEND  
SPECIFICATION AND DRAWINGS**

---

I (or We) .....  
of .....

hereby make request under section 10 of the Ordinance to substitute an amended specification, and amended drawings (if any), in respect of the patent particulars whereof are stated below.

Two copies of the amended specification, and amended drawings (if any), or, if the amendment is not in English, two authenticated copies of the translation into English of the amendment, accompany this form.

Number of patent in the Islands: .....

Date of registration in the Islands: .....

Date of amendment (or when treated as amended) in the United Kingdom: .....

Dated the ..... day of ..... 20.....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\_\_\_\_\_



Patent No:.....

FORM P 8  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**APPLICATION UNDER SECTION 11(1) TO REGISTER AN ASSIGNMENT,  
TRANSMISSION OR OPERATION OF LAW**

---

Application is hereby made for registration in the Register of Patents, under section 11(1) of the Ordinance, of the assignment, transmission or other instrument, or operation of law particulars whereof are stated in Schedule 1 below. Particulars of the patent in respect of which the relevant certificate of registration was issued are stated in Schedule 2 below. Particulars of the applicant(s) are stated in Schedule 3 below.

This form is accompanied by such documents and copies of documents as are required under rule 6(2).

SCHEDULE 1

*Particulars of Assignment, Transmission or Operation of Law*

Date of the instrument or operation of law: .....

Nature of the instrument or operation of law: .....

Parties to the instrument (if any):

- (1) .....
- (2) .....
- (3) .....

SCHEDULE 2

*Particulars of the Patent*

Number of patent in the Islands:.....

Date of registration in the Islands: .....

SCHEDULE 3

Name(s) in full: .....

Trade or business address (registered office, if a body corporate):  
.....

Nationality (or country of incorporation, if a body corporate): .....

Address for service in the Islands: .....

Dated the ..... day of ..... 20.....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

Patent No:.....

FORM P 9  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**NOTICE OF OPPOSITION UNDER RULE 9(2)**

---

In the matter of an Application No ..... for registration of an  
assignment, transmission or operation of law

I (or We) .....  
of .....

hereby give notice of my (or our) intention to oppose the registration of the assignment,  
transmission or operation of law advertised under the above number in the *Gazette* (or the  
newspaper known as ..... ) of the  
..... day of .....20 ....., No ....., page .....

The grounds of opposition are as follows:

.....  
.....  
.....

My (or Our) address for service in the Islands in these proceedings is:

.....

Dated the ..... day of ..... 20.....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\_\_\_\_\_

Patent No: .....

FORM P 10  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**CERTIFICATE OF REGISTRATION UNDER RULE 9(5)**

---

I, ....., Registrar of Patents in the Turks and Caicos Islands, do hereby certify that on the ..... day of ..... 20 ....., upon the application under section 11(1) of the Patents Ordinance of the person or persons specified in Schedule 1 below, the assignment, transmission or other instrument, or operation of law, particulars whereof are stated in Schedule 2 below, was registered in the Register of Patents maintained by me, and that the entry in the Register relating to the registration of the relevant patent, particulars whereof are stated in Schedule 3 below, has been amended or annotated accordingly.

SCHEDULE 1

*Particulars of the Applicant(s)*

Name(s) in full: .....

Trade or business address (registered office, if a body corporate):  
.....

Nationality (or country of incorporation, if a body corporate):  
.....

Address for service in the Islands: .....

SCHEDULE 2

*Particulars of Assignment, Transmission or Operation of Law*

.....  
.....  
.....

SCHEDULE 3

*Particulars of the Patent*

Number of patent in the Islands: .....

Date of registration in the Islands: .....

Sealed at my direction, this .....day of ..... 20.....

.....  
REGISTRAR OF PATENTS

Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

Patent No:.....

FORM P 11  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**REQUEST UNDER RULE 10 TO CORRECT A CLERICAL ERROR**

---

I (or We),.....  
of .....  
being ..... hereby make request for the correction of the  
clerical error particulars whereof are stated below.

Number of the relevant patent in the Islands (if registered): .....

Date of registration of the patent in the Islands (if registered): .....

Nature of the correction: .....  
.....  
.....

Dated this ..... day of ..... 20 .....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\_\_\_\_\_

Patent No:.....

FORM P 12  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**NOTICE OF OPPOSITION UNDER RULE 10(3)**

---

In the matter of a Request No..... for the correction of a clerical error  
I (or We) .....  
of .....  
hereby give notice of my (or our) intention to oppose the correction of the clerical error  
advertised under the above number in the *Gazette* (or the newspaper known  
as .....) of the ..... day  
of .....20..... No ....., page.....

The grounds of opposition are as follows:.....  
.....  
.....

My (or Our) address for service in the Islands in these proceedings is:  
.....  
.....

Dated the ..... day of ..... 20 .....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\_\_\_\_\_

Patent No:.....

FORM P 13  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**CERTIFICATE OF CORRECTION UNDER RULE 10(5)**

---

I, ..... Registrar of Patents  
in the Turks and Caicos Islands, do hereby certify that on the ..... day  
of .....20 ..... pursuant to a request made under  
rule 10 by ..... of .....

The correction of a clerical error was made as described below.

Number of the relevant patent in the Islands (*if registered*):

.....  
.....  
.....

Nature of the correction:

.....  
.....

Sealed at my direction, this ..... day of ..... 20 .....

.....  
REGISTRAR OF PATENTS

Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

Patent No:.....

FORM P 14  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**REQUEST FOR INFORMATION UNDER RULE 12**

---

I (or We).....

of .....

hereby make request, under rule 12, for the information described below.

Number of the relevant patent in the Islands (if known): .....

.....

Date of registration of the patent in the Islands (if known): .....

.....

Grantee of relevant certificate of registration in the Islands (if known):

.....

Nature of the information requested:

.....

.....

.....

Dated the ..... day of ..... 20 .....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\_\_\_\_\_

Patent No:.....

FORM P 15  
TURKS AND CAICOS ISLANDS  
PATENTS ORDINANCE

---

**REQUEST FOR ALTERATION OF NAME,  
ADDRESS OR NATIONALITY UNDER RULE 14**

---

I (or We) .....  
of.....

hereby make request, under rule 14, for the following alteration to be made in the Register of Patents in respect of my name (or our names), address for service, or nationality:

.....  
.....  
.....

Particulars of the relevant patent registered in the Register are as follows—

Number of the patent in the Islands: .....

Date of registration of the patent in the Islands: .....

Dated the ..... day of ..... 20 .....

Signed: .....

To the Registrar of Patents,  
Grand Turk,  
Turks and Caicos Islands,  
British West Indies.

\_\_\_\_\_



