



**Tuvalu**

**REGISTRATION OF UNITED KINGDOM  
PATENTS ACT**

**2022 Revised Edition**

**CAP. 40.48**





Tuvalu

# REGISTRATION OF UNITED KINGDOM PATENTS ACT

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Tuvalu

# REGISTRATION OF UNITED KINGDOM PATENTS ACT

## AN ACT TO PROVIDE FOR THE REGISTRATION OF LETTERS PATENT GRANTED OR ACCEPTED AS EFFECTIVE IN THE UNITED KINGDOM<sup>1</sup>

Commencement [14th July 1924]

### 1 Short title

This Act may be cited as the Registration of United Kingdom Patents Act.

### 2 Application to register patent

Any person being the grantee of a patent 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 grant of the patent to have such patent registered in Tuvalu; and where any partial assignment or transmission has been made all proper parties shall be joined in the application for registration.

### 3 Documents required on application for registration

Every application under this Act 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 patent, and a certificate of the Comptroller General or an officer duly authorised under the Act giving full particulars of the grant of the patent on such specification or specifications or certifying that a European patent has been accepted as being effective in the United Kingdom.

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

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.

#### **5 Effect of certificate**

Such certificate of registration shall confer on the applicant the same privileges and rights in so far as they may be applicable to Tuvalu 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 Tuvalu.

#### **6 Period for which effective**

Privileges and rights so granted shall date from the date of the grant 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 Tuvalu.

#### **7 Patent Register**

The Secretary shall keep in his office a book to be called the “Patent Register” in which he shall register the particulars of every application and of any documents filed in connection therewith, showing the number, nature and date thereof and the name of the applicant or parties to such application.

#### **8 Jurisdiction of the High Court**

- (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. Such declaration may be made 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 Tuvalu 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 Tuvalu 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 has the meaning assigned to it in section 5 of the Act.

## **9 Substitution of amended for original specification etc.**

Whenever the specification or drawings of a patent registered in Tuvalu have 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 may be made to the Secretary to substitute a copy of the specification and drawings as amended for the specification and drawings originally filed.

## **10 Entry in Patent Register of assignment etc.**

Where a person becomes entitled by assignment, transmission or other operation of law to the privileges and rights by a certificate of registration or to any interest therein, he may make application in the prescribed manner to the Secretary for the entry in the Patent Register of such assignment, transmission or other instrument affecting the title or giving an interest therein.

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

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 Tuvalu and in all proceedings without further proof.

## **12 Patent Register etc., to be open to inspection**

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.

## **13 Power to make regulations and prescribe fees**

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

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

## 14 Interpretation

In this Act, unless the context otherwise requires —

“**the Act**” means the United Kingdom Patents Act 1977 or any substitution therefor;

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

“**European patent**” bears the meaning ascribed to that phrase by section 130 of the Act;

“**patent**” means either —

- (a) a patent granted in the United Kingdom; or
- (b) a European patent designating the United Kingdom within the meaning of section 130 of the Act, and which has been certified in the terms of section 3 of the Act.

**SCHEDULE<sup>2</sup>***(Section 13)*

1.	For filing application for registration together with documents specified in section 3, making entry in Patent Register and issuing certificate of registration	\$ 200.00
2.	For inspection of any document filed or any entry in Patent Register or both	40.00
3.	For substitution of amended specification and drawings (if any)	80.00
4.	For entry in the patent Register of any assignment, etc. under section 10	250.00
5.	For a certified copy or extract of an entry in the Patent Register	80.00
6.	For filing any document not otherwise provided for	40.00
7.	For office copy of any document, per page	80.00
8.	For certifying such office copy	40.00

**ENDNOTES**

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<sup>1</sup> 1990 Revised Edition, Cap. 61 – Acts 3 of 1924, 2 of 1933, 6 of 1956, 10 of 1967, 8 of 1971, 4 of 1975, 10 of 1977, LN 20/1978, LN 16/1979

Amended by LN 10/1995 commencement 1 January 1996

<sup>2</sup> Amended by LN 10/1995