

CHAPTER 242

UNITED KINGDOM DESIGNS (PROTECTION)

Ordinance No. 11 of 1936
AN ACT TO PROVIDE FOR THE PROTECTION IN FIJI OF DESIGNS
REGISTERED IN THE UNITED KINGDOM
[9th November, 1936]

Short title

1. This Act may be cited as the United Kingdom Designs (Protection) Act.

Extension to Fiji of United Kingdom designs

2. Subject to the provisions of this Act, the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts, 1907 to 1932 (Imperial), or any Act amending or substituted for those Acts shall enjoy in Fiji the like privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to Fiji.

Damages for infringement

3. The registered proprietor of a design shall not be entitled to recover any damages in respect of any infringement of copyright in a design from any defendant who proves that at the date of the infringement he was not aware nor had any reasonable means of making himself aware of the existence of the registration of the design:

Provided that nothing in this section shall affect any proceedings for an injunction.

Power of the court

4. The Supreme Court shall have the power upon the application of any person who alleges that his interests have been prejudicially affected to declare that exclusive privileges and rights in a design have not been acquired in Fiji under the provisions of this Act upon any of the grounds upon which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom. Such grounds shall be deemed to include the publication of the design in Fiji prior to the date of registration of the design in the United Kingdom.

Controlled by Ministry of the Attorney-General