

LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977

CHAPTER 99

UNITED KINGDOM DESIGNS PROTECTION

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Protection of designs registered in United Kingdom
3. Protection of innocent infringer
4. Power for High Court to declare that exclusive privileges have not been acquired

An Ordinance to provide for the protection of designs registered in the United Kingdom

2 of 1937
(Cap. 65 of
1952)
13 of 1972
(Cap. 62 of
1973)

Commencement: 6th April 1937

1. This Ordinance may be cited as the United Kingdom Designs Protection Ordinance. Short title

2. Subject to the provisions of this Ordinance, the registered proprietor of any design registered in the United Kingdom under the Registered Designs Acts 1949 to 1961 or any Act amending or substituted for those Acts, shall enjoy in the Gilbert Islands the like privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to the Islands. Protection in the Gilbert Islands of designs registered in United Kingdom

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 and a person shall not be deemed to have been aware or to have had reasonable grounds for supposing as aforesaid by reason only of the marking of an article with the word "registered" or any abbreviation thereof, or any word or words expressing or implying that the design applied to the article has been registered, Protection of innocent infringer

unless the number of the design accompanied the word or words or the abbreviation in question:

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

Power for
High Court to
declare that
exclusive
privileges
have not been
acquired

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

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.”.