

ORDERS IN COUNCIL

(Registered on the Records on the 18th January, 1960.)

1960

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of December, 1959.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

EARL OF PERTH

MR. SECRETARY WARD

MR. BROOKE

WHEREAS there was this day read at the Board Report from the Right Honourable the Lords of e Committee of Council for the Affairs of Guernsey d Jersey, dated the 24th day of November, 1959, the words following, viz.:—

Patents,
Designs and
Trade
Marks
(Amend
ment)
(Bailiwick of
Guernsey)
Law, 1959.

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

' 1. That, in pursuance of their Resolution of the 16th day of October, 1957, the States of Deliberation at a meeting held on the 27th day of May, 1959, approved a Bill or "Projet de Loi" entitled "The Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1959," which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the Chief Pleas of the Island of Sark at a meeting held on the 2nd day of June, 1959, considered the said Bill or "Projet de Loi," when a Resolution was passed agreeing to the application of the same to Sark. 3. That the States of the Island of Alderney at a meeting held on the 3rd day of September, 1959,

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considered the said Bill or "Projet de Loi," when a Resolution was passed agreeing to the application of the same to Alderney. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1959" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons

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whom it may concern, are to take notice and govern themselves accordingly.

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W. G. AGNEW.

Projet de Loi referred to in the foregoing Order in Council.

(No. 1—
1960)

PROJET DE LOI

ENTITLED

THE PATENTS, DESIGNS AND TRADE MARKS
(AMENDMENT) (BAILIWICK OF GUERNSEY)
LAW, 1959.

THE STATES, in pursuance of their Resolution of the sixteenth day of October, nineteen hundred and fifty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law throughout the Bailiwick of Guernsey.

1. Subject to the succeeding provisions of this Law, the Patents, Designs and Trade Marks Law (Guernsey), 1922 (hereinafter referred to as "the principal Law") shall, on and after the appointed day, have effect throughout the Bailiwick of Guernsey as it had effect in the Island of Guernsey immediately prior to the appointed day.

Extension of
principal
Law
throughout
the
Bailiwick.

2. A patent registered under the provisions of the principal Law on or before the appointed day, other than a patent which has lapsed or the registration of which has been revoked or cancelled under the provisions of the principal Law, shall, on and after the appointed day, be deemed to be registered under the provisions of the principal Law as extended by section one of this Law.

Protection of
existing
patents
throughout
the
Bailiwick.

3. Nothing in this Law, extending or amending the principal Law, shall apply in relation to designs and trade marks registered under the provisions of the principal Law and such designs and trade marks, other than designs or trade marks which have lapsed

Exclusion of
existing
designs and
trade marks
from
extended
protection.

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or the registration of which has been revoked or cancelled under the provisions of the principal Law, shall continue to be so registered and the principal Law shall have effect in relation thereto.

Amendments
to principal
Law.

4. (1) In the provisions, other than section ten, section twelve, section twenty-one, subsection (2) of section twenty-nine, subsection (2) of section thirty-one, section thirty-seven, section forty-four, section fifty-two and section sixty, of the principal Law the words "the Royal Court" and the words "the Court" where they occur in those provisions are hereby deleted and the words "the Ordinary Court" are hereby substituted therefor.

(2) In section ten, subsection (2) of section twenty-nine, subsection (2) of section thirty-one, section thirty-seven, section forty-four, section fifty-two and section sixty of the principal Law the words "the Royal Court" are hereby deleted and the words "the States of Guernsey" are hereby substituted therefor.

(3) In subsection (1) of section eleven, paragraph (a) of section eighteen, paragraph (a) of section thirty-four, subsection (3) of section fifty-four and section sixty-five of the principal Law the words "the Law Officers of the Crown" where those words occur in those sections are hereby deleted and the words "a Law Officer of the Crown" are hereby substituted therefor.

Amendments
and
Repeals.

5. The provisions of the principal Law set out in the left-hand column of the Schedule to this Law are hereby amended or repealed, as the case may be, to the extent set out in the right-hand column of that Schedule.

Appointed
day.

6. For the purposes of this Law the expression "appointed day" means the day on which this Law comes into force.

7. This Law may be cited as the Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1959, and this Law and the principal Law may be cited together as the Patents, Designs and Trade Marks (Bailiwick of Guernsey) Laws, 1922 and 1959.

1960

Citation.

8. This Law shall come into force on such date as the States of Guernsey may by Ordinance appoint.

Commencement.

SCHEDULE

Section five

*Sections of the principal Law**Extent of amendment or repeal*

Section one.

- (a) The definitions of "the Royal Court", "the Court" and "Law Officers of the Crown" are hereby deleted and the following definition is hereby substituted therefor—

" "Ordinary Court" means the Royal Court sitting as an Ordinary Court."

- (b) In the definition of "Prescribed fees" the words "Royal Court" are hereby deleted and the words "States of Guernsey" are hereby substituted therefor.

Section six.

- (a) The third Proviso to subsection (1) thereof is hereby repealed and the following Proviso is hereby substituted therefor—

" Provided further that—

- (a) the States of Guernsey, as respects the Islands of Guernsey or Alderney or both,
 - (b) the States of Alderney, as respects the Island of Alderney, and
 - (c) the Chief Pleas of Sark, as respects the Island of Sark,
- may by themselves, their agents or servants, at any time after registration,

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Sections of the principal Law

Extent of amendment or repeal

use the said invention for the public service of the said Islands or Island, as the case may be, upon such terms as may, either before or after the use thereof, be agreed between the Treasurer of the States of Guernsey, the States of Alderney or the Chief Pleas of Sark, as the case may be, and the patentee or, in default of agreement, upon such terms as the Ordinary Court may direct after hearing all the parties.”.

- (b) In subsection (3) thereof the words “or of the States” where those words occur are hereby deleted and the words “the States of Guernsey, the States of Alderney or the Chief Pleas of Sark” are hereby substituted therefor.

Section nine.

Subsections (2) and (3) thereof are hereby deleted and the following subsection substituted therefor—

“(2) Public notice of every application for registration to which subsection (1) of this section applies shall be given by means of an announcement which shall be delivered to Her Majesty’s Greffier and posted by him in the vestibule of the Royal Court for not less than seven consecutive days prior to the day on which it is proposed to make the application.”.

Section ten.

The words “the Island of” are hereby deleted.

Section eleven.

In subsection (1) thereof—

- (a) the word “Island” is hereby deleted and the words “Islands of this Bailiwick” are hereby substituted therefor;
- (b) the figure “9” is hereby deleted and the figure “4” is hereby substituted therefor.

Section fourteen.

- (a) The words “in the Island” are hereby deleted and the words “within the Islands of this Bailiwick” are hereby substituted therefor.

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*Sections of the
principal Law*

Extent of amendment or repeal

- (b) The words "in Guernsey" are hereby deleted and the words "in accordance with the provisions of this Law" are hereby substituted therefor.
- Section eighteen. In sub-paragraphs (iii) and (iv) of paragraph (b) thereof the words "in this Island" and "in the Island" where those words occur in those sub-paragraphs are hereby deleted and the words "within the Islands of this Bailiwick" are hereby substituted therefor.
- Section twenty-one. In subsection (i) thereof—
- (a) the words "of Guernsey" are hereby deleted and the words "the Court of Alderney or the Court of the Seneschal of Sark, as the case may be," are hereby substituted therefor;
- (b) the words "that jurisdiction" are hereby deleted and the words "those jurisdictions" are hereby substituted therefor.
- Sections twenty-five and twenty-eight. The word "Island" is hereby deleted where it occurs in those sections and the words "Islands of this Bailiwick" are hereby substituted therefor.
- Section twenty-seven. The whole section is hereby repealed.
- Section thirty-five. The words "the Island" are hereby deleted and the words "the Islands of this Bailiwick" are hereby substituted therefor.
- Section thirty-seven. The words "the Island of" are hereby deleted.
- Section forty. (a) Subsection (i) thereof is hereby deleted and the following subsection is hereby substituted therefor—
- "SEC. 40.—(1) Every application for registration under the provisions of section thirty-nine of this Law shall be lodged with Her Majesty's Greffier not less than ten days before the day on which the application is to be made and shall be accompanied by three exact specimens or representations of the trade mark concerned and public

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notice of the application shall be given by means of an announcement which shall be delivered to Her Majesty's Greffier and posted by him in the vestibule of the Royal Court for not less than seven consecutive days prior to the day on which it is proposed to make the application."

(b) Subsection (2) thereof is hereby deleted.

Sections forty-one,
forty-two and
forty-five.

The word "Island" is hereby deleted where it occurs in those sections and the words "Islands of this Bailiwick" are hereby substituted therefor.

Section forty-four.

The words "the Island of" are hereby deleted.

Section sixty.

(a) The words "and prescribe the forms to be used for or" are hereby deleted.

(b) the word "Court" where that word secondly occurs is hereby deleted and the word "States" is hereby substituted therefor.

Section sixty-seven.

The whole section is hereby repealed and the following section substituted therefor—

"SEC. 67.—(1) The proprietor of any patent, design or trade mark which has been registered in accordance with the provisions of this Law shall elect an address for service within the Island of Guernsey and Her Majesty's Greffier shall thereupon enter such address in the Register and any notice or summons in connection with any matter arising out of this Law shall be deemed to be sufficiently sent, served or given on or to him if it is sent by registered post to such address.

(2) If any person neglects or omits to elect an address for service as aforesaid a notice or summons as aforesaid shall be deemed to be sufficiently given or sent to or served on him if it is sent by registered post to Her Majesty's Greffier."