

THE PATENTS AND DESIGNS ACT, 1911

ACT NO. II OF 1911

[1st March, 1911]

***An Act to amend the law relating to the protection of Inventions and Designs**

WHEREAS it is expedient to amend the law relating to the protection of inventions and designs; It is hereby enacted as follows:—

PRELIMINARY

1. (1) This Act may be called the Patents and Designs Act, 1911. Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on the first day of January, 1912.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions

¹[(1) “Attorney-General” means the Attorney General for Bangladesh];

* Throughout this Act, except otherwise provided, the words “Bangladesh”, “Government”, “the High Court Division” and “Taka” were substituted, for the words “Pakistan”, “Central Government” or “Central Government or Provincial Government”, “a High Court” or “the High Court” and “rupees” or “Rs.” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Throughout this Act the words “Registrar” and “Department of Patents, Designs and Trade Marks” were substituted for the words “Controller” and “Patents Office” respectively by section 2 of the Patents and Designs (Amendment) Act, 2003 (Act No. XV of 2003).

¹ Clause (1) was substituted, for former clause (1) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (2) “article” means (as respects designs) any article of manufacture and any substance, artificial or natural or partly artificial and partly natural:

¹[* * *]

- (4) “copyright” means the exclusive right to apply a design to any article in any class in which the design is registered:

- (5) “design” means only the features of shape, configuration, pattern or ornament applied to any article by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark as defined in section 478, or property mark as defined in section 479 of the ²[Penal Code]:

- (6) “District Court” has the meaning assigned to that expression by the Code of Civil Procedure, 1908:

- (7) [Omitted by the Central Laws (Statute Reforms Ordinance, 1960) (Ordinance I o. XXI of 1960).]

- (8) “invention” means any manner of new manufacture and includes an improvement and an alleged invention:

- (9) “legal representative” means a person who in law represents the estate of a deceased person:

- (10) “manufacture” includes any art, process or manner or producing, preparing or making an article, and also any article prepared or produced by manufacture:

¹ Clause (3) was omitted by section 3 of the Patents and Designs (Amendment) Act, 2003 (Act No. XV of 2003).

² The words “Penal Code” were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (11) “patent” means a patent granted under the provisions of this Act:
- (12) “patentee” means the person for the time being entered on the register of patents kept under this Act as the grantee or proprietor of the patent:
- (13) “prescribed” includes prescribed by rules under this Act:
- (14) “proprietor of a new or original design,”–
 - (a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and
 - (b) where any person acquires the design or the right to apply the design to any article, either selservively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so required; and
 - (c) in any other case, means the author of the design; and

¹[(15) “Registrar” means the Registrar of Patents, Designs and Trade Marks appointed under section 55 (1) of this Act:]

and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

PART I

PATENT

Application for and Grant of Patent

3. (1) An application for a patent may be made by any person whether he is a citizen of Bangladesh or not, and whether alone or jointly with any other person. Application

¹ Clause (15) was added by section 3 of the Patents and Designs (Amendment) Act, 2003 (Act No. XV of 2003).