

CHAPTER 180

**REGISTRATION OF
UNITED KINGDOM TRADE MARKS**

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CHAPTER 180

REGISTRATION OF UNITED KINGDOM
TRADE MARKS

AN ACT TO PROVIDE FOR THE REGISTRATION OF TRADE MARKS
REGISTERED IN THE UNITED KINGDOM

6 of 1939
8 of 1965
LN 46A of 1978
LN 88 of 1978

[20th June 1939]

1. This Act may be cited as the Registration of United
Kingdom Trade Marks Act.

Short title

2. In this Act—

Interpretation
8 of 1965, Sched
LN 46A of 1978

“prescribed” means prescribed by this Act or by Rules
made thereunder;

“Register” means the Register of Trade Marks kept under
this Act;

“Registrar” means the person appointed Registrar-
General;

“United Kingdom” includes the Isle of Man.

3. Any person being the registered proprietor of a trade mark
in the United Kingdom by virtue of an entry in the register of
trade marks kept under the Trade Marks Act, 1938, or any Act
amending or substituted for that Act, or any person deriving title
from such registered proprietor by assignment or other mode of
transfer, may apply at any time during the existence of the regis-
tration in the United Kingdom to have such trade mark registered
in Solomon Islands in respect of some or all the goods comprised
in the United Kingdom registration.

Application to
register trade
mark registered
in United
Kingdom 1 & 2
Geo. VI. c. 22
LN 88 of 1978

4. An application for registration of a trade mark under this
Act shall be made to the Registrar and accompanied by a
certified representation of the trade mark and a certificate of the
Comptroller-General of the United Kingdom Patent Office
(under his title of Registrar of Trade Marks) giving full particu-
lars of the registration of the trade mark in the United Kingdom.

Documents
required on
application for
registration

5. Upon such application being lodged, together with the
documents mentioned in section 4, the Registrar shall enter the
prescribed particulars in the Register, and shall issue a certificate
of Registration to the applicant who shall then be the registered
proprietor in Solomon Islands of the trade mark in respect of the
goods entered in the Register.

Issue of
certificate of
registration
LN 46A of 1978

Effect of
certificate

6. Subject to the provisions of this Act a registered proprietor shall have in Solomon Islands such privileges and rights in the use of the trade mark in respect of the goods entered in the Register as *mutatis mutandis* would be conferred on him by law for the time being in force in the United Kingdom.

Period for which
effective
LN 46A of 1978

7. The privileges and rights conferred by section 6 shall date from the date of Registration in the United Kingdom and shall continue in force, subject to the provisions of section 15, for so long as the Registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in Solomon Islands:

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of the issue of the Certificate of Registration in Solomon Islands.

Saving of
"passing off"
action

8. Nothing in this Act shall be deemed to affect any right of action against any person for passing off goods as those of another person or any remedy in respect thereof.

Jurisdiction of
the Court

9. The 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 on any of the grounds *mutatis mutandis* on which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom, that the exclusive privileges and rights have not been acquired.

Entry in register
of assignments

10. Subject to the provisions of this Act, where a person becomes entitled by assignment or other mode of transfer to the privileges and rights conferred on a registered proprietor by this Act, the Registrar shall, on application being made in the prescribed manner and on proof of title to his satisfaction, cause such person to be entered in the Register as subsequent registered proprietor of the trade mark.

Registered users
1 & 2 Geo. VI.
c. 22
LN 46A of 1978

11. Any person entered in the United Kingdom Register of Trade marks under section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a Certificate of Registration under this Act is in force, may apply to be registered in Solomon Islands as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.

12. Upon such application being lodged, together with a certificate of the United Kingdom Register of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said section 28, the Registrar shall cause the applicant to be entered in the Register of Solomon Islands as a registered user of the trade mark, and on such entry the registered user shall be entitled in Solomon Islands, subject to the aforesaid conditions and restrictions, to such privileges and rights in respect of the goods for which he is entered as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.

Rights of
registered users
LN 46A of 1978

13. The Minister may make such rules and do such things as he may think expedient, subject to the provisions of this Act, for regulating procedure under this Act and prescribing the fees to be paid in respect of proceedings under this Act (other than procedure in relation to applications to the Court and fees payable in respect thereof); and generally for prescribing anything which by this Act is to be prescribed.

Power to make
rules and
prescribe fees
LN 46A of 1978

14. The Registrar shall keep in his office a book, to be called the "Register of Trade Marks", in which he shall register the particulars of any documents filed showing the number, nature and date thereof and the name of the registered proprietor or parties thereto. Such 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.

A register of
trade marks to be
kept and to be
open to
inspection

15. If the registration in the United Kingdom of a trade mark registered under this Act is renewed the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then, on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the Register in the prescribed manner. If the registration in the Register is not so renewed, it shall be cancelled by the Registrar.

Entry in Register
of renewals of
United Kingdom
registration

16. The Registrar may, on request in writing made by the registered proprietor and on payment of the prescribed fee—

Alteration of
Register

(a) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or registered user is registered;

(b) correct any clerical error in, or in connection with, any application under this Act or in any matter which is entered in the Register;

(c) enter in the Register any change in the name, description or address of the person who is registered as proprietor or user of a trade mark.

Entry in Register
or certified copy
to be admissible
in evidence
LN 46A of 1978

17. Any entry in the Register of Trade Marks or any certified copy thereof of any document duly filed signed by the Registrar shall be admitted in evidence in all Courts of Solomon Islands and in all proceedings without further proof.

Register under
No. 2 of 1934

18. The Register kept in accordance with section 11 of the Registration of United Kingdom Trade Marks Regulation, 1934, shall be deemed to be the Register kept under this Act, and all proprietors registered under the Regulation aforesaid shall be deemed to be registered proprietors under this Act.
