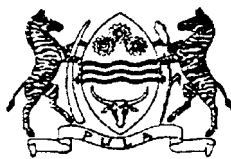


**INDUSTRIAL PROPERTY ACT, 1996****No. 14  
of 1996**

## ARRANGEMENT OF SECTIONS

## SECTION

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(2) An application for the registration of a collective mark shall designate the mark as a collective mark and shall be accompanied by a copy of the rules governing the use of the collective mark.

(3) For purposes of subsection (2), "rules" means the rules made by the person under whose control the collective mark may be used.

(4) The registered owner of a collective mark shall notify the Registrar, in writing, of any changes made in respect of the rules referred to in subsection (2).

66. (1) In addition to the grounds set out in section 63 (1), Registrar shall invalidate the registration of a collective mark if the person requesting the invalidation proves that only the registered owner uses the mark, or that he uses or permits its use in contravention of the rules referred to in section 65 (2), or that he uses or permits its use in a manner which is liable to deceive trade circles or the public as to the origin or any other common characteristics of the goods or services concerned.

(2) An application for the invalidation of a collective mark shall be served on the owner of the mark in the manner and within the time prescribed.

67. (1) Any licence contract made in relation to the registration of a mark or an application therefor shall provide for the effective control, by the licensor, of the quality of the goods or services of the licensee in connection with which the mark is used.

(2) If the licence contract does not provide for such quality control or if such quality control is not effectively carried out, the licence contract shall not be valid.

(3) The registration of a collective mark, or an application therefor, may not be the subject of a licence contract.

68. (1) A name or designation may not be used as a trade name if by its nature or the use to which it may be put, it is contrary to public order or morality and if, in particular, it is liable to deceive trade circles or the public as to the nature of the enterprise identified by that name.

(2) (a) Notwithstanding any law providing for any obligation to register a trade name, such name shall be protected, even prior to or without registration, against any unlawful act committed by a third party.

(b) Any subsequent use of the trade name by a third party, whether as a trade name, a mark or a collective mark, or any such use of a similar trade name or mark, which is likely to mislead the public, shall be deemed to be unlawful.

#### PART VI -Acts of Unfair Competition

69 (1) On the request of the owner of a title of protection under this Act or of any competent authority or any interested person, association or syndicate (in particular of producers, manufacturers or traders), the court may grant an interdict to prevent an act of unfair competition, award damages or grant any other remedy as the court may deem appropriate.

(2) For the purposes of this Act, any act of competition which is contrary to honest practices in industrial or commercial matters shall constitute an act of unfair competition, and shall be unlawful.

(3) The following, in particular, shall be deemed to constitute acts of unfair competition

(a) any act of such a nature as to create confusion by any means whatever with the establishment, the goods or the industrial or commercial activities of, a competitor;

(b) the making of a false allegation in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities of, a competitor; and

(c) the making of allegations which, in the course of trade, is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity of the goods of, a competitor.

#### *PART VII - Miscellaneous Provisions*

70. (1) Any change in the ownership of a patent, a utility model certificate, the registration of an industrial design, mark or collective mark, or in the ownership of an application therefor, shall be in writing and shall, at the request, to the Registrar, of any interested party, be recorded by the Registrar in the appropriate register, and except in the case of an application, be published by notice in the Journal by the Registrar.

(2) Any change in the ownership of a patent, a utility model certificate, the registration of a design, mark or collective mark or in the ownership of an application therefor, shall have no effect against third parties unless it has been recorded by the Registrar in the appropriate register.

(3) Any change in the ownership of the registration of a collective mark, or in the ownership of an application therefor, shall require the prior approval, in writing, of the Minister.

(4) A change in ownership of the registration of a mark or a collective mark shall be invalid if it is likely to deceive or cause confusion particularly in regard to the nature, origin, manufacturing process, characteristics or suitability for their purpose, of the goods or services in relation to which the mark or collective mark is intended to be used or is being used.

71. Any licence contract concerning a patent, a utility model certificate, a registered design or registered mark, or an application therefor **contracts** shall have no effect against third parties unless it has been recorded by the Registrar in the appropriate register.