

PATENTS AND DESIGNS ORDINANCE.

WHEREAS provision was made by Public Notice dated 30th September, 1919, for the provisional registration under certain conditions of patents and designs in Palestine,

AND WHEREAS it is desirable to provide for the grant of new patents and for the registration of patents and designs generally and for that purpose to replace the Ottoman Law of Patents by provisions in accordance with the requirements of the International Conventions relating to industrial property,

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Patents and Designs Ordinance, 1924. Short Title.

2. (1) There shall be a Register of Patents and a Register of Designs under this Ordinance which shall be kept at the Law Courts, Jerusalem, or at such other place as may be from time to time appointed by the High Commissioner by Notice published in the Gazette. Registry of Patents and Designs.

(2) The Register of Patents shall contain the names and addresses of grantees of patents and of persons registered as patentees in pursuance of the provisions of Section 24 and Section 55. It shall contain notifications of assignment, licences, amendments, and revocations of patents and such other matters as may be prescribed.

(3) The Register of Designs shall contain the names and addresses of proprietors of registered designs, notifications of assignment, cancellation of licences, and such other matters as may be prescribed.

(4) There shall be a Registrar of Patents and Designs (hereinafter called the Registrar) appointed by the High Commissioner, who shall be assisted by such officers and clerks as the Registrar, with the sanction of the High Commissioner, may from time to time determine.

(5) The Register of Patents and the Register of Designs shall, in the absence of proof to the contrary, be evidence of any matters by this Ordinance directed or authorised to be entered therein.

PART I. PATENTS.

3. (1) The true and first inventor of every new invention, subject in all respects to the conditions and provisions of this Ordinance, is entitled to the grant of a patent conferring the exclusive right to use, exploit, make, manufacture, produce, supply and sell the said invention or to grant licences therefor. Inventor to be entitled to grant of patent.

(2) All grants of patents made under this Ordinance shall be made at the risk of the grantee and without guarantee or responsibility on the part of the Government either as to the novelty or utility or merits of the invention or as to its conformity with the specification. Grants of patents to be at the risk of grantee.

4. (1) An application for a patent may be made by such true and first inventor, whether alone or jointly with any other person or persons. Such application shall be made in the prescribed form to the Registrar. Application for patents.

(2) The application must contain a sworn declaration to the effect that the applicant is in possession of an invention whereof he, or, in the case of a joint application, one at least of the applicants, claims to be the true and first inventor for which he desires to obtain a patent, and must be accompanied by a specification.

Specification.

5. (1) The specification must particularly describe the nature of the invention and the manner in which the same is to be performed. It must commence with a title and end with a distinct statement of the invention claimed.

(2) The Registrar may require suitable drawings or (in the case of a chemical invention) typical samples and specimens to be supplied with the specification or at any time before acceptance of the same and any drawings supplied shall be deemed to form part of the specification.

Provisional protection.

6. (1) Immediately upon the filing of the application and specification, the Registrar shall ascertain whether the same are in the form required by this Ordinance and shall, if he be so satisfied and upon payment of any fees which may be prescribed, give to the applicant a written acknowledgement of the filing.

(2) Where an acknowledgement of the filing of an application has been given, the invention may, during the period between the date of the application and the date of sealing such patent, be used and published without prejudice to the patent to be granted for the invention and such protection shall be known as provisional protection.

Examination of specification.

7. (1) The Registrar may at any time before acceptance of the specification require the applicant to make such amendments in the application or specification as may be requisite to secure compliance with the provisions of Sections 4 and 5 hereof.

(2) If it appears to the Registrar that the invention claimed has been claimed or described in any specification previously lodged or in any patent previously registered, he shall notify the applicant accordingly and may require any such amendment as may be requisite, provided that it shall in no case be the duty of the Registrar to make any investigation for the purpose of ascertaining whether the invention claimed has been so claimed, described or registered.

(3) Where an application or specification has been amended, the application shall, if the Registrar so directs, bear date as from the date of the amendment.

(4) If the Registrar is satisfied that the invention claimed has been already claimed or described in any specification previously lodged he shall, unless the objection is removed by amending the specification to his satisfaction, determine whether a reference to any and if so to what prior specification ought to be made in the specification by way of notice to the public. Provided that the Registrar, if satisfied that the invention claimed has been wholly and specifically claimed in any specification, shall refuse to accept the specification.

(5) The Registrar shall refuse to accept any application and specification for an invention the use of which would be in his opinion contrary to Law or to morality or to public policy.

Application for patents of military value.

8. If in the opinion of the Registrar, the invention described in the application and specification concerns instruments or munitions of war or is of any military value, he shall refer the application to the High Commissioner who may, after such enquiry as he thinks fit,

(a) direct that no patent shall be issued if he is of opinion that such a course is not in the public interest;

(b) direct that the application shall proceed but that the patent shall be granted subject to such conditions as to the grant of licences to the Government or as to the right of purchase by the Government as he may think fit.

9. (1) Where the Registrar accepts a specification he shall notify his acceptance to the applicant.

Acceptance and advertisement thereof.

(2) On the acceptance of the specification, either by the Registrar or on appeal from his decision in accordance with Section 49, the Registrar shall advertise the acceptance, and the application and specifications, with the drawings, if any, shall be open to public inspection.

(3) After the acceptance of the specification and until the sealing of a patent in respect thereof or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the specification, provided that an applicant shall not be entitled to institute any proceedings for infringement until a patent for the invention has been granted to him.

10. (1) Any person may at any time within two months from the date of the advertisement of the acceptance of the specification give notice to the Registrar of opposition to the grant of the patent on any of the following grounds:

Opposition to grant of patent.

(a) that the applicant obtained the invention from him or from a person of whom he is the legal representative;

(b) that the invention has been claimed in any specification for a Palestinian patent which is or will be of prior date to the patent the grant of which is opposed;

(c) that a patent in respect of the invention claimed has already been registered by the person making the opposition under the Public Notice No. 136 of 30th September, 1911;

(d) that the invention has been made available to the public by publication in any document published in Palestine prior to the application;

(e) that a person making opposition is the proprietor of an Ottoman Patent in respect of the invention claimed which is capable of registration in accordance with the provisions of Section 55 of this Ordinance, and that an application for such registration has been lodged;

(f) that the nature of the invention or the manner in which it is to be performed is not sufficiently or clearly described and ascertained in the specification;

(g) that in the case of an application under Section 51 of this Ordinance a specification describes or claims an invention other than that for which protection has been applied for in a foreign state and that such invention forms the subject of an application made by the opponent in the interval between the lodging of the application in a foreign state and the lodging of the application in Palestine.

(2) Where notice of opposition is given the Registrar shall communicate the notice to the applicant and shall, on the expiration of the period of two months and after hearing the applicant and opponent if desirous of being heard, decide on the case.

Grant and seal
of patent.

11. (1) If there is no opposition, or, in the case of opposition, if the determination is in favour of the grant of the patent, the patent shall on payment of the prescribed fee be granted to the applicant or in the case of joint application to the applicants jointly; and the Registrar shall cause the patent to be sealed with the seal of the Registry of Patents.

(2) The patent shall be sealed as soon as may be but not after the expiration of 18 months from the date of application provided that where the sealing is delayed by appeal or opposition the patent may be sealed at such time as the District Court or the Registrar, as the case may be, may direct.

(3) Where an applicant has died before the sealing of the patent and the patent is granted to his legal representative, the patent may be sealed at any time within 12 months after the date of the applicant's death.

(4) Where for any reason the patent cannot be sealed within the period allowed by this Section, the period may, on payment of such fee as may be prescribed and upon compliance with the prescribed conditions, be extended.

Date of patent.

12. Except as otherwise expressly provided by this Ordinance a patent shall be dated and sealed as of the date of the application.

Provided that no proceedings shall be taken in respect of an infringement committed before the acceptance of the specification.

Effect, extent
and form of
patent.

13. (1) A patent sealed with the seal of the Registry of Patents shall have effect throughout all parts of Palestine provided that a patentee may assign his patent for any place in or part of Palestine as effectually as if the patent were originally granted to extend to that place or part only.

(2) Every patent shall be in a prescribed form, and shall be granted for one invention only but the specification may contain more than one claim and it shall not be competent for any person in an action or proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

Term of patent.

14. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Ordinance be 16 years from its date.

(2) A patent shall cease if the patentee fails to pay the prescribed fee within the prescribed time, provided that the Registrar, upon application of the patentee, shall upon receipt of such additional fee as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceedings are taken in respect of an infringement of the patent committed after a failure to pay a fee within the prescribed time and before any enlargement thereof, the Court before which the proceedings are proposed to be taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

Patents of
addition.

15. (1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) where an application containing such a request is made, a patent, hereinafter referred to as a patent of addition, may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

Provided that, if the patent for the original invention is revoked, then the patent of addition shall, if the Court or Registrar so orders, become an independent patent, and the fees payable and the dates when they become payable shall be determined by its date, but its duration shall not exceed the unexpired term of the patent for the original invention.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

16. (1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the Registrar in the prescribed manner for an order for the restoration of the patent.

Restoration of
lapsed patents.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional and that no undue delay has occurred in the making of the application, the Registrar shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Registry of Patents.

(4) Where such notice is given the Registrar shall notify the applicant thereof.

(5) After the expiration of the prescribed period the Registrar shall hear the case and issue an order either restoring the patent or dismissing the application.

17. (1) An applicant or a patentee may, at any time, by request in writing left at the Registry of Patents seek leave to amend his specification (including drawings forming part thereof) by way of disclaimer, correction, or explanation, stating the nature of and the reasons for the proposed amendment.

Amendments of
specification.

(2) The request and the nature of the proposed amendment shall be advertised in the prescribed manner; and at any time within one month from its first advertisement any person may give notice at the Registry of Patents of opposition to this amendment.

(3) Where such notice is given the Registrar shall give notice of the opposition to the person making the request and shall hear and decide the case.

(4) Where no notice of opposition is given or the person so giving notice of opposition does not appear, the Registrar shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5) No amendment shall be allowed which would make the specification as amended claim an invention substantially

larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(6) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed except in case of fraud; and the amendment shall be advertised in the prescribed manner and shall be deemed to form part of the specification provided that the Court shall be entitled in construing the specifications as amended to refer to the specification as accepted and published.

(7) This Section shall not apply when and so long as any action for infringement or proceeding before the Court for the revocation of the patent is pending.

Amendments of
specification by
the Court.

18. In any action for infringement of a patent or proceedings before a Court for the revocation of a patent, the Court may by order allow the patentee to amend his specification in such manner and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit.

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially different from the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made notice of the application shall be given to the Registrar, and the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court.

Restriction on
recovery of
damages.

19. Where an amendment of a specification has been allowed under this Ordinance, no damages shall be given in any action in respect of the use of the invention before the date of the decision allowing the amendment unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

COMPULSORY LICENCES AND REVOCATION.

Compulsory
licences and
revocation

20. (1) Any person interested may present a petition to the Registrar alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied and praying for the grant of a compulsory licence, or in the alternative for the revocation of the patent.

(2) The Registrar shall consider the petition, and if the parties do not come to an arrangement between themselves, the Registrar, if satisfied that a reasonable case has been made out, shall refer the petition to the District Court.

(3) Where any such petition is referred by the Registrar to the Court, and it is proved to the satisfaction of the Court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by the Court to grant licences on such terms as the Court may think just, or, if the Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by order of the Court.

Provided that an order of revocation under this Section shall not be made before the expiration of three years from the date of the patent, nor if the patentee gives satisfactory reasons for his default.

(4) On the hearing of any petition under this Section the patentee and any person claiming an interest in the patent

as exclusive licensee or otherwise shall be made parties to the proceedings, and the Attorney General shall be entitled to be heard.

(5) For the purposes of this Section, the reasonable requirements of the public shall not be deemed to have been satisfied:

(a) if, by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms a patented article, any trade or industry or the establishment of any new trade or industry in Palestine is unfairly prejudiced or the demand for the patented article or the article produced by the patented process is not reasonably met;

(b) if any trade or industry in Palestine is unfairly prejudiced by conditions attached by the patentee to the purchase or use of a patented article or to the working of the patented process.

(6) An order of the Court directing the grant of a licence under this Section shall operate as if it were embodied in a duly executed licence made between the parties to the proceedings.

21. (1) Revocation of a patent may be obtained on petition to the District Court. Revocation of patents.

(2) A petition for revocation of a patent may be presented (a) by the Attorney General, or (b) by any person alleging

(i) that the patent was obtained in fraud of the petitioner's rights or the rights of any person under or through whom he claims; or

(ii) that the petitioner or any person under or through whom he claims was the true inventor of any invention included in the claim of the patentee; or

(iii) that the petitioner or any person under or through whom he claims an interest in any trade, business or manufacture had publicly manufactured, used or sold within Palestine, before the date of the patent, anything claimed by the patentee as his invention.

LEGAL PROCEEDINGS.

22. (1) In any action or proceedings for infringement or revocation of a patent the Court may, if it thinks fit, call in the aid of an assessor specially qualified. Hearing with assessor.

(2) The remuneration, if any, to be paid to an assessor under this Section shall be determined by the Court and paid in the manner to be provided by rules made under this Ordinance.

23. In an action for infringement of a patent the plaintiff shall be entitled to relief by way of injunction and damages provided that a patentee shall not be entitled to recover damages in respect of any infringement of a patent granted after the commencement of this Ordinance from any defendant who proves that at the date of the infringement he was not aware of the existence of the patent. Order for injunction.

REGISTRATION OF PATENTS GRANTED IN THE UNITED KINGDOM.

24. (1) Any person being the grantee of a patent issued in the United Kingdom or any person deriving his right from the grantee by assignment, transmission or other operation of law, may apply in the prescribed form to the Registrar within Registration of patents granted in the United Kingdom.

one year from the date of issue of the patent, for registration of such patent in Palestine.

(2) Every such application shall be accompanied by two certified copies of the specification or specifications (including drawings, if any) of the United Kingdom Patent, and a certificate of the Comptroller-General of Patents, Designs and Trade Marks of the United Kingdom giving full particulars of the issue of the patent on such specification or specifications.

(3) The Registrar shall advertise the application for a certificate of registration in such manner as may be prescribed, and any person may at any time within two months from the date of such advertisement give notice to the Registrar of opposition to the issue of a certificate of registration on any of the grounds mentioned in Section 10 of this Ordinance.

(4) Where notice of opposition is given, the Registrar shall communicate the notice to the applicant and shall on the expiration of the period of two months, and after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(5) If there is no opposition, or in case of opposition, if the determination is in favour of the issue of the certificate of registration, the Registrar shall cause the certificate of registration to be issued.

(6) The issue of a certificate of registration shall confer upon the owner thereof the like exclusive privileges and rights as if a patent had been issued to him under the provisions of this Ordinance and shall be subject to all the conditions and restrictions imposed upon a patent granted under this Ordinance.

(7) The exclusive privileges and rights so acquired shall date from the date of the patent granted in the United Kingdom, but shall not abridge or otherwise affect the right of any person ordinarily resident in Palestine, his agent or successor in business, to continue any bona fide manufacture, use or sale commenced before the date of the publication by the United Kingdom Patent Office of the specification of the patent and the continued manufacture, use or sale by such person or the use or sale of devices resulting from such manufacture or use shall not constitute an infringement of the exclusive privileges and rights enjoyed under the certificate of registration.

MISCELLANEOUS.

Provisions as to
anticipation.

25 A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted, or any part thereof, having been published prior to the date of the patent, if the patentee proves to the satisfaction of the Court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and, if he learnt of the publication before the date of his application for the patent, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

Patent on appli-
cation of heir of
deceased inventor

26. (1) If a person claiming to be the inventor of an invention dies without making an application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

(2) Every such application must contain a declaration by the legal representative that he believes the deceased person to have been the true and first inventor of the invention.

27. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Registrar, the Registrar may at any time seal a duplicate thereof.

Loss or destruction of patent.

28. The Registrar may at any time publish in the Official Gazette or in any other journal prescribed, a description and particulars of any patented invention and every such advertisement shall be made at the cost of the patentee.

Publication of application and specification in Official Gazette.

PART II. DESIGNS.

29. (1) The Registrar may, on the application made in the prescribed form and manner, of any person claiming to be the proprietor of any new or original design not previously published in Palestine, register the design under this part of this Ordinance.

Application for registration of designs.

(2) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the Registrar may decide the question.

(3) The Registrar may, if he thinks fit, refuse to register any design presented to him for registration, and shall refuse to register a design of which in his opinion the use will be contrary to Law, morality or public policy.

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time, shall be deemed to be abandoned.

(5) A design when registered shall be registered as of the date of the application for registration.

30. Where a design has been registered in one or more class or classes of goods the application of the proprietor of the design to register it in some one or more other class or classes shall not be refused, nor shall the registration thereof be invalidated -

Registration of designs in new classes.

(a) on the ground of the design not being a new or original design, by reason only that it was so previously registered; or

(b) on the ground of the design having been previously published in Palestine, by reason only that it has been applied to goods of any class in which it was previously registered.

Provided that such subsequent registration shall not extend the period of copyright in the design beyond that arising from the previous registration.

31. (1) The Registrar shall grant a certificate of registration to the proprietor of the design when registered.

Certificate of registration.

(2) The Registrar may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

32. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Ordinance, have copyright in the design during five years from the date of registration.

Copyright on registration.

(2) If within the prescribed time before the expiration of the said five years application for extension of the period of copyright is made to the Registrar in the prescribed manner, the Registrar shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the Registrar in the prescribed manner the Registrar may, subject to any rules under this Ordinance, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

**Requirements
before delivery
on sale.**

33. Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall :

(a) if exact representations or specimens were not furnished on the application for registration, furnish to the Registrar the prescribed number of exact representations or specimens of the design, and if he fails to do so, the Registrar may erase his name from the Register and thereupon the copyright in the design shall cease, and

(b) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures denoting that the design is registered,

and if he fails to do so the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

**Inspection of
registered
designs.**

34. (1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the Registrar or by the Court.

Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this Section for different classes of goods.

**Cancellation of
registration of
design.**

35. (1) At any time after the registration of a design any person interested may apply to the Registrar for the cancellation of the registration of the design, on either of the following grounds:-

(a) that the design has been published in Palestine prior to the date of registration;

(b) that the design is applied by manufacture to any article in a foreign country, and is not so applied by any manufacture in Palestine to such an extent as is reasonable in the circumstances of the case;

(2) If the Registrar is of opinion that such application is premature, he may adjourn the same. He may also, in lieu of cancellation, order the grant of a compulsory licence or may at any time refer the application to the District Court for trial.

36. (1) During the existence of copyright in any design, Piracy of registered design.
it shall not be lawful for any person

(a) for the purposes of sale to apply to any article in any class of goods in which the design is registered, the design or any fraudulent or obvious imitation thereof, except with the licence or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or

(b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or to expose for sale that article.

(2) If any person acts in contravention of this Section, he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding £E. 50 as liquidated damages, or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly.

Provided that the total sum recoverable as liquidated damages in respect of any one design shall not exceed £E. 100.

PART III. GENERAL.

37. A patent shall have the like effect against the Government of Palestine as it has against any other person.

Government's right to use patents.

Provided that any Government Department may make use of any patent on such terms as may be agreed upon between the Department and the patentee with the approval of the Treasurer of the Government of Palestine, or, in default of agreement, as may be fixed by the Chief Justice or a referee nominated by him.

38. Every register kept under this Ordinance shall at all convenient times be open to the inspection of the public, subject to the provisions of this Ordinance and to such regulations as may be prescribed, and certified copies, sealed with the seal of the Registry of Patents, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Inspection of and extracts from registers.

39. (1) Where an application for a patent has been abandoned, or become void, the specifications and the drawings (if any) accompanying or left in connection with such application shall not, save as otherwise expressly provided by this Ordinance, at any time be open to public inspection or be published by the Registrar.

Prohibition of publication of specification, drawings, etc.

(2) Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations, or specimens left in connection with the application shall not at any time be open to public inspection or be published by the Registrar.

40. The Registrar may, on request in writing accompanied by the prescribed fee,

Power for Registrar to correct clerical errors.

(a) correct any clerical error in or in connection with an application for a patent or in any patent or any specification;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered;

(c) correct any clerical error in the representation of a

design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the Register of Patents or the Register of Designs.

Entry of assignments and transmissions in Registers.

41. (1) Where a person becomes entitled by assignment, transmission, licence or other operation of law to a patent or the copyright in a registered design, or to any interest therein, he shall make application to the Registrar to register his title, and the Registrar shall, on proof of title to his satisfaction, register him as the proprietor of such patent or design and shall cause an entry to be made on the register of the instrument affecting the title or creating such interest.

(2) The person registered as the proprietor of a patent or design shall, subject to the provisions of the Ordinance and to any rights appearing on the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the patent or design, and to give effectual receipts for any consideration for any such assignment, licence or dealing.

(3) Except in applications made under Section 42 of this Ordinance, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of subsections (1) and (2) aforesaid, shall not be admitted in evidence in any Court in proof of the title to a patent or copyright in a design or to any interest therein unless the Court otherwise directs.

Rectification of Registers by Court.

42. (1) The District Court may, on the application of any person aggrieved by the noninsertion in or omission from the Register of Patents or Designs of any entry or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining in either such register, or by an error or defect in an entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

(2) The Court may in any proceeding under this Section decide any question that it may be necessary or expedient to decide in connection with the rectification of a register.

(3) The prescribed notice of any application under this Section shall be given to the Registrar, who shall have the right to appear and be heard thereon, and shall appear if so directed by the Court.

(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the Registrar in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Exercise of discretionary power by Registrar.

43. (1) Where any discretionary power is by or under this Ordinance given to the Registrar, he shall not exercise that power adversely to the applicant for a patent, or for registration of a patent granted in the United Kingdom, or for amendment of a specification, or for registration of a design, without giving the applicant an opportunity of being heard.

(2) The Registrar shall, in any proceedings before him under this Ordinance, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid.

Annual account of Registrar.

44. The annual accounts of all fees or other monies received and all payments made by the Registrar shall be submitted to the Treasury and the Treasurer shall at all times have power to inspect the accounts of the Registrar or any matters relating thereto in such manner as is prescribed.

45. (1) Subject to rules under this Ordinance, in any proceeding under this Ordinance before the Registrar, the evidence shall be given by a sworn declaration in absence of directions to the contrary; but in any case in which the Registrar thinks it right so to do, he may take evidence viva voce in lieu of or in addition to written evidence or allow any deponent to be cross-examined on his declaration.

Evidence before Registrar.

(2) Where any part of the evidence is taken viva voce, the Registrar shall have all the powers of a Magistrate in respect of compelling the attendance of witnesses and all kindred matters.

46. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Ordinance or any general rules made thereunder to make or do, shall, unless the contrary be proved, be evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Certificate of Registrar to be evidence.

47. If any person is by reason of his not yet having attained his full age or by reason of lunacy or other disability incapable of making any declaration or doing anything required or permitted by or under this Ordinance, the guardian, curator or other person authorised by law on their behalf may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name of such person subject to the disability.

Declaration by minor, lunatic, etc.

48. (1) No person shall practise, describe himself or hold himself out as a Patent Agent unless he is registered as a Patent Agent in the Register of Patents.

Register of Patent Agents.

(2) If any person contravenes the provisions of this Section he shall be punishable with fine not exceeding £E. 20.

(3) Nothing in this Section shall be taken to prevent persons licensed to practise as advocates in Palestine from filing any documents in the Registry of Patents and Designs or from appearing on behalf of any person in any proceeding or on any application.

(4) The Register of Patent Agents shall be kept by the Registrar, and the Registrar shall be entitled to charge such fee as may be prescribed in respect of every registration.

49. (1) Actions for infringement of patents and of copyrights in designs shall be within the jurisdiction of the District Court.

Appeals.

(2) Appeals from decisions of the Registrar as to any of the following matters shall be to the District Court:

- (a) Refusal to accept a specification of a patent.
- (b) Refusal to issue a certificate of registration of a patent granted in the United Kingdom. (Section 25)
- (c) Refusal to register an Ottoman patent (Section 55)
- (d) Dismissal of an opposition to the grant of a patent.
- (e) Dismissal of an application for restoration of a patent.
- (f) Orders as to amendment of specification or patents.
- (g) Refusal to register a design.
- (h) Order upon application for cancellation of a registration of a design.

(3) Every such appeal shall be made by notice of appeal lodged at the office of the Court within one month of the date of the decision of the Registrar.

Power for Registrar to make rules.

50. (1) The Registrar, with the sanction of the High Commissioner, may make such general rules and do such things as he thinks expedient subject to the provisions of this Ordinance:

(a) for regulating the practice of registration under this Ordinance;

(b) for classifying goods for the purposes of designs;

(c) for making or requiring duplicates of specifications, drawings and other documents;

(d) for securing and regulating the publishing and selling of copies at such prices and in such manner as he thinks fit, of specifications, drawings and other documents;

(e) for securing and regulating the making, printing, publishing and selling of indices to, and abridgments of specifications and other documents in the Registry of Patents and providing for the inspection of indices and abridgments and other documents;

(f) for regulating the keeping of the Register of Patent Agents under this Ordinance and in particular for erasing therefrom the name of any person, of any partner in a firm, or manager or director of a company who has, to the satisfaction of the Registrar, been proved to have been convicted of an offence involving fraud or dishonesty;

(g) prescribing the fees to be paid in respect of the grant of a patent and the registration of designs and applications therefor and in respect of other matters in relation to patents and designs under this Ordinance.

(2) Rules made under this Section shall be published in the Official Gazette.

Grant of patents or registration of designs in pursuance of International Convention.

51. (1) If at any time the Government of Palestine shall become a party to an international arrangement for the mutual protection of patents or designs, then any person who has applied for protection for a patent or design in any State which is a party to such arrangement shall be entitled to a patent for his invention or to registration of his design under this Ordinance in priority to other applicants, and the patent or registration shall have the same date as the date of the patent or registration in such State.

Provided that (a) the application is made in the case of a patent within 12 months and in the case of a design within 4 months from the application for protection in such State;

(b) nothing in this Section shall entitle the patentee or the proprietor of a design to recover damages for infringement happening prior to the actual date on which his application is accepted or his design is registered in Palestine.

(2) The patent for an invention or the registration of a design shall not be invalidated

(a) in the case of a patent by reason only of the publication of a description, or use of the invention; or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design in Palestine during the period specified in this Section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design under this Section shall be made in the same manner as an ordinary application under this Ordinance.

(4) The provisions of this Section shall apply only in the case of such State with respect to which an Order of the High Commissioner in Council declares them to be applicable.

52. (1) Whoever makes or causes to be made a false entry in any Register kept under this Ordinance or a writing falsely purporting to be a copy of an entry in any such Register, or produces in evidence any such writing, knowing the entry or writing to be false, shall be punishable with imprisonment not exceeding one year or with fine not exceeding £E. 100. **Offences.**

(2) Whoever falsely represents that any article sold by him is a patented article or falsely describes any design applied to any article sold by him as registered, shall be punishable with fine not exceeding £E. 10.

(3) Whoever sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent" "patented", "registered", or any other word expressing or implying that the article is patented or that the design applied thereto is registered, shall be deemed for the purposes of this Section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Whoever, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered" or any word or words implying that there is a subsisting copyright in the design, shall be punishable with a fine not exceeding £E. 25.

(5) The proper Court for the trial of any offence under this Section shall be the District Court either of the place where the offence or any act forming part thereof was committed or where the accused or any of the accused resides or carries on business.

(6) Nothing in this Section shall prevent any person aggrieved or injured by any act to which this Section applies from taking proceedings for the recovery of damages in respect of such injury, whether such person shall or shall not have given any information or taken any steps leading or intended to lead to the prosecution by way of any form of criminal process of any person who may be criminally prosecuted under this Section in respect of the act for which such proceedings are taken.

53. In this Ordinance, unless the contrary is provided : **Definitions.**

(a) "The Court" shall mean the Court having jurisdiction in the matter as prescribed by the provisions of this Ordinance or, where no Court is prescribed, shall mean the Supreme Court of Palestine.

(b) "District Court" shall mean the District Court of Jerusalem.

(c) "prescribed" means prescribed by general rules under this Ordinance.

(d) "patent" means letters patent for an invention.

(e) "patentee" means the person at the time being entered on the Register as the grantee or proprietor of the patent.

(f) "inventor and applicant" shall, subject to the provisions of this Ordinance, include the legal representative of a deceased inventor or applicant.

(g) "invention" means a new product or commercial commodity or the application in some new manner for any purpose of industry or manufacture of any means already discovered, known or used.

(h) "legal representative" means the executor of a will or administrator appointed by the Court; if there is no executor or administrator, the person or persons who under the Law of Succession applicable are liable for the payment of the debts of the deceased.

(i) "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.

(j) "article" means as respects designs, any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural.

(k) "copyright" means the exclusive right to apply a design to any article in any class in which the design is registered.

(l) "proprietor of a new or original design".

(i) where the author of the design, for good consideration executes the work of some other person, means the person for whom the design is so executed;

(ii) where any person acquires the design or the right to apply the design to any article, either exclusively 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 acquired;

(iii) in any other case, means the author of the design; 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.

(m) "Patent Agent" means a person, firm or company carrying on for gain the business of applying for or obtaining patents in Palestine or elsewhere.

Patents & designs
registered under
Public Notice
No. 136.

54. Where any patent or any design is at the date at which this Ordinance comes into force registered under Public Notice No. 136 of 30th September, 1919, it shall from the date at which this Ordinance comes into force be deemed to have the same effect and validity as if it had been granted or registered under this Ordinance and shall be governed in all respects by the provisions of this Ordinance; provided that the period during which the grant of such patent or the registration of such design shall be valid shall not exceed the period for which the grant or registration was valid under the law of the country in which the patent was originally granted or the design was registered.

Ottoman patents.

55. Notwithstanding the provisions of this Ordinance, the proprietor of any Ottoman patent granted under the Ottoman

Law of Patents before the 1st day of January, 1918, may within 12 months from the date at which this Ordinance comes into force register such patent at the Registry of Patents upon complying with the provisions of Public Notice No. 136 of 30th September, 1919, and any patent so registered shall be deemed to have the same effect as though it had been registered under the Public Notice before the date at which this Ordinance came into force.

56. (1) From the date at which this Ordinance comes into force the grants of patents and the registration of designs in Palestine shall be governed by it to the exclusion of any other law. Repeals.

(2) Save as expressly provided herein, no patents or designs shall be hereafter registered under the Public Notice No. 136 of 30th September, 1919.

AN ORDINANCE TO VEST IN THE PALESTINE GOVERNMENT LAND OCCUPIED BY THE PALESTINE RAILWAYS.

1. This Ordinance may be cited as the Railway Lands Vesting Ordinance 1924. Short title.

2. The word "Land" shall include houses, buildings and things permanently fixed in the land, and any water rights and easements on, over, or under the land. Definition of land.

3. Where prior to the commencement of this Ordinance any lands outside a municipal area have been occupied by the British Army or by the Palestine Railways and are used as railway premises as defined in the Railway Ordinance, 1922, the land shall be vested in the High Commissioner on behalf of the Government of Palestine, and shall be so registered in the Land Registers, subject to the following provisions. Vesting of Railway lands.

4. (1) If the land occupied consisted only of a strip traversed by a single line and the area immediately adjacent thereto, and was agricultural land, neither built upon, nor planted with fruit or olive trees or other quasi-permanent crops, nor irrigated by artificial means, no compensation shall be payable. Provided that where the land so occupied was a large proportion of the land belonging to the owner and it is established that hardship would be caused if no compensation were paid, the High Commissioner may grant such compensation as having regard to all the circumstances of the case he shall think fit. Compensation payable and assessment of compensation.

(2) In other cases, if a claim for compensation is made by any person as owner of the land, the assessment of compensation shall be referred, in default of agreement, to the Permanent Arbitration Board constituted under Section 5 of the Acquisition of Land for the Army Ordinance, 1920, which shall act in accordance with the provisions of that Section. Provided that in assessing the amount of compensation it shall take into account:

(a) any compensation that may have been paid by the Army or the Central Claims Bureau since the occupation by way of rent or indemnity or otherwise; and