

BERMUDA STATUTORY INSTRUMENT

PATENTS AND DESIGNS RULES 1903

[made under the Patents, Designs and Trade Marks Act 1902 [repealed] as varied by the Patents, Designs and Trade Marks Act 1904 [repealed], brought into operation on 4 June 1903 and in force by virtue of the Patents and Designs Act 1930 [title 17 item 45] read with the Interpretation Act 1907 [repealed] and the Interpretation Act 1951]

ARRANGEMENT OF RULES

- 1 Interpretation
- 2 Delivery of fair copy of specification on application for patent
- 3 Number of drawings to be delivered on application for registration of design
- 4 Registration of designs; classification of goods
- 5 Declarations and affidavits
- 6 Authentication of documents
- 7 Non-resident's application
- 8 Non-resident; statement of address
- 9 Register of Patents granted in United Kingdom Patent Office
- 10 Marking of goods to which registered design applied

FIRST SCHEDULE

Classification of goods

SECOND SCHEDULE

Forms

Interpretation

- 1 In these Rules—

PATENTS AND DESIGNS RULES 1903

"the Act" means the Patents, Designs and Trade Marks Act 1902;

"the Registrar" means the Registrar-General.

Delivery of fair copy of specification on application for patent

2 On every application for a patent the applicant or his agent shall, in addition to the specification in duplicate prescribed by subsection (1) of section 4 [*Section 4 of the Patents, Designs and Trade Marks Act 1902 has been substantially re-enacted by section 3 of the Patents and Designs Act 1930*] of the Act, deliver to the Registrar one fair copy of such specification.

Number of drawings to be delivered on application for registration of design

3 On an application for the registration of a design the number of drawings, photographs or tracings of such design, or, if representations or specimens are furnished instead, then the number of representations or specimens, to be furnished to the Registrar under section 19 [*Section 19 of the Patents, Designs and Trade Marks Act 1902 has been substantially re-enacted by section 24 of the Patents and Designs Act 1930*] of the Act, shall be three.

Registration of designs; classification of goods

4 For the purpose of the registration of designs goods shall be classified according to the classes indicated in the First Schedule:

Provided that if any doubt arises as to what class any particular description of goods belongs, the doubt shall be determined by the Registrar.

Declarations and affidavits

5 (1) Any declarations or affidavits required by the Acts and these Rules shall be made and subscribed as follows, that is to say,—

- (a) in the United Kingdom, before a Notary Public, or the Mayor of any city, town or borough corporate;
- (b) in any British Colony or Possession, before the Governor or other person administering the Government, a Notary Public, or the Mayor of any city or town corporate; and
- (c) in any place outside of Her Majesty's dominions, before a British Ambassador or Minister or Consul or other Consular representative,

and in all such cases the declaration or affidavit shall be certified by the officer or person before whom it is made under his seal of office.

(2) In this rule the expression "the Acts" means the Patents, Designs and Trade Marks Act 1902 and the Patents, Designs and Trade

Marks Act 1904 [*The provisions of these Acts have been re-enacted with modifications by the Patents and Designs Act 1930*]

Authentication of documents

6 (1) With the exception of the signing of the documents specified in paragraph (2) all communications to the Registrar under the Acts and these Rules may be signed by, and all attendances upon the Registrar may be made by or through, an agent duly authorized to the satisfaction of the Registrar and, if he so requires it, resident in Bermuda.

(2) The following documents are specified for the purposes of this rule, that is to say,—

- (a) applications for patents;
- (b) requests for leave to amend applications, specifications, or letters patent;
- (c) authorizations of agents;
- (d) notices of opposition;
- (e) requests for Issue of duplicate letters patent;
- (f) notices of abandonment of, or of intention not to proceed with, applications;
- (g) surrenders of letters patent; and
- (h) petitions for revocation of patents.

(3) In this rule the expression "the Acts" means the Patents, Designs and Trade Marks Act 1902 and the Patents, Designs and Trade Marks Act 1904. [*The provisions of these Acts have been re-enacted with modifications by the Patents and Designs Act 1930*]

Non-resident's application

7 Applications for patents by persons not resident in Bermuda shall be made in Form A in the Second Schedule.

Non-resident; statement of address

8 Every application for a patent, or for the registration of a design, made by a person or persons not resident in Bermuda must be accompanied by a statement of an address in Form B or, as the case may require, in Form C, in the Second Schedule, to which address all notices, requisitions and communications of every kind may be sent by the Registrar.

Register of Patents granted in United Kingdom Patent Office

9 When it becomes necessary the Registrar shall keep a book to be called "the Register of Patents granted in the United Kingdom Patent

PATENTS AND DESIGNS RULES 1903

Office" in which shall be entered all applications from such office in the manner which he deems expedient.

Marking of goods to which registered design applied

10 Before the delivery on sale of any goods or articles to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the Classes designated 1 to 12 of the First Schedule, cause each such article to be marked with the abbreviation "Rd." and the number, in figures, of the year of registration, and shall, if such article is included in either of the Classes designated 13 or 14 in the said Schedule, cause each such article to be marked with the abbreviation "REGd."

SCHEDULES

FIRST SCHEDULE

CLASSIFICATION OF GOODS

CLASSIFICATION OF GOODS FOR THE PURPOSE OF THE
REGISTRATION OF DESIGNS

- Class 1 Articles composed wholly or chiefly of metal, not included in Class 2.
- Class 2 Jewellery.
- Class 3 Articles composed wholly or chiefly of wood, bone, ivory, papiermache, or other solid substances, not included in other Classes.
- Class 4 Articles composed wholly or chiefly of glass, earthenware or porcelain, bricks, tiles or cement.
- Class 5 Articles composed wholly or chiefly of paper (except hangings).
- Class 6 Articles composed wholly or chiefly of leather, including bookbinding of all materials.
- Class 7 Paper hangings.
- Class 8 Carpets and rugs in all materials, floor-cloths and oilcloths.
- Class 9 Lace, hosiery.
- Class 10 Millinery and wearing apparel, including boots and shoes.
- Class 11 Ornamental needlework on muslin or other textile fabrics.
- Class 12 Goods not included in other Classes.
- Class 13 Printed or woven designs on textile piece goods.
- Class 14 Printed or woven designs on handkerchiefs and shawls.

PATENTS AND DESIGNS RULES 1903

SECOND SCHEDULE

FORMS

FORM A

APPLICATION FOR PATENT BY PERSON NOT RESIDENT IN BERMUDA

To the Registrar
of Patents and Designs,
Bermuda.

I/We (name(s) of applicant(s)) of (address) do solemnly and sincerely declare that I/we am/are in possession of an invention for (insert nature of invention) which invention I/we believe will be of great public utility, and that the same is not in use by any person or persons in the Islands of Bermuda to the best of my/our knowledge and belief, and that the instrument* in writing under my/our hand herewith delivered particularly describes and ascertains the nature of the said invention, and the manner in which the same is to be performed; and I/we hereby apply that a Patent may be granted to me/us for the said invention. (Signature(s) of applicant(s))

Declared and subscribed at

on the [blank] day of [blank] 19 [blank]

Before me (SEAL)

**To be furnished in duplicate together with one fair copy.*

FORM B

STATEMENT OF ADDRESS WHERE APPLICATION MADE THROUGH
AGENT

I/We (name(s) of applicant(s)) hereby appoint (name of agent) of (address of agent) to act as my/our agent In respect of the within application, and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

Dated this [blank] day of [blank] 19 [blank].

FORM C

STATEMENT OF ADDRESS WHERE APPLICATION MADE WITHOUT
AGENT

I/We hereby request that all notices, requisitions, and communications
in respect of the within application may be sent to [blank]

at [blank]

Dated this [blank] day of [blank] 19 [blank].

[Amended by

1968 : 48

1974 : 93]