

I assent.

(L.S.)

AGATHA BARBARA
President

27th March, 1986

ACT No. XI of 1986

AN ACT further to amend the Industrial Property (Protection) Ordinance, Cap. 48.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Industrial Property (Protection) (Amendment) Act, 1986, and shall be read and construed as one with the Industrial Property (Protection) Ordinance, hereinafter referred to as “the principal law”. Short title.

2. Immediately after section 144 of the principal law there shall be added the following new section: Addition of
new section
144A to the
principal law.

“Procedure where cancellation is requested by proprietor. 144A. (1) Notwithstanding the provisions of section 141 of this Ordinance, the proprietor of a patent, or the proprietor of a design or model of manufacture or the proprietor of a trade mark, may make an application in writing to the Comptroller requesting the cancellation of the respective entry in the relative register, of the patent, design or model of manufacture or trade mark of which he is the proprietor.

(2) Upon receipt of an application as is referred to in subsection (1) of this section the Comptroller shall publish in the Gazette a notice calling upon any interested party to make a declaration to be filed with the Comptroller within fifteen days from the publication of the said notice, wherein he states his opposition to the cancellation.

(3) If on the lapse of the fifteen days referred to in subsection (2) of this section the Comptroller shall not have received a declaration objecting to the cancellation he shall make the cancellation in the appropriate register.

(4) If a declaration as is referred to in subsection (2) of this section shall have been received by the Comptroller within the fifteen days referred to in the said subsection, the Comptroller shall refuse the application and the cancellation may only be made by an action brought against the Comptroller in accordance with sections 141 to 144 of this Ordinance. In any such action the person making the declaration shall also be a defendant.”.

Amendment of
section 149 of
the principal
law.

3. Section 149 of the principal law shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof as renumbered there shall be added the following subsection:

“(2) The Minister responsible for trade may by regulations amend, add to, revoke or substitute all or any of the Schedules annexed to this Ordinance.”.

Passed by the House of Representatives at Sitting No. 334 of the 24th March, 1986.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives