

**Nru. 127**

24. 1. 86

**MALTA**

**KAMRA TAD-DEPUTATI**

**HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Liġi mressaq mill-Onorevoli Lino Spiteri, M.P., Ministru tal-Kummerċ u Ippjanar Ekonomiku u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Diċembru, 1985.

A BILL introduced by the Honourable Lino Spiteri, M.P., Minister of Trade and Economic Planning and read the First time at the Sitting of the 9th December, 1985.

ATT biex ikompli jemenda l-Ordinanza dwar il-Protezzjoni tal-Proprietà Industrijali, Kap. 48.

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

C. MIFSUD

*Skrivan tal-Kamra tad-Deputati*

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*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex ikompli jemenda l-Ordinanza dwar il-Protezzjoni tal-Proprietà Industrijali, Kap. 48.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1986 li jemenda l-Ordinanza dwar il-Protezzjoni tal-Proprietà Industrijali u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Protezzjoni ta' Proprietà Industrijali, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Titolu fil-qosor.

2. Minnufih wara l-artikolu 144 tal-liġi prinċipali għandu jżied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid 144A mal-liġi prinċipali.

"Proċedura meta t-thassir jintalab mis-sid.

144A. (1) Minkejja d-dispożizzjonijiet ta' l-artikolu 141 ta' din l-Ordinanza, is-sid ta' privattiva, jew is-sid ta' disinn jew mudell ta' manifattura jew is-sid ta' *trade mark*, jista' jagħmel applikazzjoni bil-miktub lill-Kuntrullur fejn jitlob it-thassir tal-partikolaritajiet rispettivi fir-reġistru relattiv, tal-privattiva, tad-disinn jew tal-mudell ta' manifattura jew *trade mark* li jkun is-sid tagħha.

(2) Malli jirċievi applikazzjoni kif imsemmi fis-subartikolu (1) ta' dan l-artikolu l-Kuntrullur għandu jippubblika fil-Gazzetta avviż fejn isejjah lil kull min għandu nteress biex jagħmel dikjarazzjoni li tiġi pprezentata lill-Kuntrullur fi żmien hmistax-il jum mill-pubblikazzjoni ta' l-imsemmi avviż biex iġħid għaliex jopponi għat-thassir.

(3) Jekk meta jgħaddu l-hmistax-il jum imsemmija fis-subartikolu (2) ta' dan l-artikolu l-Kuntrullur ma jkunx irċieva dikjarazzjoni ta' oġġezzjoni għat-thassir, dan għandu jagħmel it-thassir fir-reġistru xieraq.

(4) Jekk id-dikjarazzjoni msemmija fis-subartikolu (2) ta' dan l-artikolu tkun giet rċevuta mill-Kuntrullur fi żmien il-ħmistax-il jum imsemmija f'dak is-subartikolu, il-Kuntrullur għandu jirrifjuta l-applikazzjoni u t-tħassir ikun jista' jsir biss b'azzjoni ġudizzjarja kontra l-Kuntrullur skond l-artikoli mill-141 sal-144 ta' din l-Ordinanza. F'kull azzjoni bħal dik il-persuna li tagħmel id-dikjarazzjoni tkun ukoll konvenut."

Emenda ta' l-artikolu 149 tal-liġi prinċipali.

3. L-artikolu 149 tal-liġi prinċipali għandu jiġi emendat kif ġej:

- (a) id-dispożizzjoni preżenti għandha tiġi numerata mill-ġdid bħala s-subartikolu (1) tiegħu; u
- (b) minnufih wara s-subartikolu (1) tiegħu kif numerat mill-ġdid għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Il-Ministru responsabbli għall-kummerċ jista' b'regolamenti jemenda, iżid ma', jirrevoka jew jissostitwixxi l-Iskedi kollha jew uħud mill-Iskedi li jinsabu ma' din l-Ordinanza."

### Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jagħti s-setgħa lill-Ministru responsabbli għall-kummerċ li jibdel id-drittijiet li għandhom jithallsu skond il-liġi prinċipali. L-Abbozz jistabilixxi wkoll proċedura li tħaffef iktar it-tħassir ta' reġistrazzjoni meta din tkun mitluba minn sidha stess.



**A BILL**

**entitled**

*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.”.

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### Objects and Reasons

The Object of this Bill is to empower the Minister responsible for trade to alter the fees payable in accordance with the principal law. The Bill also establishes a more speedy procedure for the cancellation of a registration when this is requested by the proprietor thereof.