
**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

BELIZE

The present document reproduces the text¹ of the Patents Bill, 2000, as notified by Belize under Article 63.2 of the Agreement (see document IP/N/1/BLZ/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

BELIZE

Le présent document contient le texte¹ du projet de loi sur les brevets, de 2000, notifié par le Belize au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/BLZ/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

BELICE

En el presente documento se reproduce el texto¹ de la Ley de Patentes, 2000, que Belice ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/BLZ/1).

¹ In English only./En anglais seulement./En inglés solamente.

BELIZE:

PATENTS BILL, 2000.
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MAY 1 9 2000

BELIZE:

BILL

for

AN ACT to provide for the protection of patents in Belize; to repeal the Patents and Designs Act, Chapter 212 of the Laws of Belize, Revised Edition 1980-90; to repeal the United Kingdom Patents Acts of 1949 and 1977 in so far as those Acts have effect as part of the law of Belize; and to provide for matters connected therewith or incidental thereto.

(Gazetted 18th March, 2000.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-

PART I
PRELIMINARY

1. This Act may be cited as the

Short title.

PATENTS ACT, 2000.

Interpretation: 2. In this Act, unless the context otherwise requires:-

“Court” means the Supreme Court;

“foreign application” means any application for a patent filed by an applicant outside Belize;

“International Patent Classification” means the classification according to the Strasbourg Agreement of March 24, 1971;

“invention” means an idea of an inventor which permits in practice the solution to a specific problem in the field of technology;

“Journal” means the Journal of Intellectual Property referred to in section 5 (d) of this Act;

CAP 4.

“Minister” means the Minister for the time being to whom the subject of Patents is assigned by the Governor-General pursuant to section 41 of the Belize Constitution;

“Paris Convention” means the Paris Convention for the Protection of Industrial Property of March 20, 1883 as last revised;

“patent” means the title granted to protect an invention;

“patentee” means the person to whom a patent has been granted;

“Patent Cooperation Treaty” means the Patent Cooperation Treaty of June 19, 1970;

“priority date” means the date of the earlier application that serves as the basis for the right of priority provided for in the Paris Convention;

“Register” means the Register of Patents referred to in section 7 of this Act;

“Registrar” means the Registrar of Intellectual Property appointed under section 4 of this Act;

“utility model certificate” means a certificate granted for an invention under Part XII of this Act.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE INTELLECTUAL PROPERTY OFFICE.

3. (1) There shall be and is hereby established in and for Belize, at such place as the Minister may determine, an Intellectual Property Office.

Establishment
of Intellectual
Property
Office.

(2) The Intellectual Property Office shall not be an office in the public service.

4. (1) There shall be appointed by the Minister a Registrar of Intellectual Property who shall, subject to the general directions of the Minister and to the provisions of this Act, be responsible for the administration of this Act and who shall perform such functions, and exercise such powers, as are conferred on him by this or any other enactment.

Registrar,
Deputy
Registrar and
Assistant
Registrars of
Intellectual
Property.

(2) There shall also be a Deputy Registrar of Intellectual Property and such number of Assistant Registrars as may be considered necessary for the proper administration of this Act.

(3) The Minister may give the Registrar written directions of a general character which are not inconsistent with the provisions of this Act, concerning the exercise and performance of powers and functions in relation to any matter which appears to the Minister to concern the development of industrial property and any other matters connected therewith, and the Registrar shall carry out such directions.

(4) The Deputy Registrar and Assistant Registrars shall perform such functions, and exercise such powers, as the Minister may, by Order published in the *Gazette*, delegate to them from time to time.

(5) The Office of Registrar, Deputy Registrar, Assistant Registrar and any other post under the Intellectual Property Office shall not be a public office.

Powers and
functions of
Registrar.

5. Without derogating from the generality of the provisions of section 4, the Registrar shall have the following functions and powers, namely to-

- (a) process all application made under this Act;
- (b) grant patents and register utility model certificates;
- (c) administer granted patents and registered utility model certificates;
- (d) establish and maintain a Journal of Intellectual Property in which he shall publish all matters that are required to be published under this Act or any other enactment;
- (e) carry out studies, programs or exchanges of items or services regarding domestic and international patent law; and
- (f) provide patent information services such as making available, for use by the public, in the prescribed manner, and on payment of any prescribed fees, patent literature.

Seal.

6. (1) The Registrar shall have a seal approved by the Minister, which he shall affix to every document issued by him, and to any copy of a document issued by him in *lieu* of the original document.

(2) Impressions of the Registrar's seal shall be judicially and officially noticed and admitted in evidence.

7. (1) The Registrar shall maintain a Register of Patents in which he shall record all matters required by this Act or the Regulations made thereunder to be recorded, and shall also, in a section of the Register created for that purpose, register utility model certificates.

Register.

(2) Any person may, upon payment of the prescribed fee, and in accordance with any prescribed conditions, consult, inspect or make a copy of, or obtain an extract from, the Register.

(3) The Register shall be *prima facie* evidence of anything required or authorised by this Act to be registered, and shall be admissible and sufficient evidence of any such thing.

(4) A certificate signed by the Registrar and certifying that any entry which he is authorised by this Act to make has or has not been made, or that any other thing which he is authorised to do has or has not been done, shall be *prima facie* evidence, and shall be admissible and sufficient evidence of the matters so certified.

(5) Each of the following, that is to say a copy of—

- (a) an entry in the Register or an extract from the Register which is supplied under subsection (2); and
- (b) any document kept in the Intellectual Property Office, or an extract from any such document, or any matter which has been published in the Journal, which is to be a certified copy or a certified extract,

shall be admitted in evidence without further proof and without production of the original, and such evidence shall be sufficient evidence of the matter stated therein.

(6) In this section, “certified copy” and “certified extract” means a copy or extract certified by the Registrar and sealed with his seal.

PART III

PATENTS

Patentable
inventions.

8. (1) Subject to section 12, a patent may be granted only for an invention which satisfies the following conditions:

- (a) the invention is new;
- (b) it involves an inventive step; and
- (c) it is capable of industrial application.

(2) An invention may be, or may relate to, a product or a process.

Novelty.

9. (1) An invention is considered to be new if it does not form part of prior art.

(2) For the purpose of this Act, prior art in relation to an invention means anything which has, at any time prior to the filing date or, where priority is claimed, the priority date, of the application claiming the invention, been disclosed to the public anywhere in the world by oral or written description, by use, or in any other way.

(3) For the purpose of subsection (2), the disclosure to the public of matter constituting an invention shall not be taken into consideration if it occurred within twelve months immediately preceding the filing date or, where priority is claimed, the priority date of the application, and the disclosure was due to or in consequence of:-

- (a) acts committed by the applicant or his predecessor in title; or