

Jersey Law 37/1997

PATENTS (AMENDMENT No. 2) (JERSEY) LAW 1997

A LAW to amend further the Patents (Jersey) Law 1957, sanctioned by Order of Her Majesty in Council of the

22nd day of JULY 1997

(Registered on the 29th day of August 1997)

STATES OF JERSEY

The 8th day of April 1997

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

ARTICLE 1

In paragraph (2) of Article 1 of the Patents (Jersey) Law 1957, as amended¹ (hereinafter referred to as “the principal Law”) for the words “and 14” there shall be substituted the words “, 14 and 16A”.

ARTICLE 2

After Article 16 of the principal Law there shall be inserted the following Article –

“ARTICLE 16A

Burden of proof in certain cases

(1) Where –

¹ Tome VIII, page 689, and Volume 1979–1981, page 429.

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- (a) a patent is granted for an invention which is a process for obtaining a new product; and
- (b) that product is produced by a person other than the patentee of that patent or his licensee,

that product shall, unless the contrary is proved, be taken in any proceedings to have been obtained by the same process as that in respect of which the patent was granted.

(2) In considering whether a party has discharged the burden imposed on him by this Article, the court shall not require him to disclose any manufacturing or commercial secrets if it appears to the court that it would be unreasonable to do so.”.

ARTICLE 3

This Law may be cited as the Patents (Amendment No. 2) (Jersey) Law 1997 and shall come into force on such day as the States may by Act appoint.

G.H.C. COPPOCK

Greffier of the States