

CHAPTER 16
INNOVATIONS/INVENTIONS AND AWARDS
COMMITTEE

Section 1 . . . General

SECTION 1—GENERAL

160101: Appointment

There shall be constituted for the purpose of the Rules in this chapter an Awards Committee which shall consist of a Judicial or Legal Officer appointed by the Head of Government as Chairman and such other persons as the Head of Government may, from time to time, appoint by notice in the gazette.

160102: Functions

The functions of the Awards Committee shall be to make investigations and recommendations in connection with Rules 160108 and 160109.

160103: Procedure

The Awards Committee may make rules for regulating their proceedings, but no such rules shall come into force until they will have been approved by the Head of Government. An officer shall be entitled to appear personally before an Awards Committee or be represented in such a manner as the Awards Committee may approve. All conclusions of Awards Committee shall be embodied in recommendations which shall be forwarded to the Head of Government.

160104: Provisional protection of inventions

An Officer who has made an invention must immediately report it under Secret Cover to Government through his Permanent Secretary/Head of Extra-Ministerial Department. He may, at his own expense, and shall, at the Government's expense if so required, lodge an application for provisional protection with the Registrar of Patents and Designs. When lodging any such application, the officer shall simultaneously send a copy to the Head of Government through his Permanent Secretary/Head of Extra-Ministerial Department. The Head of Government shall decide as expeditiously as possible, whether the invention shall be regarded as secret, and his decision shall forthwith be communicated to the officer's Permanent Secretary/Head of Extra-Ministerial Department for the information of the officer.

CONTROLLING RIGHTS IN PATENTS

160105: Government's opinion

As soon as practicable the Head of Government shall decide whether the officer shall or shall not be allowed controlling rights in the patent and his decision shall be communicated to the officer's Permanent Secretary/Head of Extra-Ministerial Department for the information of the officer. Where an invention is in all respects alien to the employment of the officer, he shall normally be granted the full rights in such invention. Pending the decision of the Head of Government as to the controlling rights, all rights in the invention shall be deemed to belong to and be held in trust for the Government.

160106: Rates applicable when the officer is allowed controlling rights

If the Head of Government decides that the officer shall be allowed controlling rights in the patent, the following provisions shall apply:

- (a) the officer shall be responsible for all expenditure in taking out the patent;
- (b) the Head of Government may attach to his decision such conditions as he may think fit; in particular, he may reserve to Government a right to a share of any commercial proceeds;
- (c) the official may, whether any rights are reserved under sub-paragraph (b) or not, apply to the Awards Committee, through his Permanent Secretary/Head of Extra-Ministerial Department, for an award in respect of his invention.

160107: Rates applicable when the officer is not allowed controlling rights

If the Head of Government decides that an officer shall not be allowed controlling rights in the patents, the following provisions shall apply:

- (a) the officer shall assign all his rights in the invention to Government;
- (b) the Government shall be responsible for all expenditure in taking out the patent;
- (c) the Head of Government shall decide whether the officer shall or shall not be allowed a share of any commercial proceeds;
- (d) the officer may, whether he is allowed a share in the commercial proceeds or not, apply to the Awards Committee through his Permanent Secretary/Head of Extra-Ministerial Department for an award in respect of his invention.

AWARDS AND SHARE OF COMMERCIAL PROCEEDS

160108: Determination

The question whether an award shall be made, the amount thereof, and the amount of the share of commercial proceeds to be reserved to the Government under Rule 160106(b) or allowed to the officer under Rule 160107(c) shall be determined by the Head of Government after investigation by the Awards Committee. In fixing the amount of any award or share of commercial proceeds:

(a) any reasonable expense(s) to which the officer may have been put in connection with his invention shall be taken into account;

(b) the reservation of a right of user free of royalty to the State Government shall not be taken into account, but if, and when such right shall be exercised by the Government, a material change shall, for the purpose of Rule 160109, be deemed to have taken place.

160109: Modification

In the event of a material change taking place in the circumstances which existed at the time when an award or allocation of commercial proceeds was made, the original decision under Rule 160108 may be modified by the Head of Government after further investigation by the Awards Committee; provided that, in any such modification of the original decision, the amount of an award which has been paid shall not be reduced. Where the inventor considers an award by the Head of Government unacceptable, he may apply to the Court to determine whether or not such an award is a fair remuneration under the Patents and Designs Act (Cap.P2/Cap.344).

160110: Secrecy

Nothing in this Chapter shall affect the duties and liabilities of any officer under the provisions of the Official Secrets Act (Cap. 03/Cap.335).