

Chapter:	514	Title:	PATENTS ORDINANCE	Gazette Number:	
Section:	50	Heading:	Nature of, and transactions in, patents and applications for patents	Version Date:	30/06/1997

PART V

PROPERTY IN PATENTS AND APPLICATIONS; REGISTRATION

(1) Any patent or application for a patent is personal property (without being a thing in action), and any patent or any such application and rights in or under it may be transferred, created or granted in accordance with subsections (2) to (7).

(2) Subject to section 54, any patent or any such application, or any right in it, may be assigned or mortgaged.

(3) Any patent or any such application or right shall vest by operation of law in the same way as any other personal property and may be vested by an assent of personal representatives.

(4) Subject to section 54, a licence may be granted under any patent or any such application for working the invention which is the subject of the patent or the application; and-

(a) to the extent that the licence so provides, a sub-licence may be granted under any such licence and any such licence or sub-licence may be assigned or mortgaged; and

(b) any such licence or sub-licence shall vest by operation of law in the same way as any other personal property and may be vested by an assent of personal representatives.

(5) Subsections (2) to (4) shall have effect subject to this Ordinance.

(6) Any of the following transactions, that is to say-

(a) any assignment or mortgage of a patent or any such application, or any right in a patent or any such application;

(b) any assent relating to any patent or any such application or right,

shall be void unless it is in writing and is signed by or on behalf of the assignor, mortgagor or party granting such assent as the case may be (or, in the case of an assent or other transaction by a personal representative, by or on behalf of the personal representative) or in the case of a body corporate is so signed or is under the seal of that body.

(7) An assignment of a patent or any such application or a share in it, and an exclusive licence granted under any patent or any such application, may confer on the assignee or licensee the right of the assignor or licensor to bring proceedings by virtue of section 80 or 88 for a previous infringement or to bring proceedings under section 72 for a previous act.

[cf. 1977 c. 37 s. 30 U.K.]

Chapter:	485	Title:	MANDATORY PROVIDENT FUND SCHEMES ORDINANCE	Gazette Number:	L.N. 221 of 2008
Section:	43BA	Heading:	Court may make certain orders in proceedings for offences under section 43B	Version Date:	01/12/2008

(1) Where an employer is convicted by a court of an offence against section 43B(1), the court may, in addition to any penalty imposed under that section, make an order requiring the employer to procure for the employee concerned membership in a registered scheme within the time specified in the order.

(2) Where an employer is acquitted by a court of an offence against section 43B(1) on the ground that there was a reasonable excuse for the default, the court may make an order requiring the employer to procure for the employee concerned membership in a registered scheme within the time specified in the order.

(3) Where an employer is convicted by a court of an offence against section 43B(1C) or (1E), the court may, in addition to any penalty imposed under that section, make an order requiring the employer to pay any mandatory contribution or contribution surcharge that is outstanding at the time of the conviction and in respect of which the offence was committed.

(4) Where an employer is acquitted by a court of an offence against section 43B(1C) or (1E) on the ground that there was a reasonable excuse for the default, the court may make an order requiring the employer to pay any mandatory contribution or contribution surcharge that is outstanding at the time of the acquittal and in respect of which the charge was brought.

(5) An employer who, without reasonable excuse, fails to comply with an order made under this section commits an offence and is liable on conviction to a fine of \$350000 and to imprisonment for 3 years and, in the case of a continuing offence, to a daily penalty of \$500 for each day on which the offence is continued.

(6) The Authority must pay any contribution or surcharge that is paid to it in respect of a relevant employee pursuant to an order made under subsection (3) or (4)—

(a) where the employee is still employed by the employer concerned at the time the Authority makes payment—

(i) to the approved trustee of the registered scheme nominated by the employer for this purpose; or

(ii) if the employer has not nominated a registered scheme, to the approved trustee of the registered scheme nominated by the employee for this purpose; or

(iii) if neither the employer nor the employee has nominated a registered scheme, to the approved trustee of a registered scheme that the Authority considers appropriate; or

(b) where the employee has ceased to be employed by the employer concerned at the time the Authority makes payment—

(i) to the approved trustee of the registered scheme nominated by the employee for this purpose; or

(ii) if the employee has not nominated a registered scheme, to the approved trustee of a registered scheme that the Authority considers appropriate.

(7) On receiving a payment under subsection (6), the approved trustee must credit the amount of the payment to the relevant employee's account.

(8) An approved trustee who, without reasonable excuse, fails to comply with subsection (7) commits an offence and is liable on conviction to a fine at level 5.

(9) Nothing in subsection (3) or (4) affects the rights conferred on the Authority or any other person by this Ordinance or any other law to bring proceedings to recover from the employer any outstanding mandatory contribution or contribution surcharge.

(Added 18 of 2008 s. 12)

Chapter:	528	Title:	COPYRIGHT ORDINANCE	Gazette Number:	
Section:	112	Heading:	Rights and remedies of exclusive licensee	Version Date:	30/06/1997

Rights and remedies of exclusive licensee

(1) An exclusive licensee has, except against the copyright owner, the same rights and remedies in respect of matters occurring after the grant of the licence as if the licence had been an assignment.

(2) His rights and remedies are concurrent with those of the copyright owner; and references in the relevant provisions of this Part to the copyright owner shall be construed accordingly.

(3) In an action ~~brought by~~ an exclusive licensee by virtue of this section a defendant may avail himself of any defence which would have been available to him if the action had been ~~brought by~~ the copyright owner.

[cf. 1988 c. 48 s. 101 U.K.]