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Statutory Instrument

No. 20—The Acts of Parliament (Reprint of the Public Procurement and Disposal of Public Assets Act, 2003), Order, 2014.

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No. 1—The Tobacco Control Bill, 2014.

Acts

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No. 3—The Industrial Property Act, 2014.

General Notice No. 136 of 2014.

THE ADVOCATES ACT, CAP. 267.

NOTICE OF APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Sekitoleko Peter who is stated to be a holder of a Bachelor of Laws Degree from Uganda Christian University, Mukono, having been awarded on the 28th day of October, 2011 and a Diploma in Legal Practice awarded by the Law Development Centre on the 16th day of August, 2013, for the issuance of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
28th October, 2013.

MARGARET APINY,
Ag. Secretary, Law Council.

General Notice No. 137 of 2014.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.

(Cap. 110).
NOTICE.

PURSUANT to Section 19(4) of the Companies Act, (Cap. 110) Laws of Uganda, 2000, notice is hereby given that RENEWILLS LIMITED, has been by a special resolution passed on the 12th day of September, 2013 and with the approval of the Registrar of Companies, changed in name to RENEWILLS REAL ESTATES LIMITED, and that such new name has been entered in my Register.

Dated at Kampala, this 7th day of February, 2014.

ATUHAIRE PATIENCE MERCELLA,
Assistant Registrar of Companies.

General Notice No. 138 of 2014.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.

(Cap. 110).
NOTICE.

PURSUANT to Section 19(4) of the Companies Act, (Cap. 110) Laws of Uganda, 2000, notice is hereby given that ASWT UGANDA LIMITED, has been by a special resolution passed on the and with the approval of the Registrar of Companies, changed in name to ASWT INDUSTRIES UGANDA LIMITED, and that such new name has been entered in my Register.

Dated at Kampala, this 21st day of February, 2014.

RUTA DARIUS,
Assistant Registrar of Companies.

General Notice No. 139 of 2014.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.

(Cap. 110).
NOTICE.

PURSUANT to Section 19(4) of the Companies Act, (Cap. 110) Laws of Uganda, 2000, notice is hereby given that HIRJI SAMJI HALAI AND SONS LIMITED, has been by a special resolution passed on the 28th day of January, 2013 and with the approval of the Registrar of Companies, changed in name to HALAI HOLDINGS LIMITED, and that such new name has been entered in my Register.

Dated at Kampala, this 9th day of December, 2013.

ABALO LILIAN,
Assistant Registrar of Companies.

General Notice No. 140 of 2014.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.

(Cap. 110).
NOTICE.

PURSUANT to Section 19(4) of the Companies Act, (Cap. 110) Laws of Uganda, 2000, notice is hereby given that HOME PRIDE TRADE AND INVESTMENT COMPANY (U) LTD., has been by a special resolution passed on the 29th day of January, 2014 and with the approval of the Registrar of Companies, changed in name to GARNIT TRADE AND INVESTMENT COMPANY (U) LTD., and that such new name has been entered in my Register.

Dated at Kampala, this 6th day of February, 2014.

ABALO LILIAN,
Assistant Registrar of Companies.

General Notice No. 141 of 2014.

THE COMPANIES ACT
IN THE MATTER OF A PRIVATE COMPANY LIMITED
BY SHARES
AND
IN THE MATTER OF MEMBERS' RESOLUTION TO
VOLUNTARILY WIND UP THE COMPANY
AND

IN THE MATTER OF UGANDA CRANE COFFEE LIMITED

TAKE NOTICE that by a Special Resolution of the shareholders of the Company dated 6th February, 2014, Yese Mugenyi of King Fahd Plaza, Plot 52, Kampala Road, P.O. Box 5600, was appointed the Liquidator of the Company.

Take further notice that Liquidator has fixed a Meeting of the Creditors (if any) on the 11th day of March, 2014 at the Liquidator's Office above stated.

MUGENYI YESE,
Liquidator.

General Notice No. 142 of 2014.

THE COMPANIES ACT, Cap. 1 OF 2012.

IN THE MATTER OF A COMPANY LIMITED BY
SHARES

IN THE MATTER OF UGANDA CRANE COFFEE
LIMITED

SPECIAL MEMBERS' RESOLUTION TO
VOLUNTARILY WIND UP THE COMPANY

AT AN EXTRAORDINARY GENERAL MEETING of the Company held, at Kampala on the 6th day of February, 2014, it was UNANIMOUSLY RESOLVED that:

1. The Company be voluntarily wound up in compliance with the shareholder's decision.
2. YESE MUGENYI, Advocate of the High Court, 5th Floor, King Fahd Plaza, Plot 52, Kampala Road, P.O. Box 5600, Kampala be and is hereby appointed a Liquidator to conduct and conclude the Company's members voluntarily winding up process.
3. The Liquidator's remuneration be and is hereby fixed at the amount proposed to the members by the Board of Directors.
4. Distribution of the Company's assets be and is hereby allowed to be made in specie.
5. This resolution be gazetted and filed in the Companies Registry.

DATED at Kampala, this 06th day of February, 2014.

We hereby certify the above to be a true copy of an extract from the Minutes of the Meeting.

TARIQ JARANA

for Shareholder.

HENRY NGABIRANO

for Shareholder.

Company Secretary.

General Notice No. 143 of 2014.

THE COMPANIES ACT, CAP. 110

MEMBER'S VOLUNTARY WINDING-UP

NOTICE OF APPOINTMENT OF LIQUIDATOR (S)
(Pursuant to Section 303)

Name of Company: UGANDA CRANE COFFEE LIMITED

Presented by: COMPANY SECRETARY

MEMBER'S VOLUNTARY WINDING-UP

TO: THE REGISTRAR OF COMPANIES:

I YESE MUGENYI, Advocate of the High Court of Uganda of P.O. Box 5600, Kampala, 5th Floor, King Fahd Plaza, Plot 52, Kampala Road, hereby give you Notice that I/We have been appointed Liquidator(s) of UGANDA CRANE COFFEE Company Limited, by Members' Voluntary Winding-Up by Resolution of the Company.

Dated the 06th day of February, 2014.

[Signature]

General Notice No. 144 of 2014.

ELECTRICITY REGULATORY AUTHORITY

Plot 15, Shimoni Road, Nakasero,

P.O. Box 10332, Kampala.

Tel: (041)434 1852/646, Fax (041)434 1624

Email: info@era.or.ug



APPLICATION FOR A TARIFF ADJUSTMENT BY
UMEME LIMITED

Umeme Limited has applied to the Electricity Regulatory Authority (Authority) for an adjustment of the end user retail tariff pursuant to the provisions of Umeme Limited's License No. 48 for Supply of Electricity.

The reason for the application as stated in Umeme's application is that the Authority modified Umeme Limited's License in the year 2012 and 2013.

The modification provided for the reconciliation;

1. of the projected bulk energy purchases and the actual energy purchased by Umeme Limited in any given year;
2. of the projected corporate income taxes and the actual income taxes paid by Umeme Limited in any given year.

The implementation of the modifications resulted into a claw back of the amount of US\$ 37.827 Billion on account of excess energy sales and income taxes not paid but provided for in the retail tariff.

Umeme Limited further states in its application that the amendment/modification of the Supply of Electricity Licence providing for reconciliation of excess energy sales and income taxes amounted to a change in the Law which deprived the company of US\$ 37.827 Billion and that the tariff should be adjusted to recover the amount mentioned above.

In accordance with the provisions of the Electricity Act 1999, (Chapter 145 Laws of Uganda) and Regulation 16 of Electricity (Application for Permit, License and Tariff Review) Regulations, 2007, the Authority hereby invites the public, stakeholders and all interested parties to inspect the application at the ERA Resource Centre at ERA House, between 8:30am and 4:30pm during working days or download the application from the ERA website www.era.or.ug

Written comments and or objections in respect of the application should be submitted within Fifteen (15) days after the date of publication of this notice and should be addressed to:

The Secretary
Electricity Regulatory Authority
Plot 15, Shimoni Road, Nakasero
P.O. Box 10332 Kampala-Uganda
Tel: +256 41 434 1852
Email: info@era.or.ug

General Notice No. 145 of 2014.

ELECTRICITY REGULATORY AUTHORITY

Plot 15, Shimoni Road, Nakasero,
P.O. Box 10332, Kampala.

Tel: (041)434 1852/646, Fax (041)434 1624

Email: info@era.or.ug



APPLICATION FOR A TARIFF ADJUSTMENT BY UMEME LIMITED

Umeme Limited has applied to the Electricity Regulatory Authority (Authority) for a tariff adjustment of the end user retail tariff pursuant to the provisions of Umeme Limited's License No. 48 for Supply of Electricity

The application for tariff adjustment proposes to increase the electricity end-user tariff as shown below:-

TABLE 1: SUMMARY OF PROPOSED TARIFFS

| | End-User Retail Electricity Tariffs (Shs/kWh) | | | | | |
|---|---|------------|-------------------|------------------|---------------|------------------|
| | Domestic | Commercial | Medium Industrial | Large Industrial | Street-lights | Weighted average |
| 2014 Base Tariff | 520.6 | 474.4 | 452.0 | 310.4 | 488.8 | 411.10 |
| Applicable Tariff if adjustment is approved | 554.3 | 501.4 | 481.5 | 318.5 | 516.2 | 431.97 |
| Change Shs /KWh | 33.7 | 27.1 | 29.5 | 8.2 | 27.4 | 20.9 |
| %age Change | 6.47% | 5.70% | 6.52% | 2.63% | 5.60% | 5.08% |

In its application, Umeme Limited stated that amendment/modification of the Supply of Electricity Licence amounted to a change in the Law, deprived the company of US\$ 37.827 Billion, and that the tariff should be adjusted to recover the amount mentioned above.

In accordance with the provisions of the Electricity Act 1999, (Chapter 145 Laws of Uganda) and Regulation 16 of Electricity (Application for Permit, License and Tariff Review) Regulations, 2007, the Authority hereby invites the public, stakeholders and all interested parties to inspect the application at the ERA Resource Centre at ERA House, between 8:30am and 4:30pm during working days or download the application from the ERA website www.era.or.ug

Written comments and or objections in respect of the application should be submitted within fifteen (15) days after the date of publication of this notice and should be addressed to:

The Secretary
Electricity Regulatory Authority
Plot 15, Shimoni Road, Nakasero
P.O. Box 10332, Kampala-Uganda
Tel: +256 41 434 1852
Email: info@era.or.ug

General Notice No. 146 of 2014.

THE TRADE MARKS ACT.

(Cap. 83).

NOTICE.

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein may within sixty days from the date of this *Gazette*, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs. 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he thinks fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to withdraw his application before the expense of opposition proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Georgian House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/48534 IN PART "A".

(220) *Date of filing application*— 29th October, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Paper, goods made from that material, stationery, printed matters, artistic materials.

(511) *Class*: 16

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.

(740) *Address for Agent/Representative*—P.O. Box 3378, Kampala, Uganda.

(750) *Address for Service*— Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.

(541) *Representation of Mark*

LD

(210) APPLICATION NO. 2013/47862 IN PART "A".

(220) *Date of filing application*— 15th July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Tobacco; whether manufactured or unmanufactured, smoking tobacco; pipe tobacco, hand rolling tobacco, chewing tobacco, snus tobacco, cigarettes, cigars, cigarillos; substances for smoking sold separately or blended with tobacco, none being for medicinal or curative purposes; snuff; smokers' articles included in Class 34 cigarette papers, cigarette tubes and matches.

(511) *Class*: 34

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— JT International S.A., 1, rue de la Gabelle, 1211 Geneva 26, Switzerland.

(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*— MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*

BROLL

(210) APPLICATION NO. 2014/48931 IN PART "A".

(220) *Date of filing application*— 06th January, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Insurance; financial affairs; monetary affairs; real estate affairs.

(511) *Class*: 36

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— Broll Property Group (Proprietary) Limited, 2nd Floor, Broll House, 27 Fricker Road, Illovo, Gauteng, South Africa.

(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*— MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*

Salvatore Ferragamo

(210) APPLICATION NO. 2014/48932 IN PART "A".

(220) *Date of filing application*— 06th January, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Advertising; business management; business administration; office functions.

(511) *Class*: 35

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— Salvatore Ferragamo S.p.A, Via dei Tornabuoni, 2 Firenze, Italy.

(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*— MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*

SHAN5

(210) APPLICATION NO. 2013/48081 IN PART "A".

(220) *Date of filing application*— 20th August, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Pharmaceutical products, vaccines.

(511) *Class*: 5

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— SHANTHA BIOTECHNICS LIMITED, 3rd & 4th Floor, Vasantha Chambers, Fateh Maidan Road, Basheerbagh Hyderabad 500 004 ANDHRA PRADESH, INDIA.

(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*— MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*

SHAN6

(210) APPLICATION NO. 2013/48080 IN PART "A".

(220) *Date of filing application*— 20th August, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Pharmaceutical products, vaccines.

(511) *Class*: 5

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— SHANTHA BIOTECHNICS LIMITED, 3rd & 4th Floor, Vasantha Chambers, Fateh Maidan Road, Basheerbagh Hyderabad 500 004 ANDHRA PRADESH, INDIA.

- (740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.
 (750) *Address for Service*—MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*

MAZZI

- (210) APPLICATION NO. 2014/48971 IN PART "A".
 (220) *Date of filing application*—14th January, 2014.
 (310) (320) (330) Priority Claim
 (510) *Nature of goods/services*—Containers for transport, not of metal.

- (511) *Class*: 20
 (526) *Disclaimer*
 (591) *Restriction to Colours*
 (646) *Association*

(731) *Name of applicant and Address*—Tokitae LLC, 11235, SE 6th Street, Suite 200, Bellevue, Washington 98004, U.S.A.

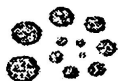
(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*—MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

Kampala,
3rd February, 2014.

NYANGOMA MARIA,
Registrar of Trademarks.

(541) *Representation of Mark*



GEOTRACEABILITY

- (210) APPLICATION NO. 2013/48610 IN PART "A".
 (220) *Date of filing application*—11th November, 2013.
 (310) (320) (330) Priority Claim—UK0002636232 15/03/2013 UK.

(510) *Nature of goods/services*—Scientific and technological services and research and design relating thereto in the field of commodities; scientific and technological services and research and design relating thereto in the field of soft commodities; industrial research in the fields of commodities; industrial research in the fields of soft commodities; providing an on-line computer database; provision of data and information in relation to commodities; provision of data and information in relation to soft commodities; accessing, collecting, compiling data and information in the field of commodities; accessing, collecting, compiling data and information in the field of soft commodities; computer programming services; computer systems analysis; conversion of data or documents from physical to electronic media; design, development and maintenance of data processing software; maintenance of computer software; consultancy in relation to collecting of data for geographical maps, revising of geographical map data and analysis of geographical map data and geospatial and geocoding information in the field of locating commodities; consultancy in relation to collecting of data for geographical maps, revising of geographical map data and analysis of geographical map data, geospatial and geocoding information in the field of locating soft commodities; advisory and consultancy services relating to all of the aforesaid.

- (511) *Class*: 42
 (526) *Disclaimer*
 (591) *Restriction to Colours*
 (646) *Association*

(731) *Name of applicant and Address*—Geotraceability Limited, 65 Curzon Street, London, W1J 8PE, UK, United Kingdom.

(740) *Address for Agent/Representative*—P.O. Box 10969, Kampala, Uganda.

(750) *Address for Service*—Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/48536 IN PART "A".

(220) *Date of filing application*—29th October, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

- (511) *Class*: 9
 (526) *Disclaimer*
 (591) *Restriction to Colours*
 (646) *Association*

(731) *Name of applicant and Address*—Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.

(740) *Address for Agent/Representative*—P.O. Box 3378, Kampala, Uganda.

(750) *Address for Service*—Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/48535 IN PART "A".

(220) *Date of filing application*—29th October, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; automatic vending machines.

- (511) *Class*: 7
 (526) *Disclaimer*
 (591) *Restriction to Colours*
 (646) *Association*

- (731) *Name of applicant and Address*— Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.
 (740) *Address for Agent/Representative*—P.O. Box 3378, Kampala, Uganda.
 (750) *Address for Service*— Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.

(541) *Representation of Mark*



- (210) APPLICATION NO. 2013/48533 IN PART "A".
 (220) *Date of filing application*— 29th October, 2013.
 (310) (320) (330) Priority Claim
 (510) *Nature of goods/services*— Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
 (511) *Class*: 11
 (526) *Disclaimer*
 (591) *Restriction to Colours*
 (646) *Association*
 (731) *Name of applicant and Address*— Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.
 (740) *Address for Agent/Representative*—P.O. Box 3378, Kampala, Uganda.
 (750) *Address for Service*— Okapi Trading Limited, P.O. Box 3378, Kampala, Uganda.

(541) *Representation of Mark*



- (210) APPLICATION NO. 2013/48452 IN PART "A".
 (220) *Date of filing application*— 21st October, 2013.
 (310) (320) (330) Priority Claim
 (510) *Nature of goods/services*— Sporting activities advertising, marketing sporting equipment, clothing, sports furniture, sports activities, seminars, sporting health; essentially all goods related to sports and performance.
 (511) *Class*: 41
 (526) *Disclaimer*—Registration of this mark shall give no right to the exclusive use of the word or the words "sports in Africa" separately except as represented.
 (591) *Restriction to Colours*
 (646) *Association*
 (731) *Name of applicant and Address*— PERFORMANCE FURNISHINGS [U] LIMITED, P.O. Box 14016, Kampala, Uganda.
 (740) *Address for Agent/Representative*—P.O. Box 14016, Kampala, Uganda.
 (750) *Address for Service*— PERFORMANCE FURNISHINGS [U] LIMITED, P.O. Box 14016, Kampala, Uganda.

(541) *Representation of Mark*



- (210) APPLICATION NO. 2013/48777 IN PART "B".
 (220) *Date of filing application*— 02nd December, 2013.
 (310) (320) (330) Priority Claim

- (510) *Nature of goods/services*— Motorcycle products.

- (511) *Class*: 12
 (526) *Disclaimer*
 (591) *Restriction to Colours*
 (646) *Association*

- (731) *Name of applicant and Address*— C.C.L.E Rubber Company Ltd., P.O. Box 1662, Kampala, Uganda.
 (740) *Address for Agent/Representative*—P.O. Box 1662, Kampala, Uganda.
 (750) *Address for Service*— C.C.L.E Rubber Company Ltd., P.O. Box 1662, Kampala, Uganda.

Kampala, KALIBBALA NYANJA PHILLIP,
 6th February, 2014. Registrar of Trademarks.

(541) *Representation of Mark*



- (210) APPLICATION NO. 2014/48972 IN PART "A".
 (220) *Date of filing application*— 14th January, 2014.
 (310) (320) (330) Priority Claim
 (510) *Nature of goods/services*— Containers for transport, not of metal.
 (511) *Class*: 20
 (526) *Disclaimer*
 (591) *Restriction to Colours*
 (646) *Association*
 (731) *Name of applicant and Address*— Tokitae, LLC., 11235 SE 6th Street, Suite 200, Bellevue, Washington 98004, U.S.A.
 (740) *Address for Agent/Representative*— 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.
 (750) *Address for Service*— MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*



- (210) APPLICATION NO. 2014/49039 IN PART "B".
 (220) *Date of filing application*— 27th January, 2014.
 (310) (320) (330) Priority Claim
 (510) *Nature of goods/services*— Iron sheets.
 (511) *Class*: 6
 (526) *Disclaimer*—Registration of this Trademark shall give no right to the exclusive use of the words "GOOD QUALITY GOOD LIFE" except as represented.
 (591) *Restriction to Colours*
 (646) *Association*
 (731) *Name of applicant and Address*— UNISTRONG INVESTMENTS LTD., Plot 59A Yusuf Lule Road, 4th Floor, Eastern Plaza, P.O. Box 37021, Kampala, Uganda.
 (740) *Address for Agent/Representative*

(750) *Address for Service*— UNISTRONG INVESTMENTS LTD., Plot 59A Yusuf Lule Road, 4th Floor, Eastern Plaza, P.O. Box 37021, Kampala, Uganda.

Kampala,
18th February, 2014.

EVA MUDONDO,
Registrar of Trademarks.

(541) *Representation of Mark*

The mark consists of parallel curved lines stitching applied to the pockets as shown in the representation.



(210) APPLICATION NO. 2012/46478 IN PART "A".

(220) *Date of filing application*— 20th November, 2012.

(310) (320) (330) *Priority Claim*.

(510) *Nature of goods/services*— Clothing.

(511) *Class*: 25

(526) *Disclaimer*—Registration of this mark shall give no right to the exclusive use of the representation of a pair of jeans and device of a pocket in general apart from the mark as shown. The mark consists of parallel curved lines stitching applied to the pockets as shown in the representation.

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— THE H.D, LEE COMPANY, INC., 3411 SILVERSIDE ROAD, WILMINGTON, DELAWARE, U.S.A.

(740) *Address for Agent/Representative*— P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*— MMAKS Advocates, P.O. Box 7166, Kampala, Uganda

(541) *Representation of Mark*

Pan Afro Lubes

(210) APPLICATION NO. 2013/48210 IN PART "A".

(220) *Date of filing application*— 11th September, 2013.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— Oils and other petroleum products.

(511) *Class*: 4

(526) *Disclaimer*—Applicant disclaims the use of the word "LUBES" except as represented.

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— VERMA CO. LTD., P.O. Box 33733, Kampala, Uganda.

(740) *Address for Agent/Representative*

(750) *Address for Service*— VERMA CO. LTD., P.O. Box 1761, Kampala, Uganda.

(541) *Representation of Mark*

Pan — Afro

(210) APPLICATION NO. 2013/48211 IN PART "A".

(220) *Date of filing application*— 11th September, 2013.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— Oils and other petroleum products.

(511) *Class*: 4

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*—48210

(731) *Name of applicant and Address*— VERMA CO. LTD., P.O. Box 33733, Kampala, Uganda.

(740) *Address for Agent/Representative*

(750) *Address for Service*— VERMA CO. LTD., P.O. Box 33733, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/48363 IN PART "A".

(220) *Date of filing application*— 30th September, 2013.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— Meat products.

(511) *Class*: 29

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— YOUR CHOICE LTD., P.O. Box 20197, Kampala, Uganda.

(740) *Address for Agent/Representative*

(750) *Address for Service*— YOUR CHOICE LTD., P.O. Box 20197, Kampala, Uganda.

Kampala,
23rd October, 2013.

AGABA GILBERT,
Registrar of Trademarks.

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 182, Plot 301, Land at Bulindo.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Ferigo Kambale of P.O. Box 250, Kampala, a special Certificate of Title which was originally issued having been lost.

Kampala,
11th February, 2014.

KABIRA AISHA,
for Commissioner Land Registration.

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Singo Block 642, Plot 3, 113.0 Hectares at Magi Estate.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the name of Benyamini Luganda of Magi, Ssabawali, Singo, a special Certificate of Title, under the above Block and Plot of the Mailo Register, the duplicate Certificate of Title which was originally issued having been lost.

Mityana, NABUUMA JANET,
17th February, 2014. *for Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busuju Block 32, Plots 40 & 85, 14.55 Hectares at Kiwoya Estate.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the name of Zekereya Namukukula of Kiwoya, Busuju, Mityana, a special Certificate of Title, under the above Block and Plot of the Mailo Register, the duplicate Certificate of Title which was originally issued having been lost.

Mityana, NABUUMA JANET,
13th February, 2014. *for Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Singo Block 149, Plot 335, 0.137 Hectares at Kiwesa Estate.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the name of Nkajja Petter of C/o P.O. Box 42, Mityana, a special Certificate of Title, under the above Block and Plot of the Mailo Register, the duplicate Certificate of Title which was originally issued having been lost.

Mityana, NABUUMA JANET,
17th February, 2014. *for Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Singo Block 212, Plot 32, 4.05 Hectares at Misebe Estate.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the name of Amosi Munyakazi of P.O. Box 40, Mityana, a special Certificate of Title, under the above Block and Plot of the Mailo Register, the duplicate Certificate of Title which was originally issued having been lost.

Mityana, NABUUMA JANET,
22nd January, 2014. *for Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Rubaga Division Block 20, Plot No. 230, Land at Busega.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Joseph Mukasa Bukenya of P.O. Box 7059, a Special Certificate, the Title which was originally issued having been lost.

Kampala, KARUHANGA JOHN,
22nd January, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Nakawa Division Block 214, Plot No. 2066, Land at Kisasi.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Fatuma Nalumansi of P.O. Box Kisasi, a Special Certificate, the Title which was originally issued having been lost.

Kampala, KARUHANGA JOHN,
28th November, 2013. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 428, Plot No. 54.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Kosea Makanga of P.O. Box Nyomerwa, a Special Certificate, the Title which was originally issued having been destroyed.

Mukono, LOUELLA ATARO,
20th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 115, Plot No. 4037.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of George Kawuki of P.O. Box Nakisunga, a Special Certificate, the Title which was originally issued having been lost.

Mukono, LOUELLA ATARO,
10th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 78, Plot Nos. 89, 51, 178 and 190, Land at Banda.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Issa Serwanja, Mustapha Kibugo, Hadija Nalwoga and Mayimuna Namyalo, all of P.O. Box Banda, a Special Certificate, the Title which was originally issued having been lost.

Kampala, DDAMULIRA AHMED,
19th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 94, Folio 22, Busiro Block Katulaga Estate, Plot No. - Land at Katulaga.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Asisis Estates Katulaga Limited, of P.O. Box 5954, Kampala, a Special Certificate, the Title which was originally issued having been lost.

Kampala, DDAMULIRA AHMED,
20th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 258, Plot No. 20, Land at Najemba.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Unice Namakula Sendagire of P.O. Box Administratrix of the estate of the late Leuben Charles Serunjogi, Administration Cause No. 035 of 2013, of 22/07/2013, a Special Certificate, the Title which was originally issued having been lost.

Kampala, GOLOOBA HARUNA,
7th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 156, Plot No. 165, Land at Kavule.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of E.B.S Dr. Lumu of P.O. Box, Administrator of the estate of the late Mikaeri Sajjalabe, Administration Cause No. HCT-00-FD-AC-0090 of 2010, of 03/11/2010, a Special Certificate, the Title which was originally issued having been lost.

Kampala, GOLOOBA HARUNA,
18th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 3090, Folio 15, Kashari Block 25, Plot No. 43, Land at Rwenyonyi.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Patrick George Mwebaze of P.O. Box 1, Mbarara, a Special Certificate, the Title which was originally issued having been lost.

Kampala, DAN OUNDO MALINGU,
11th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 107, Plot No. 144.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Nakanjako Rebecca, Esther Kabengano Babirye, Margaret Sepuuya, Naluwagga Robinah all of P.O. Box Kawanda, Administratrixes of the Estate of the Late Debola Kabengano, High Court of Uganda, Administration Cause No., a Special Certificate, the Title which was originally issued having been lost.

Kampala, KABIRA AISHA,
7th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 2742, Folio 4, Kabale Municipality Block 182, Plot No. 6, Land at Kabale.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Krone (U) Ltd. of P.O. Box 9618, a Special Certificate, the Title which was originally issued having been lost.

Kampala, EMMANUEL BAMWIITE,
12th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 424, Plot No. 1007, Land at Mpaka.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Tax and Fiscal Consultants Co. Ltd., of P.O. Box 63, a Special Certificate, the Title which was originally issued having been lost.

Kampala, NYOMBI ROBERT,
20th February, 2014. *for Commissioner of Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Bulemezi Block 57, Plot 14, Land at Bukimu.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Sowedi Tebandeke, a Special Certificate of Title, under the above Block and Plot, the duplicate Certificate of Title which was originally issued having been lost.

Bukalasa, NABUKEERA MADINAH,
14th October, 2013. *Registrar of Titles—Bukalasa.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Bulemezi Block 654, Plot 5, Land at Nalongo Estate Measuring 12.15 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Neli Semwanga, a Special Certificate of Title, under the above Block and Plot, the duplicate Certificate of Title which was originally issued having been lost.

Bukalasa, TAYEBWA SAM,
14th February, 2014. *for Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Bulemezi Block 29, Plot 23, Measuring 0.114 Hectares, Land at Kalangala Estate.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Uganda Microfinance Limited of P.O. Box 10184 Kampala, a Special Certificate of Title, under the above Block and Plot, the duplicate Certificate of Title which was originally issued having been lost.

Bukalasa, TAYEBWA SAM,
11th February, 2014. *Registrar of Titles—Bukalasa.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Buruli Block 95, Plots 5 & 7, Land at Muwolwe, Measuring 195.5 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Rev. Can. Kibirige James, Muzimbo Justine, Kalule Patrick, Kakande Jackson and Sekito Stephen (sons/daughter, grandson) The Administrators of the Late Masajjage Kibirige Christopher as per cause No. HCT-00-FD-AC-935 of 2011, a Special Certificate of Title, under the above Block and Plot, the duplicate Certificate of Title which was originally issued having been lost.

Bukalasa, TAYEBWA SAM,
20th February, 2014. *for Commissioner Land Registration.*

IN THE MATTER OF THE STATUTORY DECLARATION
ACT, CAP. 22

AND

IN THE MATTER OF THE COMMISSIONER OF OATHS
ACT, CAP. 5

STATUTORY DECLARATION



I, BINOMUGISHA DON of
C/o. M/s. Baruga Associated
Advocates, 3rd floor, Centenary
Bank Building, P.O Box 686,
Mukono, do solemnly declare and
sincerely state on oath as follows:

1. THAT I am a male adult Ugandan of sound mind of the above address.
2. THAT I was born on the 28th April, 1987 to MR. BAKANTONDA NAZARIO, & M/s FLORENCE BAKANTONDA in Kisenyi Cell, Kakoba ward, Kakoba Division, Mbarara Municipality, Mbarara DISTRICT where we still live as our ancestral home.
3. THAT my parents baptized me as BINOMUGISHA DON at baptism and has been called or identified as so, ever since. However, when I was registering for my Primary Living examination, my Christian name "DON" was erroneously stated and thus my Primary Living Examination Pass Slip of 2001 bears "BINOMUGISHA DONOZIO" as my name.
4. THAT I was strained to Use the name DONOZIO to avoid uncertainty for my subsequent academic documents including my Uganda Certificate of Education (U.C.E) of 2005, Uganda Advanced Certificate of Education (UACE) of 2007. Ordinary Certificate in Journalism & Mass Communication from UMCAT of 2008. UNEB PASS SLIPS for National Diploma in Journalism of 2009 & 2010, Academic Transcript & Diploma for an Award in Journalism & Mass Communication from UMCAT- Uganda of 2010 & 2011, and even when registering at Uganda Christian University as a student for an award of a Degree in Social Work & Social Administration in 2011, respectively,
5. THAT I am a registered voter for the Republic of Uganda and my Voter's Identification documents from 2011 bear my True name as BINOMUGISHA DON.
6. That all my Academic Documents and Identification cards that bear the names BINOMUGISHA DONOZIO and BINOMUGISHA DON belong and refer to me, and I am the same person.
7. THAT I DO HEREBY ABSOLUTELY RENOUNCE the use of my former name DONOZIO and in lie thereof assume from this 20th day of September, 2012 the names of BINOMUGISHA DON.
8. THAT for purposes of evidencing my determination I declare that I shall at all times be referred to in all records, deeds and writings and in all proceedings, dealings and transactions, private as well as at all occasions whatsoever when my name shall be required

or use and sign the name "BINOMUGISHA DON" as my name in place and substitution of my former name.

9. That I swear this statutory Declaration also in verification of one of my names "DON" and not "DONOZIO"
10. That I expressly Authorize and request all persons in general to describe, designate and address me at all times as "BINOMUGISHA DON".
11. That I make this solemn Declaration believing the same to be true and correct to the best of my knowledge and belief.

DECLARED at MUKONO this 25th day of September, 2012.

By the said BINOMUGISHA DON.

.....
Declarant.

IN THE MATTER OF THE STATUTORY
DECLARATION ACT, CAP. 22

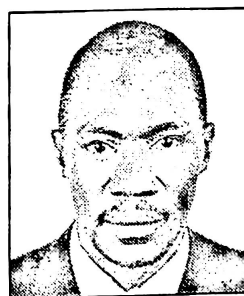
AND

IN THE MATTER OF A STATUTORY DECLARATION
MUSAMALI MWASA PAUL

AND

IN THE MATTER OF A STATUTORY DECLARATION
CONFIRMING MY TRUE NAMES

STATUTORY DECLARATION

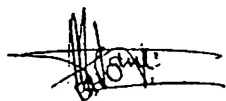


I, MUSAMALI MWASA PAUL
of C/o Parliament of Uganda,
P.O Box 7178, Kampala do
solemnly swear and declare as
hereunder that:—

1. I am a male Ugandan of sound mind, and the declarant herein.
2. I was born on 24th July, 1971 to Mr. LUMBUGU PETER and Mrs. REGINA LUMBUGU, named MUSAMALI MWASA and baptized PAUL.
3. That later I adopted MUSAMALI M. PETER PAUL where "M" stands for the name MWASA and PETER my father's Christian name.
4. That most of my academic documents have the names MUSAMALI M. PETER PAUL with the name MWASA abbreviated. See group Annexure "A".
5. That from now onwards, I want to drop the name PETER and therefore be known and identified as MUSAMALI MWASA PAUL.

6. By this declaration I clarify that letter "M" stands for MWASA and denounce the name PETER and wish to be referred to, identified and known as MUSAMALI MWASA PAUL. A copy of the deed poll is hereto attached and marked annexure "B".
7. That all my documents be it academic, identification, travel or whatsoever shall now henceforth be construed and read to refer to me by my names MUSAMALI MWASA PAUL.
8. I make this declaration therefore in proof of my now henceforth true names as MUSAMALI MWASA PAUL.
9. I make this declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act Cap 22.

Declared at Kampala this 10th day of December, 2013 by the said MUSAMALI MWASA PAUL.



Declarant.

NOTICE OF CHANGE OF NAME

DEED POLL



I, KASE NSUBUGA JAMES PAUL, hitherto known as "KASEMEZA JAMES PAUL" of C/o. P.O Box 31423, Kampala do solemnly declare:—

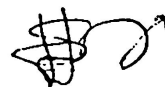
- 1) That I am an adult Ugandan of sound mind, holder of Driving Permit No.10146565.
- 2) That at all times hitherto, "KASEMEZA JAMES PAUL" has been my true and lawful name.
- 3) That by this deed, I hereby wholly renounce, relinquish and abandon the name "Kasemeza James Paul" and in its place adopt "KASE NSUBUGA JAMES PAUL" to be my new and only name.
- 4) That I shall at all times hereafter in all records, deeds, writings, references, proceedings, dealings and transactions, private or otherwise and upon all occasions whatsoever, use and sign my new name "KASE NSUBUGA JAMES PAUL".
- 5) That I hereby expressly request and authorize all persons and authorities to designate and address me by my new name "KASE NSUBUGA JAMES PAUL" and no other.
- 6) That in witness whereof I hereby affix my hand and subscribe hereto by my new name "KASE NSUBUGA JAMES PAUL".

- 7) That whatever is stated herein is all true and correct to the best of my knowledge.

And I make this solemn declaration conscientiously believing it to be true, in accordance with the Statutory Declarations Act of Uganda.

DATED at Kampala this 08th day of July, 2013.

By KASE NSUBUGA JAMES PAUL



Declarant.

Declared on this 08th day of July, 2013 at Kampala.

IN THE MATTER OF THE OATHS ACT, (CAP. 19)

AND

IN THE MATTER OF CHANGE OF NAMES BY
TABULE ABU SHIRAJH

DEED POLL



KNOW ALL YE THAT I, TABULE ABU SHIRAJH of c/o China Uganda Friendship Hospital, Naguru, P. O. Box 20145, Nakawa, Kampala, Uganda, do hereby for myself absolutely renounce the names

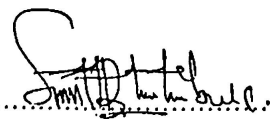
TABULE ABU SHIRAJH from all my former records and documents and in lieu thereof adopt the name of TABULEY JACKSON JOSEPH as my new names.

AND in pursuance of such change of names as aforesaid, I hereby declare that I shall at all times hereinafter and in all dealings, deeds, records and instruments in writing and on all occasions whatsoever use and sign the names of TABULEY JACKSON JOSEPH.

AND I hereby authorize and request all persons and designates to address me by such assumed and adopted names of TABULEY JACKSON JOSEPH.

AND in the presence of the commissioner for Oaths, I have hereby subscribed my adopted names as TABULEY JACKSON JOSEPH.

DECLARED by the said TABULEY JACKSON JOSEPH this 10th day of February, 2014.



Deponent.

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 12 Volume CVII dated 28th February, 2014

Printed by UPPC, Entebbe, by Order of the Government.

S T A T U T O R Y I N S T R U M E N T S

2014 No. 20.

The Acts of Parliament (Reprint of the Public Procurement and Disposal of Public Assets Act, 2003), Order, 2014.

(Under section 18(1) and (2) of the Acts of Parliament Act, Cap 2)

IN EXERCISE of the powers conferred on the Attorney General by section 18(1) and (2) of the Acts of Parliament Act, this Order is made this 28th day of February, 2014.

1. Title.

This Order may be cited as the Acts of Parliament (Reprint of the Public Procurement and Disposal of Public Assets Act, 2003), Order, 2014.

2. Approval of reprint of Act 1 of 2003.

The reprint of the Public Procurement and Disposal of Public Assets Act, 2003 (Act 1 of 2003), with all additions, omissions, substitutions and amendments effected by the Public Procurement and Disposal of Public Assets (Amendment) Act, 2011 (Act 11 of 2011) and section 4 of the Local Governments (Amendment) Act, 2006 (Act 2 of 2006), is approved.

3. Judicial notice.

The 3rd day of March, 2014 is appointed as the day on which every copy of the reprinted Public Procurement and Disposal of Public Assets Act, 2003 shall be judicially noticed as an authentic copy of Act 1 of 2003 as amended.

PETER NYOMBI, MP,
Attorney General.

ACTS SUPPLEMENT

to The Uganda Gazette No. 12 Volume CVII dated 28th February, 2014.

Printed by UPPC, Entebbe, by Order of the Government.

Act 2 *Higher Education Students Financing Act* **2014**

THE HIGHER EDUCATION STUDENTS FINANCING ACT, 2014.

ARRANGEMENT OF SECTIONS.

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**PART II—THE HIGHER EDUCATION STUDENTS
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2. Establishment of Higher Education Students Financing scheme.

**PART III—THE HIGHER EDUCATION STUDENTS
FINANCING BOARD.**

3. Establishment of Higher Education Students Financing Board.
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8. Meetings of the Board.
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21. Application for loan or scholarship.
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THE HIGHER EDUCATION STUDENTS FINANCING ACT, 2014.

An Act to establish a scheme to finance students to pursue higher education in Uganda; to establish the Higher Education Students Financing Board; to establish a Fund to finance the scheme; to provide for the management and administration of the scheme and the fund; and for related matters.

DATE OF ASSENT: 2nd February, 2014.

Date of Commencement: 28th February, 2014.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Interpretation.

In this Act, unless the context otherwise requires—

“Board” means the Higher Education Students Financing Board;

“currency point” has the value assigned to it in Schedule 1;

“employment” means a contract of service between the employer and the employee and includes a person on self-employment;

“functional fees” includes registration fees, examination fees, library fees, clearance fees, fees for identity cards, medical fees;

“Fund” means the higher education students financing Fund established under section 29;

“higher education” means a post secondary education course of study or programme leading to the award of a certificate, diploma or degree;

“Minister” means the Minister responsible for education;

“scheme” means the higher education students financing scheme established under section 2.

PART II—THE HIGHER EDUCATION STUDENTS FINANCING SCHEME

2. Establishment of Higher Education Students Financing Scheme.

(1) There is established a scheme to be known as the Higher Education Students Financing Scheme.

(2) The scheme shall consist of loans and scholarships provided to eligible students to pursue higher education.

(3) The scheme shall be managed by the Board.

PART III—THE HIGHER EDUCATION STUDENTS
FINANCING BOARD.

3. Establishment of Higher Education Students Financing Board.

(1) There is established the Higher Education Students Financing Board.

(2) The Board is a body corporate with perpetual succession and a common seal and may for the purposes of discharging its functions under this Act—

- (a) acquire, hold or dispose of movable and immovable property;

- (b) sue and be sued in its corporate name; and
- (c) do all acts and things that a body corporate may lawfully do.

(3) The seal of the Board shall be authenticated in accordance with Schedule 2.

4. Composition and tenure of the Board.

(1) The Board shall consist of the following—

- (a) one person with at least ten years experience in management, who shall be the chairperson;
- (b) a representative of the National Council for Higher Education nominated by the National Council for Higher Education;
- (c) a representative of management of institutions of higher education nominated by the vice chancellors forum;
- (d) a representative of the Ministry responsible for education in charge of higher education;
- (e) a representative of the Ministry responsible for finance;
- (f) a representative of employers nominated by a recognized employers umbrella association;
- (g) a representative of students nominated by a recognized umbrella students association;
- (h) a representative of workers nominated by a recognized workers organization;
- (i) a representative of Persons with Disabilities nominated by a recognized national umbrella body of persons with disabilities; and
- (j) the Executive Director who shall be an ex-officio member of the board and shall be secretary to the Board.

(2) The members of the Board shall be persons of high moral character and proven integrity.

(3) The chairperson and members of the Board shall be appointed by the Minister.

(4) At least one third of membership of the board shall compose of women.

(5) A chairperson or member of the Board shall hold office for four years and shall be eligible for reappointment for only one more term.

5. Functions of the Board.

(1) The functions of the Board are—

- (a) to manage the higher education students financing scheme;
- (b) to administer the Fund;
- (c) to provide financial assistance to eligible students under this Act;
- (d) to establish a loan protection fund for loans granted to a student under this Act;
- (e) to determine the number of eligible students to benefit from the scheme;
- (f) to explore modalities for resource mobilisation for the scheme;
- (g) to perform any other function that is incidental or connected to the objects of the Board; and
- (h) to establish and maintain collaboration and network with other persons, bodies, or organizations within or outside Uganda as the board may consider appropriate, for the furtherance of the purpose of the scheme.

(2) The Board shall, at least once every three months, after the end of each calendar year or at the request of the Minister, submit to the Minister a report on the performance of its functions.

(3) The Minister shall lay the annual report of the Board before Parliament.

6. Powers of the Minister.

(1) The Minister may, in writing, give policy guidelines to the Board regarding the performance of its functions.

(2) The Board shall comply with the policy guidelines given by the Minister under this section.

7. Vacating office of member of the Board.

(1) A member of the Board may resign his or her office by a one month notice in writing addressed to the Minister.

(2) A member of the Board may be removed from office by the Minister on any of the following grounds—

- (a) absence for three consecutive meetings of the Board without notice to the Chairperson or without reasonable cause;
- (b) ceasing to hold the position under which he or she was appointed to the board;
- (c) if convicted of a criminal offence;
- (d) is declared insolvent;
- (e) inability to perform his or her function arising out of physical or mental incapacity;
- (f) misconduct or misbehavior; or

- (g) incompetence.

8. Meetings of the Board.

(1) The Board shall meet at least once every three months for purposes of discharging its functions.

(2) The meetings of the Board shall be conducted in accordance with Schedule 3.

9. Remuneration of members of the Board.

The members of the Board may be paid allowances approved by the Minister in consultation with the Minister responsible for public service and the Minister responsible for finance.

10. Committees of the Board.

(1) The Board may appoint committees for the better carrying out of its functions.

(2) A Committee appointed under sub section (1) shall exercise specific powers or perform specific functions as the board may determine.

(3) A committee appointed under subsection (1) shall consist of a chairperson the chairperson other than the board chairperson and other members of the Board, as the Board may determine.

(4) A committee may invite any person to attend any of its meetings and may co-opt any competent person to the committee but that person shall not vote on any matter before the committee.

(5) A member of a committee appointed under this section may be paid allowances as the Board may, with the written approval of the Minister, determine.

(6) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

PART IV—SECRETARIAT AND STAFF OF THE BOARD**11. Secretariat of the Board.**

(1) The Board shall have a secretariat which shall be responsible for the day-to-day operations of the scheme and implementing the decisions of the Board.

(2) The secretariat shall be headed by a full time Executive Director.

12. Executive Director.

(1) The Executive Director shall be appointed by the Minister on the recommendation of the Board.

(2) The Executive Director shall be a person of high moral character with proven integrity and shall have at least ten years working experience, with at least five years in higher education management and financial management.

(3) The Executive Director shall hold office for five years and shall be eligible for reappointment for only one more term.

(4) A person shall cease to hold the office of Executive Director if that person—

- (a) resigns his or her office by notice in writing addressed to the Minister;
- (b) is declared insolvent;
- (c) is convicted of a criminal offence;
- (d) is removed from office by the Minister on the recommendation of the Board for—
 - (i) continuously and persistently being unable to discharge the functions of the office of Executive Director due to infirmity of body or mind;

- (ii) failing to disclose to the Board any interest in a contract or proposed contract or any other matter connected to the Board;
- (iii) misbehavior or misconduct;
- (iv) incompetence.

13. Duties of the Executive Director.

(1) Subject to this Act and to the general supervision of the Board, the Executive Director is the chief executive officer of the Board and is responsible for—

- (a) implementing the policies and programmes agreed upon by the Board;
- (b) managing financial, human and physical resources of the Board;
- (c) keeping the Board informed of the activities of the scheme;
- (d) keeping record of all the transactions of the scheme and the Board;
- (e) performing any other function as determined by the Board;
- (f) mobilizing resources for the Scheme.

(2) In the performance of his or her duties the Executive Director is answerable to the Board.

14. Other officers and staff of the Board.

(1) There shall be officers and staff of the Board as may be necessary for the effective performance of the functions of the Board.

(2) The officers and staff of the Board shall be appointed by the Board on such terms and conditions as the Board shall determine.

(3) Without prejudice to the generality of sub section (2), the Board may provide for payment of salaries, allowances, pensions, gratuities or other retirement benefits to its officers and employees, and may require them to contribute to any pension, provident fund or superannuation scheme.

15. Protection of members and officers of the Board.

A member or officer of the Board or a person acting on the directions of the Board is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of his or her duties under the provisions of this Act.

PART V—LOANS AND SCHOLARSHIPS.

16. Student loans.

(1) A loan shall cover the following—

- (a) tuition fees;
- (b) functional fees;
- (c) research expenses;
- (d) aids and appliances for persons with disabilities.

(2) A loan may include specific amounts in respect of accommodation or meals, where the board determines that the funds are sufficient, based on the needs of each student, in addition to fees prescribed in subsection (1).

(3) The Minister shall on the recommendation of the Board by statutory instrument determine the amount for each of the items referred to in subsection (1) and (2) annually.

(4) The Board shall publish the amount determined by the Minister under subsection (3) in the National Gazette and at least two newspapers of wide national coverage.

(5) Where a student changes from the scheme or course for which the loan was granted, the student shall within fourteen days after the institution approves the change, notify the Board of the change of programme or course.

(6) The Board shall not be responsible for any additional fees required or incurred as a result of the change in course or programme.

17. Interest on loan.

(1) Every student loan shall be repayable with interest.

(2) The interest shall be determined by the Minister in consultation with the Minister responsible for finance.

18. Student scholarships.

(1) A student scholarship shall be awarded to an eligible student to pursue higher education in a field of study determined by the Board as critical to national and economic development.

(2) In determining the fields of study, the Board shall be guided by key development areas as specified in the National Development Plan.

(3) A scholarship may cover the following—

- (a) tuition fees;
- (b) functional fees;
- (c) books and reading materials;
- (d) accommodation fees;
- (e) meals;
- (f) research fees;

- (g) aids, appliances and personnel assistance for persons with disabilities; and
- (h) other expenses as may be determined by the Board and approved by the Minister.

(4) The Minister shall on the recommendation of the Board by statutory instrument determine the amount for each of the items referred to in subsection (3).

(5) The Board shall publish the amount determined by the Minister under subsection (3) in at least two newspapers of wide national coverage.

(6) A student scholarship shall be non-refundable by the beneficiary, except where a student—

- (a) abandons the course without reasonable cause;
- (b) changes to a course not approved by the Board; or
- (c) fails to comply with any other terms and conditions of the scholarship as may be determined by the Board.

(7) A student scholarship shall only be used for the course for which the scholarship has been awarded and shall not be transferable.

(8) A student scholarship may be terminated by the Board at any time where the student performs or omits to perform an act or omission which violates the terms and conditions of the scholarship as determined by the Board.

(9) The board may bond the beneficiary to the scheme for a specified period, as the Minister may, by statutory instrument determine.

(10) External scholarships shall only be awarded to students who qualify for academic programmes that are not offered in institutions of higher learning within Uganda.

19. Bilateral scholarships.

Bilateral scholarships may be awarded subject to conditions agreed upon by the donor country and the Government of Uganda.

20. Eligibility into the scheme.

(1) The scheme is only for Ugandan students seeking financial assistance to pursue an accredited course of study or programme of higher education in an accredited institution of higher learning recognized by the National Council for Higher Education.

(2) In determining the eligibility into the scheme, the Board shall take into consideration the following—

- (a) regional balance;
- (b) gender;
- (c) socio economic needs; and
- (d) equity.

(3) The Board may, by notice in the Gazette and a newspaper of wide national coverage, declare the programmes or courses of study to be funded in a particular academic year.

(4) In determining the programmes or courses of study referred to in subsection (2), the Board shall take into account government policy regarding higher education.

21. Application for loan or scholarship.

(1) an eligible student may, in a manner prescribed by the board apply to the board for a loan or scholarship.

(2) Upon receipt of the application, the Board shall investigate and verify the information contained in the application.

(3) The Board shall within twenty one working days determine the application and—

- (a) notify the applicant of the decision of the Board;

- (b) publish the list of all approved applicants on the website of the Board, in the gazette and at least two newspapers of wide national coverage.

(4) Where the Board rejects an application, the Board shall give reasons to the applicant in writing where necessary.

(5) A person aggrieved by a decision of the Board may appeal to the Minister within seven days after receipt of the notification in subsection (4).

(6) The Minister shall determine the appeal within fourteen days after receiving the appeal.

22. Undertaking by approved applicants.

(1) The Board shall within seven days after the notification and publication referred to in section 21 invite the approved applicants to enter into an undertaking with the Board.

(2) The undertaking shall be as specified in Schedule 4 and shall specify the amount of the loan approved or scholarship awarded to the applicant.

PART VI—REPAYMENT OF STUDENT LOANS

23. Repayment of student loan

(1) A person who has received a student loan shall start repaying the loan with the specified interest at least one year after completing the higher education for which the loan was given.

(2) For the avoidance of doubt, subsection (1) shall apply whether the person is employed or not.

(3) Without prejudice to subsection (1) a person who has received a student loan may start repaying the loan before the time specified in subsection (1).

(4) The Board shall within thirty days after the time specified in subsection (1), in writing inform the person who received a student loan to start repayment as required by this Act.

(5) Where a person has no income for the repayment of the student loan, the person shall within fourteen days after receiving the notice under subsection (4) in the prescribed manner, inform the Board accordingly.

(6) The Board may after verifying the information contained in the notice under subsection (4), extend the time under subsection (1) in respect of that person.

24. Student loan repayment schedule.

(1) The Board shall determine the schedule and installments for the repayment of the student loan and shall notify the person and the employer of the rate of deduction in respect of that person.

(2) The repayment of a student loan shall be charged on the salary or wages or income of the person who received the student loan.

25. Student loan beneficiary to inform the Board.

(1) A person who has benefited from a student loan shall within fourteen days inform the Board of any employment in which the person is engaged.

(2) A person who contravenes the provision of this section commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment of six months or both.

26. Deductions by employer.

(1) Every employer who employs a person, whose loan is due for repayment, shall, every month deduct the amount specified by the Board from the salary or income of that person for purposes of repaying the student loan.

(2) A deduction under subsection (1) shall not exceed thirty percent of the net salary or income of the employee.

(3) A person who employs a person who has received a student loan shall within fourteen days, in the prescribed form, notify the Board specifying the position and salary of the person.

(4) For purposes of this section, the Board may direct an employer to deduct a specified amount from the salary of an employee where the employer or employee has not informed the Board of the employment.

(5) An employer who knowingly does not—

- (a) deduct or remit the loan repayments in accordance with this section;
- (b) notify the Board of the employment of a person who has received a student loan,

commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points or imprisonment not exceeding ten years or both.

27. Early repayment.

A person who wishes to make early repayment shall repay the student loan in a manner determined by the Board.

28. Priority of student loan over other deductions.

(1) Subject to subsection (2) a student loan shall take priority over all deductions.

(2) Taxes and other statutory deductions shall be deducted before deducting any income of the beneficiary, for the repayment of a student loan.

PART VII—FINANCIAL PROVISIONS

29. Higher education students financing Fund.

(1) There is established a higher education students financing Fund.

(2) The Fund shall consist of—

- (a) money appropriated by Parliament for the purposes of the scheme;
- (b) grants, donations, endowments or loans received by the Board;
- (c) repayments and interest on loans granted;
- (d) loan protection fees charged in accordance with section 30;
- (e) fees charged for the services rendered by the Board;
- (f) proceeds from any investment undertaken by the board.

(3) The Fund shall be administered by the Board.

(4) The Fund shall be used to finance the higher education students financing scheme.

30. Loan protection fees.

(1) The Board may levy a loan protection fee on the gross approved loan amount in respect of each student loan.

(2) The amount of the loan protection fees shall be determined by the Minister in consultation with the Minister responsible for finance.

(3) The amount of the loan protection fees shall not exceed the percentage specified in Schedule 5.

(4) The borrower of the funds shall subscribe to a loan protection fee which shall indemnify the borrower against payment of outstanding debt to the fund as a result of death or permanent disability.

31. Power to open and operate bank accounts.

(1) The Board shall open and maintain bank accounts as are necessary for the performance of the functions of the Board.

(2) The bank accounts shall be operated in a manner determined by the Board.

32. Estimates of income and expenditure.

(1) The Board shall, in not less than two months, before the beginning of each financial year, prepare and submit to the Minister for approval, a budget containing the estimates of income and expenditure of the Board for the next financial year.

(2) The Board shall not incur any expenditure exceeding the budget without the written approval of the Minister.

33. Application of Board funds.

(1) The funds of the Board may be applied to the payment or discharge of expenses, obligations, including international obligations, or liabilities incurred in connection with the performance of the functions or exercise of the powers of the Board.

(2) Notwithstanding subsection(1) the funds of the board may be applied to the payment of any remuneration or allowances payable under this Act.

34. Investment of surplus funds.

(1) The Board shall declare to the Minister any surplus funds that the Board may have at the end of the financial year.

(2) Any funds of the Board not immediately required for any purpose under this Act, may be invested—

- (a) on a fixed deposit account with a bank approved by the Board;
- (b) in treasury bills and securities of the Government;
- (c) in any other manner determined by the Board with the approval of the Minister.

35. Financial year of the Board.

The financial year of the Board is the period of twelve months beginning on the 1st day of July in each year, and ending on the 30th day of June in the next calendar year.

36. Accounts.

(1) The Board shall keep proper books of accounts and all records relating to the transactions and affairs of the Board

(2) The Board shall within three months after the end of the financial year, prepare annual financial statements for the preceding financial year.

(3) The Board shall within three months after the end of each financial year, submit the annual accounts to the Auditor General.

37. Audit.

The Auditor General or an auditor appointed by the Auditor General shall within three months after receipt of the accounts submit to the Minister and Parliament a report on the audited accounts of the Board.

PART VIII—MISCELLANEOUS.

38. False statements by applicants.

An applicant who makes a false statement to the Board or in any document submitted to the Board commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or to imprisonment not exceeding twenty four months or to both.

39. General penalty.

A person, who contravenes any of the provisions of this Act, where no specific punishment is prescribed, commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment of six months, or both.

40. Appeals.

(1) A person aggrieved by the decision of the Board may appeal to the Minister; and

(2) A person aggrieved by the decision of the Minister may appeal to the High Court within one month.

41. Regulations.

(1) The Minister may on the recommendation of the Board, by statutory instrument, make regulations for better carrying into effect the provisions of this Act.

(2) Without prejudice to subsection (1), the Minister may make regulations prescribing the—

- (a) procedure and form for applying for a loan or scholarship;
- (b) fees payable for applications or services under this Act;
- (c) procedure for the disbursement of a loan or scholarship;
- (d) procedures and mechanisms for early repayment of loans;
- (e) matters to be taken in to account by the Board when determining applications;
- (f) form of documents or notices required or provided for this Act;
- (g) manner of repaying loans by students who do not complete a course of study or programme funded by the Board; and

- (h) conditions regarding change of programme or course of study.

PART IX—TRANSITIONAL PROVISIONS.

42. Management of existing scholarships.

(1) All scholarships currently offered by the Government of Uganda, including bilateral scholarships, existing immediately before the commencement of this Act shall vest in the Board.

(2) The central scholarship committee of the Ministry of education and Sports existing immediately before the commencement of this Act shall cease to exist on such a date as the Minister may by statutory instrument publish in the gazette.

43. Transfer of assets and liabilities.

All movable and immovable property, assets and liabilities of the scheme which immediately before the commencement of this Act vested in the student loan task force of the Ministry responsible for Education and Sports shall vest in the Board.

44. Amendment of Schedules.

The Minister may by statutory instrument amend a Schedule to this Act.

SCHEDULE 1*Section 1*

Currency point

One currency point is equivalent to twenty thousand shillings.

SCHEDULE 2*Section 3(3)***Seal of the Board**

1. The common seal of the Board shall be determined by the Board and shall be kept in the custody of the Executive Director.
2. The common seal shall, when affixed to any document, be authenticated by the signatures of the Chairperson and the Executive Director.
3. In the absence of the Chairperson or when the Chairperson is unable to perform this function, two other members of the Board appointed for that purpose shall sign in the place of the Chairperson.
4. A person performing the functions of the Executive Director shall sign in the absence of the Executive Director.
5. A contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the Board by the Executive Director or any other person authorized in that behalf by the Board.
6. Every document including that purporting to be—
 - (a) an instrument issued by the Board and sealed with the common seal of the Board and authenticated in the manner prescribed in paragraphs 2 to 4; or
 - (b) a contract or instrument entered into or executed under paragraph 5, shall be received in evidence as such an instrument without further proof unless the contrary is proved.

SCHEDULE 3*Section 8(2)***Meetings of the Board****1. Meetings of the Board.**

(1) Meetings of the Board shall be convened by the Chairperson, and the Board shall meet for the transaction of business at such places and times as may be decided upon by the Board but in any case shall meet at least once every three months.

(2) The Chairperson or, in the absence of the Chairperson, a member appointed by the Board to act in the Chairperson's place may at any time call a special meeting of the Board and shall call a special meeting upon a written request by a majority of the members of the Board.

(3) The Chairperson shall preside at every meeting of the Board.

(4) In the absence of the Chairperson, the members present may appoint a member from among themselves to preside at that meeting.

2. Quorum.

The quorum at a meeting of the Board is five members.

3. Decisions of the Board.

(1) All questions proposed at a meeting of the Board shall be decided by a simple majority of the votes of the members present and voting; and in, case of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberative vote.

(2) A decision may be made by the Board without meetings but by circulation of the relevant papers among the members and by the expression of the views of the majority of the members in writing; however, any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Board.

4. Board may co-opt members.

The Board may invite any person to attend any of its meetings as a consultant and may co-opt any person to the Board but that person shall not vote on any matter before the Board.

5. Declaration of interest.

(1) Any member of the Board having pecuniary or other interest, directly or indirectly in any contract or proposed contract or other matter before the Board shall, at that meeting, declare the nature of such interest and shall not take part in any discussion or vote on that matter, and if the Chairperson directs, the person shall withdraw from that meeting.

(2) The failure of any member of the Board to disclose an interest in any contract or proposed contract or any other matter before the Board will cause the decision of the Board to be voidable at the instance of the other members of the Board, and that member shall be liable to be relieved of his or her duties.

(3) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part under subparagraph (1) shall be treated as being present.

6. Board may regulate its procedure.

Subject to this Act, the Board may regulate its own procedure and may make rules regarding the holding of meetings, notice to be given, the keeping of minutes or any other matter relating to its meetings.

SCHEDULE 4

Section 22(2)

Undertaking by applicant

HIGHER EDUCATION STUDENTS FINANCING ACT

UNDERTAKING BY THE APPLICANT

(Under section 21 of the Higher Education Financing Act, 2013)

I(*insert name of applicant*)
acknowledge that the student loan of
(*specify amount of loan*) approved by the Board shall be used to pursue
.....(*specify course or programme of study*) at
..... (*specify institution*)

I UNDERTAKE to repay the loan with the interest specified by the Board
in accordance with Higher Education Students Financing Act.

I further undertake to abide by all obligations imposed upon me by the
Board in accordance with the Act.

I understand that in default of repayment, the entire loan amount shall
become due and repayable in accordance with the Act.

I consent to the Board sharing any information relating to me which I
have submitted to the Board or obtained by the Board with any agency or
body for the purpose ensuring repayment of the loan.

Name:.....

Signature.....

Date

SCHEDULE 5*Section 30(3)***LOAN PROTECTION FEES**

The amount of the loan protection fees shall not exceed one percent of the loan amount.

ACTS SUPPLEMENT

to The Uganda Gazette No. 12 Volume CVII dated 28th February, 2014.

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Act 3

Industrial Property Act

2014

THE INDUSTRIAL PROPERTY ACT, 2014.

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SCHEDULE

Currency point.

THE INDUSTRIAL PROPERTY ACT, 2014.

An Act to provide for the promotion of inventive and innovative activities, to facilitate the acquisition of technology through the grant and regulation of patents, utility models, industrial designs and technovations and to provide for the designation of a registrar, to provide for the functions of the registrar, and the establishment of a register of industrial property rights and for related matters.

DATE OF ASSENT: 6th January, 2014.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY**1. Commencement.**

This Act shall come into force on a date that the Minister may, by statutory instrument appoint; and the Minister may appoint different dates for different provisions.

2. Interpretation.

In this Act, unless the context otherwise requires—

“application” means an application under this Act for the grant of—

- (i) a patent;
- (ii) a certificate of utility model;

(iii) registration of an industrial design; or

(iv) a certificate of technovation;

“ARIPO” means the African Regional Intellectual Property Organisation;

“ARIPO Office” means the Secretariat managing the African Regional Intellectual Property Organisation (ARIPO), formerly known as Industrial Property Organisation, for the English-speaking Africa (ESARIPO) established by the Lusaka Agreement of 9th December 1976 as amended;

“Bureau” means the Uganda Registration Services Bureau established by the Uganda Registration Services Bureau Act;

“compulsory licence” means an authorization given by the competent authority to a person, firm or a private or state-owned or state-controlled entity, to exploit a patent, a utility model, a layout-design or an industrial design in Uganda without the approval of the rights owner;

“concerned Minister” means the Minister to whose ministry the information in an application relates;

“Court” means the High Court of Uganda;

“cross-licence” means a licence to enable a person to use his or her own patent together with an earlier patent without which his or her own patent cannot be worked without infringing rights derived from the earlier patent;

“currency point” has the meaning given to it in the Schedule;

“designated office” means an office designated under section 34;

“divisional application” has the meaning given to it by section 23;

“elected office” means an office designated under section 34;

“examiner” means an examiner of patents designated as examiner of patents under the Uganda Registration Services Bureau Act;

“exclusive licence” means a licence contract that confers on the licensee and, where it is established expressly in it, on the persons authorised by the licensee, the right to exploit the licensed industrial property right to the exclusion of all other persons, including the rights owner;

“foreign application” has the meaning given to it by section 25;

“former Office” means the Patents Office existing immediately before the commencement of this Act;

“Harere Protocol” means the Harere Protocol on Patents and Industrial Designs within the Framework of the African Regional Intellectual Property Organisation;

“industrial design” has the meaning given to it in section 71;

“industrial property rights” mean rights under patents, certificates of utility models and technovation and registration of industrial designs issued under this Act;

“innovation” means utility models, technovation models, and industrial designs and any other non-patentable creations or improvements that may be taken as deserving specified intellectual property rights;

“international bureau” means the International Bureau of the World Intellectual Property Organisation;

“international classification” means the classification of patent for invention, inventors certificates, utility models and utility certificates known as the international patent classification” as established by the Strasbourg Agreement concerning the international patent classification of March 24th, 1971 as amended on September 28, 1979;

“international classification” as regards industrial designs, means classification in accordance with the Locarno Agreement of October, 1968;

“invention” means a new and useful art whether producing a physical effect or not, process, machine, manufacture or composition of matter which is not obvious, or a new and useful improvement of it which is not obvious, capable of being used or applied in trade or industry; and includes an alleged invention;

“inventor” means the person who actually devises the invention as defined in section 8; and includes the legal representative of the inventor;

“licence contract” means a contract or an agreement by which a person grants permission to use his or her industrial property rights, know-how, or other technical information or technical services;

“licensee” means a person licensed under a contract which is registered or taken to be registered under this Act;

“licensor” means a party to a licence contract who grants the permission under a contract registered or taken to be registered under this Act;

“Minister” means the Minister responsible for justice;

“National Council for Science and Technology” means the Council established by section 1 of the Uganda National Council for Science and Technology Act;

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

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

- “Patent Cooperation Treaty” means the Patent Cooperation Treaty signed on June, 1970 the Regulations made made under the administrative instructions under that Treaty as revised, amended and modified;
- “priority date” means the date of the first application that serves as the basis for claiming the right of priority provided for in the Paris Convention;
- “priority user” has the meaning given to it in section 41;
- “receiving office” means an office designated under section 34;
- “register” means the register of industrial property rights under section 5;
- “registrar” means the officer designated as registrar of industrial property under the Uganda Registration Services Bureau Act and includes the deputies and assistants of that officer;
- “self-replicable matter” means any matter possessing the genetic material necessary to direct its own replication by way of a host organism or in any other indirect way;
- “surcharge” means a fee prescribed under this Act in respect of delayed payment;
- “utility model” means any form, configuration or disposition of element of some appliance, utensil, tool, electrical and electronic circuitry, instrument, handicraft mechanism or other object or any part of it allowing a better or different functioning, use, or manufacture of the subject matter or that gives some utility, advantage, environmental benefit, saving or technical effect not previously available in Uganda; and includes microorganisms or other self-replicable material, products of genetic resources and herbal as well as nutritional formulations which give new effects;
- “World Trade Organisation” means the World Trade organisation, established in 1995 by the Uruguay Round of multilateral trade negotiations under the auspices of GATT (General Agreement on Tariffs and Trade, based on a 1947 agreement).

PART II—ADMINISTRATION.

3. Registrar.

(1) (1) The Registrar General appointed under the Uganda Registration Services Bureau Act shall be the Registrar of industrial property.

(2) The registrar shall have a seal of a device approved by the Minister, but until the seal has been obtained a stamp in a form approved by the Minister shall be issued instead of the seal.

(3) The impression of the seal or stamp shall be judicially noticed and admitted in evidence.

(4) Any act or thing directed to be done by or to the registrar may be done by or to any officer authorized by the Minister.

4. Functions of the registrar.

(1) The functions of the registrar are—

- (a) to receive, consider and grant applications for industrial property rights;
- (b) to receive, and register technology transfer agreements and licences;
- (c) to provide to the public industrial property information for technological and economic development and maintain links with users and potential users of industrial property information;
- (d) to promote inventiveness and innovativeness in Uganda; and
- (e) to perform any other functions for the better carrying out of this Act.

(2) In the carrying out of his or her functions, the registrar shall liaise with relevant institutions.

5. Register of industrial property.

(1) The registrar shall maintain two registers one of which shall contain all industrial property applications received, and the other shall contain all industrial property and other rights granted under this Act, in which shall be recorded and numbered in the order of grant, and in respect of each patent, where appropriate, its lapse for non-payment of annual fees and all transactions to be recorded by virtue of this Act.

(2) A person may, during working hours, inspect the registers maintained under subsection (1) and may, subject to the payment of the prescribed fee and to any regulations made under this section, obtain extracts from them.

(3) The form of the registers shall be as prescribed by regulations.

(4) The register of patents shall be *prima facie* evidence of any matter required or authorised by or under this Act to be entered in the registers.

6. Protection from personal liability.

No matter or thing done by any member, officer, employee or agent of the registrar shall, if the matter or thing is done bona fide for executing the functions of his or her office, render the member, officer, employee or agent or any person acting on his or her directions personally liable for any action, claim or demand.

7. Liability of the registrar for damages.

Section 6 shall not relieve the registrar of the liability to pay compensation or damages to any person for injury to him or her, his or her property or any of his or her interests caused by the performance of the functions conferred on the registry by this Act or by any other written law or by the failure, whether wholly or partially, of any works.

PART III—PATENTABILITY.**8. Meaning of “invention”.**

(1) For the purposes of this Part, “invention” means a solution to a specific problem in the field of technology.

(2) Subject to subsection (3), an invention may be, or may relate to, a product or a process.

(3) The following shall not be regarded as inventions and shall be excluded from patent protection—

- (a) discoveries, scientific theories and mathematical methods;
- (b) schemes, rules or methods for doing business, performing purely mental acts or playing games;
- (c) diagnostic, therapeutic and surgical methods for the treatment of humans or animals;
- (d) mere presentation of information;
- (e) plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and micro-biological processes; and
- (f) pharmaceutical products and test data until 1st January 2016 or such other period as may be granted to Uganda or least developed countries by the Council responsible for administering the Agreement on trade related aspects of intellectual property under the World Trade Organization;
- (g) natural substances, whether purified, synthesized or otherwise isolated from nature; except the processes of isolating those natural substances from their original environment; and
- (h) the human body and all its elements in whole or in part.

9. Patentable invention.

An invention is patentable if it is new, involves an inventive step, and is industrially applicable.

10. Novelty.

(1) An invention is new if it is not anticipated by prior art or where a person who is highly skilled in the relevant area could not derive the invention from a combination of prior disclosed art.

(2) For purposes of this Act, prior art consists of everything made available to the public anywhere in the world by means of written disclosure including drawings, published patent applications, and other illustrations or by oral disclosure, use, exhibition or other non-written means, where the disclosure occurred before the date of filing of the application or, if priority is claimed, before the priority date validly claimed in respect of the application.

(3) For the purpose of the evaluation of novelty, an application for the grant of a patent or a utility model certificate in Uganda shall be considered to have been comprised in the prior art as from the filing date of the application, or if priority is claimed, as from the date of its validly claimed priority, to the extent to which its content is available, or is later made available, to the public in accordance with this Act or in accordance with the Patent Cooperation Treaty.

(4) For the purposes of subsection (2), a disclosure of the invention shall not be taken into consideration if it occurred within twelve months before the filing date or, where applicable, the priority date of the application and if it was by reason or in consequence of—

- (a) acts committed by the applicant or his or her predecessor in title; or
- (b) an evident abuse committed by a third party in relation to the applicant or his or her predecessor in title.

11. Inventive step.

An invention shall be considered as involving an inventive step if, having regard to the prior art relevant to the application claiming the inventions, it would not have been obvious to a person skilled in the art to which the invention relates on the date of the filing of the application or, if priority is claimed on the date validly claimed in respect of the invention.

12. Industrial application.

An invention shall be considered industrially applicable if, according to its nature, it can be made or used in any kind of industry, including agriculture, medicine, fishery and other services.

13. Non-patentable inventions.

The following are not patentable—

- (a) plant varieties as provided for in the law providing for the protection of plant varieties;
- (b) inventions contrary to public order, morality, public health and safety, public policy, principles of humanity and environmental conservation.

14. Information prejudicial to security of Uganda or safety of the public.

(1) Where an application for a patent is filed under this Act or under any international convention to which Uganda is a party, and it appears to the registrar that the application contains information of a description notified to the registrar by the concerned Minister as being information the publication of which might be prejudicial to the security of Uganda, the registrar may give directions prohibiting or restricting the publication of that information or its communication to any specified person or persons.

(2) Where it appears to the registrar that any application filed as described in subsection (1) contains information the publication of which might be prejudicial to the interest of the public, the registrar may give directions prohibiting or restricting the publication of that information or its communication to any specified person or persons until the end of a period not exceeding three months from the end of the period prescribed for the purposes of section 29.

(3) Where directions under this section are in force with respect to any application—

- (a) if the application is made under this Act, it may be processed to the stage where it is in order for the grant of a patent, but shall not be published and any information relating to it shall not be communicated and no patent shall be granted in response to the application;
- (b) if it is an application for an ARIPO patent, it shall not be sent to the ARIPO office; and
- (c) if it is an international application for a patent, a copy of the application shall not be sent to the International Bureau or to any international searching authority appointed under the Patent Cooperation Treaty.

(4) Where the registrar gives instructions under this section in respect of an application, the registrar shall give notice of the application and of the directions to the concerned Minister and the following provisions shall have effect—

- (a) the concerned Minister shall, on receipt of the notice, consider whether the publication of the application or the publication or communication of the information in question would be prejudicial to the defence of Uganda or the safety of the public;

- (b) where the concerned Minister determines that the publication of the application or the publication or communication of the information would be prejudicial to the safety of the public, the Minister shall notify the registrar, and the registrar shall continue his or her directions under subsection (2) until they are revoked under paragraph (e);
- (c) where the concerned Minister determines that the publication of the application, or the publication or communication of the information would be prejudicial to the defence of Uganda or the safety of the public, he or she shall, unless a notice under paragraph (d) has previously been given by the Minister responsible for defence or the concerned Minister to the registrar; reconsider that question during the period of nine months from the date of filing the application and at least once in every subsequent period of twelve months;
- (d) where on the consideration of an application at any time it appears to the concerned Minister that the publication of the application, or the publication or communication of the information, contained in it would not, or would no longer, be prejudicial to the defence of Uganda or the safety of the public, he or she shall give notice to the registrar to that effect; and
- (e) on receipt of a notice under paragraph (d), the registrar shall revoke the directions and may, subject to conditions that the registrar may consider fit, extend the time for doing anything required or authorised to be done by or under this Act in connection with the application, whether or not that time had previously expired.

(5) The concerned Minister may, in determining a question under subsection (4)(c)—

- (a) at any time after, or, with the consent of the applicant, before the expiry of the period prescribed for the purposes of section 29, consider the application and any documents submitted in relation to the application; or
- (b) where the application contains information relating to the production or use of atomic energy or research into matters connected with the production or use, of atomic energy, authorise the National Council for Science and Technology to study the application and any documents sent to the registrar in connection with the application and report to the registrar as soon as reasonably practicable on the utility or otherwise of the patent applied for.

(6) Where directions have been given under this section in respect of an application for a patent for an invention and the period prescribed in relation to the application expires, and while the directions are still in force, an application is brought for the grant of a patent—

- (a) if while the directions are in force, the invention is used by or with the written authorisation of or on the orders of a Government Ministry, department or agency, section 66 shall apply as if—
 - (i) the use was made under that section;
 - (ii) the application had been published at the end of that period; and
 - (iii) a patent had been granted for the invention at the time the application is brought for the grant of a patent taking the terms of the patent to be those of the application as at the time it was brought; and
- (b) if it appears to the Minister responsible for defence or the concerned Minister that the applicant for the patent has suffered hardship by reason of the continuation in force of the directions, the Minister may, with the consent of the

Ministry responsible for finance, make such payment by way of compensation to the applicant, as appears to be reasonable having regard to the inventive merit and utility of the invention, the purpose for which it is designed and any other relevant circumstances.

(7) Where the applicant is dissatisfied with the amount of compensation paid to him or her under subsection (6), he or she may appeal to the court.

(8) Where a patent is granted in response to an application in respect of which directions have been given under this section, no renewal fees shall be payable in respect of any period during which those directions remain in force.

(9) A person who fails to comply with a direction under this section commits an offence and is on conviction, liable to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

15. Restriction on applications abroad by residents of Uganda.

(1) Subject to this section, a person resident in Uganda shall not without written authority granted by the registrar, file or cause to be filed outside Uganda, an application for a patent, unless—

- (a) an application for a patent for the same invention has been filed with the registrar not less than six weeks before the filing of the application outside Uganda; and
- (b) no directions have been given under section 14 in relation to the application in Uganda or any such directions given have been revoked.

(2) Subsection (1) does not apply to an application for a patent for an invention in respect of which an application for a patent has first been filed in a country outside Uganda by a person resident outside Uganda.

(3) A person who files or causes to be filed an application for the grant of a patent in contravention of this section commits an offence and is liable on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

(4) In this section—

- (a) a reference to an application for a patent includes a reference to an application for other protection for an invention; and
- (b) a reference to either kind of application is a reference to an application under this Act, under the law of any country other than Uganda or under any international treaty or convention to which Uganda is a party.

16. Patents relating to micro-biological processes or products.

(1) Where an invention concerns a micro-biological process or the product of that process and involves the use of a micro-organism which is not available to the public and which cannot be described in the patent application in such a manner as to enable the invention to be carried out by a person skilled in the art, the invention shall only be regarded as disclosed if—

- (a) a culture of the micro-organism has been deposited with a depository institution not later than the date of filing of the application;
- (b) the application as filed gives such relevant information as is available to the applicant on the characteristics of the micro-organism; and
- (c) the depository institution and the file number of the culture deposit are stated in the application.

(2) The information referred to in subsection (1)(b) may be submitted within sixteen months after the date of filing of the application or, if priority is claimed, after the priority date.

(3) The deposited culture shall be made available upon request of any person having the right to inspect the files.

(4) Where a deposited micro-organism ceases to be available from the institution with which it was deposited because—

- (a) the micro-organism is no longer viable; or
- (b) for any other reason the depository institution is unable to supply samples;

and if the micro-organism has not been transferred to another depository institution from which it continues to be available, an interruption in availability shall not be taken to have occurred if a new deposit of the micro-organism originally deposited is made within three months from the date on which the person who deposited it is notified of the interruption by the depository institution and a copy of the receipt of the deposit issued by the institution is forwarded to the registry within four months from the date of the new deposit stating the number of the application or of the patent.

(5) A new deposit shall be accompanied by a statement signed by the person making the deposit indicating that the newly deposited micro-organism is the same as that originally deposited.

(6) In this section “depository institution” means a place where biological organisms are stored.

PART IV—RIGHT TO INVENTIONS AND NAMING OF INVENTOR.

17. Right to a patent.

(1) Subject to this section, the right to a patent belongs to the inventor.

(2) Where two or more persons have jointly made an invention the right to the patent belongs to them jointly.

(3) Where two or more persons have made the same invention independently of each other, the person whose application has the earliest filing date, or if priority is claimed, the earliest validly claimed priority date that leads to the grant of a patent, has the right to the patent.

(4) The right to a patent may be assigned or may be transferred by succession.

(5) Sections 51 to 65 apply, with the necessary modifications, to contracts assigning the right to a patent.

18. Unauthorised application based on an invention of another person.

Where an applicant has obtained the essential elements of the invention which is the subject of his or her application from the invention of another person, he or she shall, unless authorised by the person who has the right to the patent or who owns the patent, assign to that person the application or, where the patent has already been granted, the patent.

19. Inventions made in execution of commission or by employee.

(1) Notwithstanding section 18 and in the absence of a contract to the contrary, the right to a patent for an invention made in execution of a commission or of a contract of employment, belongs to the person having commissioned the work or to the employer.

(2) Where the invention referred to in subsection (1) is of exceptional importance the employee has a right to equitable remuneration taking into consideration his or her salary and the benefit derived by the employer from the invention.

(3) Subsection (1) applies where a contract of employment does not require the employee to exercise any inventive activity but when the employee has made the invention by using data or means available to him or her during his or her employment.

(4) In the circumstances referred to in subsection (3), the employee has a right to equitable remuneration taking into account his or her salary, the importance of the invention and any benefit derived from the invention by the employer.

(5) In the absence of an agreement between the parties, the court shall fix the remuneration.

(6) An invention made without any relation to an employment or contract of service and without the use of the employer's resources, data, means, materials, installations or equipment belongs solely to the employee or the person commissioned.

(7) This section, where relevant, applies directly or indirectly to government department or an agency of government or a similar organisation.

20. Naming of inventor.

(1) The inventor shall be named as inventor in the patent application and in the patent unless in a special written declaration addressed to the registrar, he or she indicates that he or she wishes not to be named.

(2) A promise or an undertaking by the inventor made to any person to the effect that he or she will make the declaration referred to in subsection (1) has no legal effect.

(3) Where two or more persons have made the same invention independently of each other, the person whose application has the earliest filing date or, if priority is claimed, the earliest validly claimed priority date shall have the right to the certificate, as long as the application is not withdrawn, abandoned or rejected.

(4) In order to establish the right of preference the registrar shall take into account the matter claimed in the applications.

(5) Where an invention is made in execution of an employment contract the purpose of which is to invent, the right to the patent shall belong, in the absence of contractual provisions to the contrary, to the employer.

(6) Where the economic gains extracted by the employer are disproportionately high as compared to the employee's salary and the reasonable expectations of gain that the employer had from his or her employee's inventive output at the time he or she hired him or her, the employee is entitled to an equitable remuneration.

(7) Where an invention is made by an employee not in execution of an employment contract, and where for making that invention the employee used materials, data know-how of the employer, the right to the patent shall belong, in the absence of contractual provisions to the contrary, to the employer.

(8) The employee is entitled to a remuneration that is at least equivalent to one third of the net direct and indirect gains obtained by the employer from exploiting the invention.

(9) Where the employer neglects to file a patent application within one year from the date on which the employee communicates to him or her the invention, the employee shall have the right to the patent, including the right to assign that right to an interested party and to license or transfer the patent, if granted.

(10) An invention claimed in a patent application filed by the employee within one year after the expiry of the employment contract which falls within the scope of the former employer's main business, shall be presumed to have been made under the expired contract, unless the employer produces evidence to the contrary.

(11) An anticipated promise or undertaking which is made by the inventor to his or her employer to the effect that he or she will waive any remuneration he or she is entitled to under this section shall be without legal effect.

(12) The inventor shall be named as such in the patent, unless in a special written declaration signed by him or her and addressed to the registrar he or she indicates that he or she wishes not to be named.

(13) A promise or an undertaking by the inventor made to a person to the effect that he or she will make such a declaration under subsection (12) has no legal effect.

(14) This section shall apply to all employees whether or not they are employed in the public service.

PART V—APPLICATION, GRANT AND REFUSAL OF GRANT OF PATENT.

21. Application for a patent.

(1) An application for a patent shall be filed with the registrar and shall contain—

- (a) a request;
- (b) a description of the invention;
- (c) one or more claims;
- (d) one or more drawings, where necessary;
- (e) an abstract; and
- (f) such other details as shall be prescribed by the regulations made under this Act of Uganda.

(2) Where the applicant's ordinary residence or principal place of business is outside Uganda, the applicant shall be represented by an advocate of the High Court of Uganda.

(3) The request shall state the name and prescribed data concerning, the applicant, the inventor and the agent, if any, and the title of the invention and where the applicant is not the inventor the request shall be accompanied by a statement justifying the applicant's right to the patent.

(4) The appointment of an agent shall be indicated by the designation of the agent in the request or by furnishing a power of attorney signed by the applicant and, where subsection (2) applies, the agent shall be designated in the request.

(5) The description shall—

- (a) disclose the invention and all practicable modes, including specification of the best mode , of carrying out the invention known to the inventor at the filing date or, where priority is claimed, at the priority date of the application, in full, clear, concise and exact terms as to enable a person who has ordinary skills in the art to make use of and to evaluate the claimed invention; and
- (b) include any drawings and relevant deposits as in the case of micro-organisms and self-replicable material which are essential for the understanding of the invention.

(6) Disclosure of the claimed invention shall be considered sufficiently clear and complete if it provides information which is sufficient to allow that invention to be made and used by a person with who has ordinary skill in the art on the filing date, without undue experimentation.

(7) For the purposes of assessing sufficiency of disclosure, the disclosure contained in the description, claims and drawings, as established on the date in which the sufficiency of disclosure was examined, shall be taken into account.

(8) The description shall contain a clear identification of the origin of genetic or biological resources collected in the territory of Uganda and that were directly or indirectly used in the making of the claimed invention as well as of any element of traditional knowledge associated or not with those resources and that was directly or indirectly used in the making of the claimed invention without the prior informed consent of its individual or collective creators.

(9) For the purposes of this section, a person shall be taken as having ordinary skill in the art if that person is a citizen of Uganda who has studied and carries out his or her profession in Uganda, and has acquired an average expertise and experience in the technical field of the claimed invention.

(10) The registrar may, before granting the patent, require the description in a foreign patent application to be adapted to the ordinary skill in the art of the citizens of Uganda so as to ensure technology dissemination.

(11) The abstract, which must be concise and precise, shall only serve the purpose of technical information; and shall not be taken into account when interpreting the scope of the protection.

(12) The abstract shall only serve the purpose of providing technical information; and it shall not be taken into account when interpreting the scope of the protection sought.

(13) The applicant may, at any time before the grant of the patent, withdraw the application.

(14) Where the application has been withdrawn without having being opened to public inspection, and—

- (a) no priority rights have been claimed by virtue of that application; and
- (b) no rights are outstanding in Uganda in connection with the application,

a subsequent application may be filed in Uganda in respect of the same invention.

(15) The subsequent application shall be regarded as the first application in Uganda in respect of that invention.

(16) Priority rights shall not be claimed on the withdrawn application after the lodging of the subsequent application.

(17) The details of the requirements with which the application must comply shall be prescribed by regulations made under this Act.

22. Unity of inventions.

(1) The application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.

(2) The regulations shall contain rules concerning compliance with the requirements of unity of invention under subsection (1).

(3) The fact that a patent has been granted on an application that did not comply with the requirements of unity of invention shall not be a ground for the invalidation or revocation of the patent.

23. Amendment and division of application.

(1) The applicant may amend the application, but the amendment shall not go beyond the substance of the disclosure made by the applicant in the initial application.

(2) The applicant may divide the initial application into one or more applications, in this Act referred to in this Act as “divisional applications” but each divisional application shall not go beyond the disclosure made in the initial application.

(3) Each divisional application is entitled to a filing date and where appropriate, the priority date of the initial application.

24. Right of priority.

(1) The application may contain a declaration claiming the priority, as provided for in the Paris Convention, of one or more earlier national or regional applications filed by the applicant or his or her predecessor in title in or for any State party to that Convention and any Member of the World Trade Organization.

(2) Where the application is filed in Uganda before the expiration of the periods referred to in subsection (1), the application shall not be invalidated by reason of an act accomplished in the interval, in particular, another filing, the publication or exploitation of the invention, and those acts shall not give rise to any third-party right or any right of personal possession.

(3) The period of priority under subsection (1) is twelve months and shall be counted according to the provisions of article 4 of the Paris Convention.

(4) Where the application contains a declaration under subsection (1), the registrar may request that the applicant furnish, within the prescribed time, a copy of the earlier application certified as correct by the Industrial Property Office with which it was filed.

(5) The registrar shall accept the form and the content of the certification mentioned in subsection (4) as determined by the certifying authority.

(6) Where the registrar finds that the requirements under this section and the regulations relating to those requirements have not been complied with, the declaration shall be considered not to have been made.

25. Information concerning corresponding foreign applications and grants.

(1) At the request of the registrar, an applicant shall furnish the registrar with the date and number of any application for a patent or other title of protection filed by the applicant with the office responsible for registration of industrial property of another country or with a regional industrial property office, in this Act referred to as a “foreign application”, relating to the same invention as that claimed in the application filed with the registrar.

(2) The applicant shall, at the request of the registrar, furnish the registrar with the following documents relating to one of the foreign applications within sixty days—

- (a) copies of any communication received by the applicant concerning the results of a search or examination carried out in respect of the foreign application;

- (b) a copy of the patent or other title of protection granted on the foreign application; and
- (c) a copy of any final decision rejecting the foreign application or refusing the grant requested in the foreign application.

(3) The applicant shall, at the request of the registrar, furnish the registrar with a copy of any decision revoking or invalidating the patent or any other title of protection granted to the applicant on the basis of the foreign application.

(4) The applicant shall, at the request of the registrar, furnish the registrar with copies of any communication received by the applicant concerning the results of any search or examination carried out in respect of any foreign application other than the one referred to in subsection (2).

(5) The documents furnished under this section shall only serve the purpose of facilitating the evaluation of novelty claimed in the application filed with the registrar or in the patent granted on the basis of that application.

(6) The applicant has the right to submit comments on the documents furnished under this section.

(7) The details of the requirements under this section shall be as prescribed by regulations

26. Payment of fees.

(1) The application shall be subject to payment of the prescribed fees.

(2) The registrar may waive the whole or part of the fees in such manner and under such circumstances as may be prescribed.

27. Withdrawal of application.

The applicant may withdraw the application at any time before the grant of a patent or before the notification of rejection of the application or before the refusal to grant a patent; but the applicant shall, if he or she does so, forfeit the prescribed fees paid by him or her.

28. Filing date and examination of application as to form.

(1) The registrar shall accord as the filing date the date of receipt of the application, if, at the time of receipt, the application contains—

- (a) an express or implicit indication that the granting of a patent is sought;
- (b) indications allowing the identity of the applicant to be established;
- (c) a part which, on the face of it, appears to be a description of an invention; and
- (d) one or more claims identifying the characteristic elements of the invention.

(2) Where the registrar finds that the application does not, at the time of receipt, fulfill the requirements referred to in subsection (1), he or she shall invite the applicant to file the required correction and shall accord as the filing date the date of receipt of the required correction, but if no correction is made, the application shall be treated as if it had not been filed.

(3) Where the application refers to drawings which are not included in the application, the registrar shall invite the applicant to furnish the missing drawings.

(4) If the applicant complies with the invitation under subsection (3), the registrar shall accord as the filing date the date of receipt of the missing drawings.

(5) The registrar shall accord as the filing date the date of receipt of the application and shall treat any reference to the drawings as non-existent.

(6) After allocating a filing date, and having the invention classified according to the international classification, the registrar shall examine whether the application complies with the requirements of sections 21 (1) and (2), and the other requirements of this Act and regulations made under it and whether information requested under section 25, has been provided.

(7) Within ninety days after the publication of the notice mentioned in section 29, any interested party may file with the registrar a notice of opposition.

(8) The notice of opposition shall identify the opposed patent application, as well as the grounds that the opponent considers relevant to bar the grant as well as all relevant evidence.

(9) The failure to meet the formal or substantive conditions of patentability in sections 9, 13 and 21 may be alleged by the opponent.

(10) The registrar shall give notice of the opposition in the *Gazette*.

(11) The applicant may within sixty days from the publication of the notice of opposition file a counter-statement.

(12) The registrar may, if he or she considers fit, grant a hearing at which the patent applicant and the opponent may argue and counter-argue their case and submit additional evidence, if available, including oral evidence.

(13) Subsection (1) shall apply to the inventions mentioned in section 8(2)(f) immediately after the coming into force of this Act.

(14) The remaining subsections of this section as well as section 32 shall apply to the inventions mentioned in subsection (13) only after January 1, 2016; and the examination of those inventions shall apply the conditions of patentability referred to in subsection (4) as if those conditions were being applied on the date of filing in Uganda, as established under subsection (1), or where priority was claimed, the priority date of the applications.

29. Publication of application.

(1) The registrar shall publish the application as soon as possible after the expiration of eighteen months from the filing date or, where priority is claimed, from the date of priority.

(2) For the purposes of subsection (1), in the case of applications claiming priority, the period of eighteen months shall be construed from the original filing date and in the case of applications with two or more priority claims, the period shall be construed from the earliest priority date.

(3) The publication of the patent application shall be effected by publishing the particulars set out in the regulations, in the *Gazette* and a newspaper of wide circulation.

30. International type search.

(1) The registrar may direct that an application which is found in order as to form be the subject of an international-type search.

(2) When a direction under subsection (1) is made, the registrar shall request the applicant to pay the prescribed fee; and if the applicant does not comply with the request, the application shall be rejected.

(3) Upon receipt of the report on the international-type search, the registrar may request the applicant to furnish him or her with a copy of any document cited in the report, and if without lawful reason any copy is not furnished within the prescribed time limit, the registrar shall reject the application.

(4) Where it is apparent from the report on the international-type search or from the declaration on the non-establishment of the report, that the subject of the application or of any claim or claims is not an invention, the registrar shall reject the defective application or consider the defective claim or claims to be withdrawn, as the case may be, unless the applicant satisfies the registrar that the subject of the application or claims constitutes an invention.

(5) Where it is apparent from the report on the international-type search or from the declaration on the non-establishment of the report, that—

- (a) the description, the claim or, where applicable, the drawings do not comply, in whole or in part, with the prescribed requirements to such an extent that no meaningful search could be carried out;
- (b) the application does not comply, in whole or in part, with the requirements of unity of invention prescribed by section 22 and the rules pertaining to it; or
- (c) the invention claimed in the application does not fulfill the requirements of novelty,

the registrar shall reject the application unless the applicant either satisfies him or her that the requirements have been fulfilled or amends or divides the application so as to comply with the requirements.

(6) The details of the requirements and the procedures under this section shall be prescribed by regulations.

31. Examination as to substance.

(1) The registrar may, by notice in the *Gazette*—

- (a) direct that an application for a patent which relates to a specified field or specified technical fields shall be subject to an examination as to substance; or
- (b) amend any direction issued under paragraph (a).

(2) Where an application for a patent satisfies the requirements specified in section 28(1) and the subject matter of the application does not fall within a technical field specified under subsection (1), the registrar shall notify the applicant and the applicant shall, within three years from the filing date of the application, submit a request in the prescribed form for the examination of the application under subsection (4).

(3) Where no request is made under subsection (2) within the prescribed period, the application shall be taken to be abandoned.

(4) Where a request is filed under subsection (2), the registrar shall cause an examination of the application to be made as to whether—

- (a) the invention in respect of which the application is made is patentable within the meaning of this Act; and
- (b) the application complies with the requirements of section 22(5) and (6).

(5) For the purposes of the examination under subsection (4), the registrar may submit the application together with the relevant documents to an examiner or other competent authority for examination as to the patentability of the claimed invention and the examiner or other competent authority shall submit a report of the findings of the examinations to the registrar and the registrar shall submit a copy of it to the applicant.

(6) Except where an application is subject to an international-type search under section 30, the registrar shall cause an examination to be carried out as to whether the application complies with the requirements of unity of invention prescribed under section 22 and the rules pertaining to it.

(7) Where the registrar is of the opinion that the requirements of unity of invention have not been complied with, the registrar shall request the applicant to restrict or divide the application.

(8) Where, taking due account of the conclusions of a report referred to in subsection (6), the registrar is of the opinion that any of the conditions referred to in subsection (2) are not fulfilled, the registrar shall notify the applicant accordingly and request him or her to submit his or her observations and, where applicable, to amend his or her application.

(9) Where, in spite of any observation or amendment submitted by the applicant, the registrar finds that any of the conditions referred to in subsection (2) are not fulfilled, the registrar shall refuse to grant a patent and notify the applicant accordingly.

(10) The details of the requirements and the procedure to be followed under this section shall be prescribed by regulations.

32. Grant, registration, publication and post grant opposition of a patent.

(1) Unless an application has been rejected or a patent has been refused under section 31, a patent shall be granted and issued to the applicant in the prescribed form.

(2) A patent granted under subsection (1) shall be registered, and shall, as soon as reasonably practicable, be published by the registrar in the *Gazette*.

(3) The registrar shall, whenever possible, reach a decision on the application not later than two years from the commencement of the examination referred to in section 31.

(4) The registrar shall, upon the request of the owner of the patent, make any change in the text of drawings of the patent in order to limit the extent of the protection conferred by it, where the change would not result in the disclosure contained in the patent going beyond the disclosure contained in the initial application on the basis of which the patent was granted.

(5) In the event a patent is granted, any interested party may petition the registrar to reconsider the grant on the grounds that the patent fails any requirement of this Act.

(6) The petition under this section must be filed within one calendar year of the published grant of the patent and shall specify the grounds thereof.

33. Appeals under Part V.

An applicant who is aggrieved by a decision of the registrar may appeal within two months to the court against a decision by which the registrar—

- (a) records a filing date;
- (b) rejects the application;
- (c) treats the application as if it had not been filed;
- (d) considers any of the claims to be withdrawn; or
- (e) refuses to grant a patent.

PART VI—INTERNATIONAL APPLICATIONS.

34. Further functions of the registry.

(1) The registry shall act as a receiving office where an international application is filed with it by a national or a resident of Uganda.

(2) The registry shall act as a designated office or an elected office in the case of any international application in which Uganda is designated or elected for a national patent.

(3) The functions of the registry under this Part shall be performed in accordance with the Patent Cooperation Treaty, the regulations made under it and the administrative instructions issued under the regulations of the Patent Cooperation Treaty and with the provisions of this Act and the regulations made under the Act relating to them.

(4) In case of conflict, the provisions of the Patent Cooperation Treaty, the regulations and the administrative instructions issued under it shall apply.

35. Unsearched or unexamined international applications.

(1) Where an international search report is not established or relates to only one or some of the claims of an international application, the registrar shall reject the international application or consider withdrawn the claim or claims which are not covered by the report, as the case may be, except to the extent that the applicant satisfies the registrar that the non-establishment of the report in whole or in part was not justified.

(2) Where the international search report which relates to one or some of the claims due to the applicant's refusal to pay additional fees, those parts of the international application which consequently have not been searched shall be considered withdrawn unless the applicant divides out from the application as provided for in section 23(2) the parts concerned or satisfies the registrar that the request to pay the additional fees was not justified.

(3) Where an international preliminary examination report with respect to an international application has been communicated to the registrar, the following provisions shall apply—

- (a) where, in the case of lack of compliance with the requirements of unity of invention, the international preliminary examination report indicates that the international preliminary examination was carried out on restricted claims, or was carried out on the main invention only, those parts of the international preliminary examination shall be considered withdrawn unless the applicant divides the application into divisional applications in accordance with as provided for in section 23(2) in parts concerned or satisfies the registrar that the invitation of the international preliminary examining authority was not justified; and
- (b) where the international preliminary examination report states, with respect to the entire international application or one or some of its claims only, the opinion that a defect under article 34(4) (a) of the Patent Cooperation Treaty exists under the international application or the claim or claims, as the case may be, the application shall be considered withdrawn unless the applicant satisfies the registrar that the defects do not exist.

(4) The registrar may refuse to grant a patent if it is apparent from an international search report or an international preliminary examination report that the invention which is claimed in an international application does not fulfill the requirements of novelty, inventive step, industrial applicability, or required disclosure unless the applicant either satisfies the registrar that the requirements have been fulfilled or amends the claims in such a way that fulfils the requirements.

36. Provisional protection of published international applications.

(1) Relief against infringement may be sought in respect of acts committed before the grant of the patent but after the date of international publication under the Patent Cooperation Treaty, where the international publication is effected in English.

(2) If the international publication is effected in a language other than English, subsection (1) shall apply where the applicant has transmitted an English translation of the international publication to the infringer and only in respect of acts committed by the latter after he or she had received the transaction.

37. Publication of international applications.

An international application which is published under article 21 of the Patent Cooperation Treaty and in which Uganda is designated for a national patent shall be treated as published under section 29.

PART VII—RIGHTS AND OBLIGATIONS OF THE APPLICANT OR THE
OWNER OF THE INVENTION.

38. Rights of the owner.

(1) The applicant or the owner of an invention has the right—

- (a) on fulfilling the relevant requirements under this Act, to be granted the patent;
- (b) to make, use, exercise and sell the invention exclusively, and may preclude any person from exploiting the patented invention without his or her authorization by any of the following acts—
 - (i) where the patent has been granted in respect of a product, making, importing, offering for sale, selling and using the product or stocking the product for the purposes of offering for sale, selling or using the product;

- (ii) where the patent has been granted in respect of a process or doing any of the acts referred to in paragraph (a) in respect of a product obtained by means of that process.

(2) After the grant of the patent, and within the terms of this section, the owner of the patent has the right to preclude any person from exploiting the patented invention in the manner referred to in subsection (1).

(3) The owner of a patent may assign or transfer by succession the application for patent or the patent.

(4) The applicant or the owner of a patent may conclude licence contracts as provided for in Part X of this Act and be subject to the obligations referred to in section 39.

39. Obligations of the owner.

The applicant or the owner of an invention shall have the following obligations—

- (a) to disclose the invention in a clear and complete manner, and in particular to indicate best mode for carrying out the invention, in accordance with the requirements, and subject to the sanctions, applicable under this Act;
- (b) to give information concerning corresponding foreign applications and grants including denials, revocations, invalidations, suspensions or lapses;
- (c) to pay fees to the registrar, as prescribed in this Act and the regulations, subject to the sanctions provided for under this Act;
- (d) to work the patented invention in the country within the time limit prescribed;

- (e) in connection with licence contracts and contracts assigning patents or patent applications, to refrain from making undesirable provisions referred to in section 55.

40. Remedies.

(1) The owner of a patent has the right—

- (a) to obtain an injunction to restrain the performance or the likely performance, by any person without his or her authorization, of any of the acts referred to in section 38;
- (b) to claim damages from any person who, having knowledge of the patent, performs any of the acts referred to in section 38, without the owner's authorization;
- (c) to claim compensation from any person who, without his or her authorisation, performs any of the inventions claimed in the published application, as if a patent had been granted for that invention.

(2) The right under subsection (1) is only exercisable where the person referred to in that subsection has at the time of the performance of the act—

- (a) actual knowledge that the invention that he or she is using is the subject matter of a published application; or
- (b) received written notice that the invention that he or she is using is the subject matter of a published application, and the application is identified in that notice by its serial number.

41. Right of a prior user.

(1) Notwithstanding section 38, a patent has no effect against any person, in this Act referred to as “the prior user” who, in good faith, for the purposes of his or her enterprise or business, before the filing date or, where priority is claimed, the priority date of the application on which the patent is granted, and within the territory where the patent produces its effect, is using the invention or is making effective and serious preparations for that use.

(2) A person referred to in subsection (1) has the right, for the purposes of his or her enterprise or business, to continue the use or to use the invention as envisaged in the preparations referred to subsection (1).

(3) The right of the prior user may only be transferred or may only devolve together with his or her enterprise or business, or with that part of his or her enterprise or business in which the use or preparations for use is or are made.

42. Scope of protection.

The scope of the protection afforded under this Part to a patent shall be determined by the terms of the claims but where they are inadequate, the description and drawings included in the patent may be used to interpret the claims.

43. Limitation of rights.

(1) The rights under the patent extend only to acts which are done for industrial or commercial purposes but do not extend to acts which are done for scientific research.

(2) The rights under the patent do not extend to acts in respect of articles which have been put on the market in Uganda or in any other country or imported into Uganda by the owner of the patent or with his or her consent.

(3) The rights under the patent do not extend to the use of articles on aircraft, land vehicles or vessels of other countries, which temporarily or accidentally enter the airspace, territory, or waters of Uganda.

(4) The rights of the patent do not extend to variants or mutants of living forms or replicable living matter that is distinctively different from the original for which patents were obtained where those mutants or variants are deserving of separate patents.

44. Exception to exclusive rights.

It is not an infringement of a patent to use the patented invention without the authorization of the patent holder in any of the following circumstances—

- (a) to carry out any acts related to experimental use or research on the patented invention, whether for scientific or commercial purposes;
- (b) to make use of a patented invention for teaching or educational purposes;
- (c) to carry out acts, including testing, using, making or selling a patented invention solely for the purposes reasonably related to the development and submission of information required under any law of Uganda or of another country which regulates the manufacture, construction, use or sale of any product;
- (d) to make use of the patented invention in relation to the preparation for individual cases, in a pharmacy or by a medical doctor, of a medicine in accordance with a medical prescription; and
- (e) to manufacture and export to another country a patented healthcare invention where the export of the invention addresses a health need identified by the other country, where—

- (i) the product is either not patented in the third country;
or
- (ii) the government of another country has authorised use of the patent without the consent of the patent owner and the production for export of the invention is intended only for the market of the third country.

45. Harere Protocol on patents.

A patent, in respect of which Uganda is a designated state, granted by ARIPO by virtue of the Harere Protocol has the same effect in Uganda as a patent granted under this Act except where the registrar communicates to ARIPO, in respect of the application of the patent, a decision in accordance with the provisions of the Protocol that if a patent is granted by ARIPO, that patent shall have no effect in Uganda.

PART VIII—TERM OF PATENT AND ANNUAL FEES.

46. Term of patent.

A patent shall expire at the end of twenty years from the filing date of the application.

47. Annual fees.

(1) In order to maintain the application or the patent, an annual fee shall be paid in advance and in the manner prescribed, to the registrar.

(2) The fee shall be due at the end of the day immediately before each anniversary of the date of filing of the application.

(3) A grace period of six months shall be granted for the payment of the annual fee upon payment of the prescribed surcharge.

(4) If an annual fee is not paid in accordance with this section, the application shall be taken to have been withdrawn or the patent shall lapse and the relevant invention shall cease to be protected.

(5) The registrar shall immediately publish the lapse of any patent under subsection (4).

(6) Within six months from the expiration of the grace period referred to in subsection (3), an interested person may, upon payment of the prescribed fee, request the registrar to restore the application that is taken to have been withdrawn, or a patent that has lapsed, by virtue of subsection (4).

(7) Upon a request under subsection (6), the registrar shall, if satisfied that the failure to pay the annual fee is not intended, subject to the payment of the annual fee, make an order restoring the application or the patent as the case may be.

(8) Where a patent is restored, no proceedings shall be brought in respect of the patent—

- (a) in relation to any acts performed after the lapse of the patent and before the date of the order for restoration; or
- (b) in relation to any acts performed after the date of the order of restoration in relation to articles imported into or manufactured in Uganda, after the lapse of the patent and before the date of the order for restoration.

PART IX—CHANGE IN THE OWNERSHIP AND JOINT OWNERSHIP OF APPLICATION AND PATENT.

48. Change in ownership of application.

(1) A contract assigning a patent or application for a patent shall be in writing and shall be signed by the party making the assignment.

(2) A change in the ownership of a patent or an application for a patent shall, upon payment of the prescribed fee, be recorded in the patent register.

(3) Until the change has been recorded, a document evidencing the change in ownership shall not be admitted in any proceedings as evidence of the title of a person to an application or a patent, unless the court otherwise directs.

49. Joint ownership of application and patent.

(1) In the absence of an agreement to the contrary between the parties, joint owners of a patent or an application for a patent may, separately—

- (a) transfer their shares in the patent or the application for the patent;
- (b) exploit the protected patent, and preclude any person from exploiting the patent;

(2) The joint owners may only jointly grant permission to any third person to do any of the acts referred to in section 38.

PART X—CONTRACTUAL LICENCES.**50. Rights of licensee.**

(1) In the absence of any provision to the contrary in a licence contract, the licensee is entitled to do any of the acts referred to in section 38 in respect of the invention, without limitation as to time, in Uganda and in any field of use of the invention, utility model or industrial design.

(2) Subject to subsection (1) the licensee may not grant permission to a third person to do any of the acts referred to in section 38.

51. Right of licensor to grant further licences and use of the invention.

(1) In the absence of any provision to the contrary in the licence contract, the licensor may grant permission to any person to do, or may himself or herself do, any of the acts, which constitute exercising the rights of ownership.

(2) Where the licence contract provides that the permission granted by the licence contract is exclusive, the licensor may neither grant permission to a third person to do any of the acts referred to in section 38 and covered by the licence contract, nor himself or herself do any of those acts, and the licensee shall be considered an exclusive licensee for the purposes of this Act.

52. Effect of patent not being granted, revoked or being invalidated.

Where, before the expiration of the licence contract any of the following events occurs with respect to any patent or application for a patent referred to in that licence contract—

- (a) the application is withdrawn;
- (b) the application is rejected; or
- (c) that patent is revoked or declared invalid,

the court may on the application of the aggrieved party, make any order it considers reasonable under the circumstances for the repayment of the royalties or the return of any consideration paid or given under the licence contract and directly relating to the application or patent.

53. Form of licence contracts.

All licence contracts shall be in writing and shall be signed by the parties to the contract.

54. Petition for registration.

(1) All licence contracts, including modifications of them, shall be submitted to the registrar for registration in the patent register.

(2) A petition for registration under subsection (1) may be made by any party to the contract, and shall be accompanied by the documents and the prescribed fees.

(3) The registrar shall issue to the applicant a receipt, which shall be proof of the fact of filing the petition and of the date on which it was filed.

(4) Where no receipt is issued within fourteen days from the date of the petition, the petitioner may rely on other evidence to prove the fact and date.

(5) Where—

- (a) section 52 or subsections (2) to (4) and the rules relating to the licence contract, have not been complied with; or
- (b) the licence contract cannot be registered under section 55, the Registrar shall refuse to register the licence contract and shall state the reasons for the refusal.

(6) Before refusing to register the licence contract, the registrar shall notify the petitioner and allow the parties—

- (a) to submit their observations, if any;
- (b) to correct any defect in the petition; or
- (c) to amend any term, or to correct any defect, in the licence contract that has been declared by the registrar to have a defect precluding registration, within forty-five days from the date of the notification.

(7) A licence contract is void if the registration is refused by the registrar in accordance with this Act.

55. Prohibited terms in a licence contract.

(1) The registrar may refuse to register a licence contract if the registrar is of the opinion that any clause in the licence contract imposes unjustified restrictions on the licensee with the consequence that the contract, taken as a whole, is harmful to the economic interests of Uganda.

(2) Without prejudice to subsection (1) the following terms in a licence contract shall be taken to have the effect described in that subsection to—

- (a) require payment of a price, royalty or other consideration which is disproportionate to the value of the technology to which the licence contract relates;
- (b) require the licensee to acquire any materials from the licensor or from sources designated or approved by him or her, unless it is practically impossible to ensure the quality of the products to be produced;
- (c) prohibit the licensee from acquiring, or to restrict his or her acquisition of any materials from any source, unless it is practically impossible to ensure that quality of the products to be produced;
- (d) prohibit the licensee from using, or to restrict his or her use of any materials which are not supplied by the licensor or by sources designated or approved by him or her, unless it is practically impossible to ensure the quality of the products to be produced;
- (e) require the licensee to sell products produced by him or her under the contract exclusively or principally to persons designated by the licensor;
- (f) limit the volume of the products produced by the licensee with the help of the technology to which the licence contract relates;
- (g) oblige the licensee to employ persons designated by the licensor and not needed for the efficient transfer of the technology to which the contract relates except that where the contract provides for the employment of persons who are needed for the transfer of technology to which the contract relates, the contract shall provide for the training of persons to replace them within a reasonable period;

- (h) impose restrictions on research or technological development carried out by the licensee to absorb or adapt the technology in connection with new products, processes or equipment;
- (i) prohibit or restrict the use by the licensee of any technology other than the technology to which the contract relates or not owned by the licensor;
- (j) extend the coverage of the contract to technology not required for the use of the technology which is the main subject of the licence contract and to require consideration for that additional technology;
- (k) fix prices for the sale or resale of the products produced by the licensee with the help of the technology to which the licence contract relates;
- (l) prohibit or restrict the use by the licensee, after the expiration of the contract, of the technology acquired as a result of the licence contract, subject, to any right of the licensor under the patent;
- (m) establish the duration of the licence contract for a period which is unreasonably long in relation to the economic function of the licence contract; except that any period which does not exceed the duration of the patent to which the contract relates shall not be regarded as unreasonably long;
- (n) restrict the licensee from entering into sales, representation or manufacturing agreements relating to similar or competing technologies, when those restrictions are not needed for protecting the legitimate interests of the licensor; including, in particular, protecting the licensor's individual or intellectual property rights or ensuring that the licensee exercises his or her best efforts in respect of any manufacturing, distribution or promotional obligations;

- (o) prevent the licensee from adapting the technology to local conditions or introducing innovations in it or changing to alternative inputs, or to require the licensee to introduce unnecessary designs or specification changes if the licensee makes adaptations on his or her own responsibility and without using the licensor's name, trade marks or trade names, and except to the extent that the adaptation unsuitably affects those products, to be supplied by the licensor, his or her designates, or his or her other licensees, or to be used as a component or spare part in a product to be supplied to his or her customer;
- (p) impose acceptance of additional technology, future inventions and improvements, and goods or services not required by the licensee;
- (q) impose restrictions on territories, quantities, prices, customers or markets arising out of patent pool or cross-licensing agreements or other international technology transfer interchange arrangements which unduly limit access to new technological developments or which would result in an abusing domination of an industry or market adverse effects on the licensee, except for those restrictions appropriate and ancillary to cooperative arrangements such as co-operative research arrangements;
- (r) impose restrictions which regulate advertising or publicity by the licensee except where restriction of the publicity may be required to prevent injury to the licensor's goodwill or reputation where the advertising or publicity makes reference to the licensor's name, trade marks, trade names or other identifying items;
- (s) impose confidentiality after the expiry of the licence agreement or to impose unreasonably long periods for secrecy following the commissioning of manufacturing facilities using the licensed technology, or to impose measures which limit technological learning and mastery, except those which relate to industrial property rights;

- (t) impose requirements for payments even under conditions of *force majeure*;
- (u) impose restrictions which prevent or hinder export by means of territorial or quantitative limitations or prior approval for export or export prices of products or increased rates of payments for exportable products resulting from the technology licensed;
- (v) impose quality control methods or standards not needed by the licensee, except to meet the requirement of a guarantee or when the product bears a trade mark, or trade name of the licensor;
- (w) allow the licensor to participate permanently in the management of the licensee's business as a condition for obtaining the technology;
- (x) restrict the licensee from taking measures that will enhance Ugandan technological capacity and which are not prejudicial to the licensor's industrial property rights;
- (y) restrict the use of Ugandan expertise in management and consultancy or in any other positions;
- (z) require payment of royalty for patents granted outside Uganda;
- (aa) apply different conditions to similar transactions with other trading parties, and that placing the licensee at a competitive disadvantage; and
- (ab) make the licence contract subject to acceptance of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of the contracts.

56. Registration of the contract and issue of certificate.

(1) Where the registrar finds that the licence contract may be registered, the registrar shall register the contract and issue a certificate of registration to the petitioner.

(2) Where the registrar fails to notify the petitioner—

- (a) of a defect in the petition or of terms or defects precluding registration of the licence contract within ninety days after the date of the petition; or
- (b) of his or her decision to refuse to register the licence contract within ninety days after the date of notification referred to in paragraph (a),

the licence contract shall be presumed to have been registered and the registrar shall issue a certificate of registration to the petitioner.

(3) The registration shall take effect—

- (a) if the petition was made within sixty days from the date of conclusion of the contract, on the date of the conclusion of the licence contract, and
- (b) in all other cases, on the date of the petition.

(4) When the petition is corrected or the licence contract is amended under section 54(6), the petition shall be taken to have been received on the date when the correction or amendment is made.

(5) The registration and certificate shall state—

- (a) the name of the parties to the contract and of the licensee if he or she is not a party;
- (b) the date of the petition;
- (c) the date of the registration; and
- (d) the registration number,

all of which shall be published in the *Gazette*.

(6) The contents of the licence contract shall be confidential unless both parties to the licence contract agree to permit access to it by third parties and the access shall only be to the extent of the permission granted.

57. Appeal.

(1) A petitioner who is aggrieved by a decision of the registrar to register a licence contract may appeal against the decision of the registrar to the court within two months after the registrar's refusal to register the licence contract.

(2) The grounds of an appeal under this section shall be limited to the following—

- (a) that the decision of refusal contains no statement of the reasons for the refusal;
- (b) that none of the reasons specified in the decision is valid under this Act or that the reason was wrongly applied to the petitioner or to the licence contract; or
- (c) that the procedure applied by the registrar was irregular and prejudicial to the rights of the petitioner.

58. Compulsory licences for non-working and similar reasons.

(1) After the expiration of four years from the filing date of an application or three years from the grant of a patent, whichever last expires, a person may apply to the Minister for a licence to exploit the patented invention on the grounds that the market for the patented invention is not being supplied, or is not being supplied on reasonable terms, in Uganda.

(2) Notwithstanding subsection (1), a non-voluntary licence shall not be granted if the owner of the patent satisfies the Minister that circumstances exist which justify the fact that the market for the patented invention is not being supplied, or is not being supplied on reasonable terms, in Uganda.

59. Compulsory licences based upon interdependence of patents.

(1) Where a patented invention cannot be worked without infringing the rights derived from an earlier patent, the owner of the later patent may request the Minister for the grant of a compulsory licence with respect to the earlier patent to the extent necessary for the working of his or her invention, if the invention constitutes an important technical advance of considerable economic significance in relation to the invention claimed in the earlier patent.

(2) The owner of the first patent is entitled to a cross-licence on reasonable terms to use the invention claimed in the second patent.

(3) The use authorized in respect of the first patent shall be non-assignable except with the assignment of the second patent.

(4) In this section, “earlier patent” or “first patent” means a patent granted on an earlier application or benefiting from an earlier validly claimed priority date, and “later patent” or “second patent” shall be construed accordingly.

60. Preconditions for grant of compulsory licences.

(1) A compulsory licence shall not be granted unless the person requesting the licence—

- (a) satisfies the Minister that he or she has requested the owner of the patent for a contract licence but has been unable to obtain the licence contract on reasonable commercial terms and within a reasonable time; and
- (b) offers a guarantee satisfactory to the Minister to work the relevant invention sufficiently to remedy the deficiencies or to satisfy the requirements which gave rise to his or her request.

(2) The requirement under subsection (1)(a) shall be waived in the case of a national emergency or other circumstances of extreme urgency or where the application is based on anti-competitive practices; except that the registrar shall notify the owner of the patent as soon as reasonably possible of the waiver.

61. Grant and terms of compulsory licences.

(1) When considering a request for a compulsory licence, the Minister shall decide whether a compulsory licence may be granted and shall, if it decides in favour of the grant and after taking into account any terms agreed by the parties, proceed to fix the terms which shall be taken to constitute a valid contract between the parties and shall be governed by the provisions on contractual licences.

(2) When fixing the terms under subsection (1), the Minister shall ensure that the compulsory licence—

- (a) is limited, in scope and duration, to the purpose for which it was authorized, and in the case of semi-conductor technology, shall only be for public non-commercial use or to remedy a practice determined after a judicial or administrative process to be anti-competitive;
- (b) is limited predominantly for the supply of the regional market;
- (c) does not entitle the licensee to grant further licences without the consent of the owner of the patent;
- (d) is non-exclusive; and
- (e) provides for the payment to the owner of the patent of remuneration which is equitable having regard to all the circumstances of the case, including the economic and social value of the licence.

(3) A representative of the registrar and the patent owner shall have the right to appear and be heard at the hearing before the Minister of an application for a compulsory licence.

62. Transfer of compulsory licence.

A compulsory licence may be transferred only with that part of the industrial undertaking or its goodwill, in which the relevant invention is used and the transfer shall not be valid until the consent of the Minister is obtained.

63. Cancellation of compulsory licence.

(1) On the application of an interested party, the Minister may cancel a compulsory licence if—

- (a) the licensee fails to comply with the terms of the licence; or
- (b) the conditions which justify the grant of the licence have ceased to exist and are unlikely to recur;

but the legitimate interests of the licensee shall be adequately protected.

(2) On the application of the owner of the patent, the Minister may cancel the compulsory licence if, within two years from the grant of the licence, the licensee has not taken the necessary steps to work the relevant invention sufficiently so as to remedy the deficiencies or to satisfy the requirements which gave rise to his or her application for the licence.

(3) On the application of the owner of the patent or the licensee, the Minister may vary the terms of a compulsory licence if new facts on the owner's part justify the variation and in particular if the patent owner has granted a contractual licence on more favourable terms.

64. Registration of grant, cancellation or variation.

Where the Minister grants, cancels or varies the term of a compulsory licence, the Minister shall instruct the registrar to record the grant, cancellation or variation in the register without payment of any fee.

65. Licence as of right.

(1) The owner of the patent may request the registrar to make an entry in the register to the effect that a licence under the patent is to be available as of right.

(2) The request shall be notified by the registrar to the licensee under the patent.

(3) A licensee may, within the prescribed time limit, object to the entry requested under subsection (1) on the ground that the owner of the patent is, by the relevant licence contract, precluded from granting further licences.

(4) Where the registrar receives no objection under subsection (3) or considers all objections made to be unfounded, the registrar shall make the requested entry in the register and shall publish the entry.

(5) Where a patent is the subject of an entry under this section, a person may require the owner of the patent to grant him or her a non-exclusive licence under the patent on terms which, in the absence of an agreement between the parties, shall be fixed by the court.

(6) The amount of the annual fees with respect to a patent, which is the subject of an entry under this section, that falls due after the date of the entry, shall be reduced by half.

(7) The owner of the patent may at any time request the registrar to cancel an entry under this section and the registrar shall cancel the entry after payment by the owner of the balance of all annual fees which would have been payable if no entry had been made and the registrar shall publish the cancellation of any entry under this section.

(8) Section 63(3) shall apply, with the necessary modifications, where the terms of a licence granted under subsection (5) have been fixed by the court.

PART XI—EXPLOITATION OF PATENTED INVENTIONS BY THE
GOVERNMENT OR BY THIRD PARTIES AUTHORISED BY THE GOVERNMENT

66. Exploitation of patented inventions by the Government or by third parties authorised by the Government.

(1) Subject to this section, where—

- (a) the public interest, in particular, national security, nutrition, health, environmental conservation, national emergency or the development of other vital sectors of the national economy requires; or

- (b) the registrar determines that the manner of exploitation of an invention by the owner of the patent or his or her licensee is not competitive,

the Minister may, upon application to him or her in the prescribed form and after consultation with the registrar and the owner of the patent, order that the protected invention shall be exploited by a Government ministry, a department, an agency or other person as the Minister may designate in the order subject to the payment of adequate compensation to the owner of the patent in accordance with this section.

(2) An order under subsection (2) shall remain in force until it is revoked by the Minister in writing, after giving six months prior notice of his or her intention to revoke to the party named or described in the order.

(3) An order made under subsection (2) shall not require the payment of compensation to the owner of the patent or licence holder or any other party interested.

(4) The Minister may, notwithstanding any of the measures set out in this section, by written order authorise the utilisation of any process for the manufacture, sale or supply of any molecule or substance, by any individual, corporation, society or other enterprise named or described in the order without notice to the patent holder or any other noticeable party.

(5) An order under subsection (4) and that order shall remain in force until revoked by the Minister in writing, after giving six months prior notice of intention to revoke to the party named or described in the order.

(6) An application shall not be made under subsection (1) unless the applicant has unsuccessfully sought a licence contract from the owner of the patent.

(7) Subsection (1) shall not apply in a case of national emergency or other extreme urgency and in that case the Minister shall cause the contents of the order to be communicated to the owner of the patent as soon as practicable.

(8) An order under this section shall be subject to conditions that the Minister considers necessary.

(9) Where an order under this section is made, the Minister shall determine the amount of compensation to be paid to the owner of the patent, and the compensation shall be equitable having regard to all the circumstances of the case and in particular, the economic and social value of the patent.

(10) An order under this section shall not preclude the owner of the patent from concluding a licence contract or from exercising the powers conferred by section 38.

(11) The Minister may, upon the request of the owner of the patent or the Government ministry, a department, an agency or other person designated by the Minister for the purpose of any order under this section and after hearing all interested parties, vary the terms of the order to the extent that changed circumstances justify the variation.

(12) The Minister may, upon the request of the owner of a patent and after hearing all interested parties, revoke an order under this section—

- (a) if satisfied that the circumstances necessitating the order have ceased and are unlikely to recur; or
- (b) where the Government Ministry, department, agency or other entity or person designated for the purposes of the order is in breach of any condition imposed under subsection (7).

(13) The authorisation of a person in an order under this section shall not be transferable except to a business or enterprise owned or operated by that person.

(14) The exploitation of the invention under an order made under this section shall be primarily for the supply of the regional market.

(15) An order which relates to the exploitation of an invention in the field of semi-conductor technology shall only be made where the court has determined that the manner of exploitation of the patented invention by the owner of the patent or his or her licensee is not competitive and the Minister is satisfied that the issue of the order would remedy that practice.

(16) A person who is aggrieved by a decision of the Minister under this section may appeal to the court.

67. Transfer of patent in connection with illegally accessed genetic resources.

(1) The Minister is entitled to claim proprietary interests in any patent application filed or granted that does not comply with sections 21(6) and 21(7) as regards genetic resources.

(2) The Minister shall notify the registrar to assign to the ministry, or to any agency or entity designated by the competent authority, a share in the application or in the resulting patent, which shall not be less than twenty percent of the ownership of the claimed invention.

(3) Where the non compliance with violation with sections 21(6) and 21(7) as regards genetic resources generates strong public concern and is likely to give rise to breach of morality and public order, the competent authority, if vested with the total ownership of the application or the resulting patent, may withdraw the application or abandon the patent, so that the claimed invention falls into the public domain.

(4) This section shall apply without prejudice to the application of sections 102(9) and 102(10).

PART XII—UTILITY MODELS

68. Applicability of provisions relating to patents.

(1) Subject to this section, Parts III, IV, V, VII, VIII, IX, X, XI, XV and XVI shall apply, with the necessary modifications, to utility model certificates or applications for them, as the case may be.

(2) Where the right to a patent conflicts with the right to a utility model certificate in the case referred to in section 17 (3), that provision shall apply as if the word “patent” were replaced by the words “utility model certificate”.

(3) A certificate of utility model is *prima facie* evidence that the holder is the registered owner of a utility model with the registrar.

69. Special provisions relating to utility model certificates.

(1) An invention qualifies for a utility model certificate if it is new and industrially applicable.

(2) Sections 9, 11, 30, 31 and 46 shall not apply in the case of applications for utility model certificates.

(3) A utility model certificate shall expire at the end of the tenth year after the date of the grant of a utility model and is not renewable.

70. Conversion of patent applications to application for utility model certificates, and vice versa.

(1) At any time before the grant or refusal of a patent an applicant for a patent may, upon payment of the prescribed fee, convert his or her application into an application for a utility model certificate, and the utility model certificate shall be accorded the filing date of the initial application.

(2) At any time before the grant or refusal of a utility model certificate, an applicant for a utility model certificate may, upon payment of the prescribed fee, convert his or her application into a patent application, which shall be accorded the filing date of the initial application.

(3) An application may not be converted under subsections (1) and (2) more than once.

PART XIII—INDUSTRIAL DESIGNS

71. Definition of an industrial design.

(1) For the purposes of this Part, “an industrial design” means that aspect of a useful article which is ornamental or aesthetic that may consist of three dimensional features like a shape or surface of an article or a three dimensional feature such as patterns, line or colours.

(2) The protection of industrial design under this Act shall not extend to anything in an industrial design which serves solely to obtain a technical result, and to the extent that it leaves no freedom as regards arbitrary features of appearance.

72. Right to industrial design; naming of creator.

(1) Subject to this Act and to the provisions of any other written law, the creator of an industrial design or his or her successor in title has the exclusive right to sell or cause to be sold for commercial or industrial purposes the goods in which the design is incorporated.

(2) Sections 17, 19, and 20 apply with the necessary modifications, to the rights of the creator of an industrial design.

73. Registrable industrial designs.

(1) An industrial design is registrable if it is new.

(2) An industrial design shall be taken to be new if it has not been disclosed to the public, anywhere in the world, by publication in tangible form or, in Uganda, by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

(3) Section 10(3) applies, with the necessary modifications, in respect of priority dates of an industrial design.

(4) An industrial design which is contrary to public order or morality shall not be registered.

74. Application and examination

(1) A person who wishes to register an industrial design shall submit to the registrar—

- (a) an application in the prescribed form;
- (b) a power of attorney, where the applicant is represented by an agent;
- (c) drawings, photographs or other adequate graphic representations of the article embodying the industrial design and an indication of the kind of products for which the industrial design is to be used; and
- (d) the prescribed application fee.

(2) The request may be accompanied by a specimen of the article embodying the industrial design, where the industrial design is two-dimensional.

(3) Where the applicant is not the creator, the request shall be accompanied by a statement justifying the applicant's right to the registration of the industrial design.

(4) Two or more industrial designs may be the subject of the same classification if they relate to the same class under international classification or to the same set or composition of articles.

(5) The application, at the time of filing, may contain a request that the publication of the industrial design, upon registration, be deferred for a period not exceeding twelve months from the date of filing or if priority is claimed, from the date of priority of the application.

(6) The applicant may at any time withdraw an application lodged under this section.

(7) The registrar shall record as the filing date the date of receipt of the application if at the time of receipt of the application, the prescribed application fee is paid and the application contains the name of the applicant and a graphic representation of the article embodying the industrial design or a specimen of the industrial design.

(8) Sections 24, 28(2) and (3) apply, with the necessary modifications, in respect of priority dates and the filing of corrections to the application.

(9) The registrar shall, if satisfied that an application meets the requirements of this section and of sections 72 and 73, register the industrial design, publish a reference to the registration, and issue a certificate of registration to the applicant.

(10) Notwithstanding subsection (9), where a request has been made under subsection (5) for deferment of publication, upon registration, of the industrial design, neither the representation of the design nor any file relating to the application shall be open to public inspection.

(11) The registrar shall publish a mention of the deferment of the publication of the industrial design and information identifying the registered owner.

(12) At the expiry of the period of deferment, the registrar shall publish the registered industrial design.

(13) The institution of legal proceedings on the basis of a registered industrial design during the period of deferment of publication, shall be subject to the condition that the information contained in the register and the file relating to the application have been communicated to the person against whom the action is brought.

(14) Subject to subsection (8), the date of the registration shall be that of the application.

75. Duration and renewal of registration of an industrial design.

(1) Subject to subsection (2), the registration of an industrial design shall expire at the end of the fifth year following the date of the registration.

(2) The registration of a design may be renewed for two further consecutive periods of five years upon payment of the prescribed renewal fee.

(3) The fee for the renewal of registration of an industrial design shall be paid within twelve months before the expiration of the period of registration but a grace period of six months shall be allowed for the late payment of the renewal fee on payment of the prescribed surcharge.

76. Restoration of registration of industrial designs.

(1) Where the protection granted to an industrial design has not been renewed due to circumstances beyond the control of the owner of the design, the owner or any other person entitled to the industrial design may apply for its restoration on the payment of the prescribed renewal fee, as well as of the surcharge, within a period of one year from the date upon which renewal fee was due.

(2) An application for restoration of registration for an industrial design, together with documents proving payment of the fees and surcharge referred to in subsection (1) shall be sent to the registrar and shall contain a statement of the grounds on which the owner or the persons making the application considers the restoration justified.

(3) The registrar shall examine the grounds mentioned in the statement referred to in subsection (2) and shall either restore the registration for the design or reject the application if he or she does not consider the grounds valid.

(4) Restoration of registration shall not extend prolongation of the maximum duration of the registration of the industrial design.

(5) Restored designs shall be published by the registrar in the prescribed form.

77. Graphic representations, specimens and related matters.

(1) The application, including any drawings, photographs or other graphic representations and any specimen of the registered industrial design shall be kept by the registrar and after publication of the registration they shall be communicated upon request made in the prescribed manner.

(2) Drawings, photographs or other graphic representations and specimens of industrial designs shall be kept by the registrar for eight years after the expiry of the registration and may be examined by any interested person on payment of the prescribed fee.

(3) After publication, a person may, on payment of a prescribed fee, obtain an official copy of the application, representations or specimens from the registrar.

(4) Subsections (1), (2) and (3) apply to official copies furnished by applicants seeking to avail themselves of the priority of an earlier registration and to the documents enabling certain applicants to claim the priority.

(5) An applicant for registration of an industrial design seeking to avail himself or herself outside Uganda of the priority of his or her registration before registration of the industrial design may obtain an official copy of his or her application.

78. Publication of reference to registration of industrial designs.

(1) The registrar shall publish a reference to the registration of all industrial designs, which shall contain, in addition to the prescribed details—

- (a) the number of the industrial design;
- (b) the date of filing of the application;
- (c) the mention of any validly claimed priority; and
- (d) the drawings, photographs or other graphic representations of the industrial design and an indication whether a specimen has been deposited with the registrar.

79. Rights conferred by registration of industrial designs and related matters.

(1) Registration of an industrial design shall confer upon its registered owner the right to preclude third parties from performing any of the following acts in Uganda—

- (a) reproducing the industrial design in the manufacture of a product;
- (b) importing, offering for sale and selling a product reproducing the protected industrial design; or
- (c) stocking of that product for the purposes of offering it for sale or selling it.

(2) The rights conferred by the registration of an industrial design shall extend only to acts done for industrial or commercial purposes and shall not extend to acts in respect of a product embodying the protected industrial design after the product has been lawfully imported or sold in Uganda.

(3) The registered owner of an industrial design has, in addition to any other rights, remedies or actions available to him or her, the right to institute court proceedings against any person who infringes the industrial design by performing, without his or her consent, any of the acts referred to in subsection (1) or who performs acts which make it likely for infringement to occur.

(4) An industrial design registered by ARIPO by virtue of the ARIPO Protocol and in respect of which Uganda is a designated State has the same effect in Uganda as an industrial design registered under this Act unless the registrar has communicated to ARIPO, in respect of an application of it, a decision in accordance with the ARIPO Protocol that if a registration is made by ARIPO that registration shall have no effect in Uganda.

80. Transfer and assignment of industrial designs, licences.

(1) Rights subsisting in an industrial design may be transferred in whole or in part.

(2) Sections 48, 49, 50, 54 and 56 apply, with the necessary modifications, to this Part.

PART XIV—TECHNOVATIONS

81. Definitions.

For the purposes of this Part—

“date of the proposal” means the date on which an employee makes a request in accordance with section 83;

“employee” and “enterprise” mean the employee and the enterprise referred to in the definition of “technovation”, and where several enterprises are owned or operated by one person, all those enterprises shall be considered as one enterprise;

“technovation” means a solution to a specific problem in the field of technology, proposed by an employee of an enterprise in Uganda for use by that enterprise, and which relates to the activities of the enterprise but which, on the date of the proposal, has not been used or actively considered for use by that enterprise;

“technovation certificate” means the document issued by the enterprise in accordance with section 84;

“technovator” means an employee to whom the enterprise has issued a technovation certificate

82. Right to technovation certificate.

(1) Subject to subsection (2), an employee of the enterprise on the date of the proposal is entitled to a technovation certificate provided for in this Part.

(2) Where the duties of an employee comprise the making and proposing of technovations, he or she is not entitled to a technovation certificate for any technovation which relates to the field of activities for which he or she is employed, unless the degree of the creative contribution inherent in the technovation exceeds that which is normally required of an employee having those duties.

(3) Where employees severally request for a technovation certificate for the same technovation, the employee who is the first to make the request is entitled to the certificate.

(4) Where a request for a technovation certificate is made jointly by two or more employees, the certificate shall be issued in their joint names.

83. Request.

(1) A request for a technovation certificate signed by the employee shall be filed in writing with the enterprise.

(2) The enterprise shall assist the employee in filing the request and shall issue a receipt to him or her acknowledging that a request has been filed and indicating the date on which it is filed.

84. Issue or refusal of technovation certificate.

(1) Where the requirements of this Part are satisfied, the enterprise shall, within a period of three months from the date of the proposal, issue a technovation certificate to the employee.

(2) The enterprise may refuse to issue the certificate if it is of the opinion that the requirements of this Part have not been satisfied and shall notify the employee of the reasons for the refusal within the period prescribed in subsection (1).

85. Use of technovation

(1) Where the enterprise issues a technovation certificate, it shall, at the same time, notify the technovator, in writing whether or not it intends to use the technovation.

(2) Where the decision to use the technovation depends on testing the technovation in practice, the enterprise shall inform the technovator accordingly and may postpone the notification of its intention to use or not to use the technovation by not more one year from the date of the proposal.

(3) The technovator shall assist the enterprise, to the best of his or her ability in any testing, development or use of the technovation.

(4) The enterprise shall give adequate opportunity to the technovator to furnish the assistance rendered in subsection (3).

(5) Once the technovation certificate has been issued, the technovator shall not communicate his or her technovation to any person other than the enterprise and shall not use it except in collaboration with the enterprise.

(6) Where the enterprise declares that it does not intend to use the technovation or where the enterprise, having declared its intention to use the technovation, does not start using it within six months from the issue of the technovation certificate or the expiration of the period referred to in subsection (2), the technovator is exempted from the obligations referred to in subsections (3) and (5).

(7) Notwithstanding subsection (6) the technovator has the right to communicate his or her technovation to others only to the extent that the communication does not involve the communication of any know-how or other knowledge that has been acquired as an employee.

86. Remuneration of the technovator.

Where the enterprise uses the technovation or communicates it to a third person, the technovator is entitled to a remuneration, the amount and method of payment of which shall, in the absence of an applicable collective bargaining agreement, be fixed by mutual agreement between the technovator and the enterprise.

87. Derogation by contract.

A contractual provision that is less favourable to employees or technovators than the provisions of this Part is void.

88. Disputes

(1) A dispute which concerns the application of this Part shall be submitted by any interested party to an arbitration board consisting of three members: one member appointed by the complainant, the second member appointed by the party complained against, and a chairperson appointed by the two members.

(2) The arbitration board shall hear interested parties and deliver its ruling.

(3) Where the parties fail to agree on the appointment of the chairperson, the chairperson shall be appointed by the Chief Magistrate's Court which has jurisdiction in the area where the enterprise is located on the application of any party.

PART XV—SURRENDER, REVOCATION AND INVALIDATION

89. Surrender.

(1) The owner of a patent, utility model or an industrial design registration certificate may surrender it to the registrar.

(2) The surrender may be limited to one or more claims of the patent or utility model, or, in the case of industrial designs, one kind of product or class of products.

(3) The surrender shall immediately be recorded in the register and published by the registrar.

(4) The surrender shall only be effective after it has been published.

(5) If a licence is recorded in the register, surrender shall only be registered upon the submission of a declaration by which the licensee consents to the surrender, unless the licence has expressly waived the right to consent in the licence contract.

90. Revocation or invalidation.

(1) An interested person may, in proceedings instituted by him or her against the owner of a patent, or a registered utility model or industrial design or in proceedings instituted against him or her by the owner, request the court to revoke or invalidate the patent, utility model or industrial design registration.

(2) An interested person may, within twelve months from the date of publication of the grant of a patent, utility model or an industrial design, request the court to revoke or invalidate the patent, utility model or industrial design registration.

(3) The court shall revoke or invalidate the registration of the patent or the utility model or industrial design on any of the following grounds that—

- (a) the owner of the patent is not entitled under sections 17, 18 or 19 to apply for the grant of a patent;
- (b) the owner of the patent has infringed the rights of the person filing an application for revocation of the patent or of any persons under or through whom he or she claims;
- (c) the invention does not relate to an art, whether producing a physical effect or not, process, use, machine, manufacture or composition of matter which is capable of being applied in trade or industry;
- (d) the invention is obvious in that it involves no inventive step having regard to what was common knowledge in the art at the effective date of the application;
- (e) the invention, in so far as it is claimed in any claim of the application, is not useful;
- (f) the patent does not fully describe and ascertain the invention and the manner in which it is to be performed;
- (g) the patent does not disclose the best method of performing the invention known to the owner of the patent at the time when the specification is lodged at the registry;
- (h) the time the application for the grant of the patent is filed, the application form or any other documents filed under the application contained a material misrepresentation; or
- (i) the invention is not new in terms of section 10.

(4) An application for revocation or invalidation of a patent shall—

- (a) state the ground on which the applicant intends to rely in his or her application for revocation or invalidation of the patent, and
- (b) be accompanied by—
 - (i) a statement setting out particulars of the facts alleged in support of the grounds; and
 - (ii) proof of service on the owner of the patent of notice of filing of the application under sub-section (1) or (2).

(5) If the owner of the patent wishes to contest the application for revocation of invalidation he or she shall, within the prescribed time or such further time as the court may allow, lodge with the court a counter statement setting out particulars of the grounds upon which the application is to be contested.

(6) A copy of any counter-statement under subsection (5) lodged with the court shall be served by the owner of the patent concerned on the person making the application for revocation or invalidation of the patent.

(7) The particulars required under this section may from time to time, with the leave of the court, be amended.

(8) No evidence shall be admitted in proof of any ground on which particulars have not been delivered under this section, except by leave of the court.

(9) After receiving an application under subsection (1) and ascertaining compliance with the provisions of this section which are applicable, the court shall arrange for the matter to be heard in the prescribed manner and may make such order as it deems fit.

(10) The court shall publish the application for revocation or invalidation of the patent in the *Gazette*.

(11) An aggrieved party may appeal against the decision of the court.

(12) Where subsection (2) applies only to some of the claims or some parts of a claim, or some parts of a registered industrial design only those claims or parts may be revoked or invalidated by the court.

(13) The court may require the owner of the patent, the utility model or the industrial design registration certificate to submit to it for the purposes of examination, the registration certificate, publications and other documents showing the prior art which has been referred to either in connection with an application for a title to the patent, the utility model or the industrial design filed, for the same or essentially the same invention or design by the owner with any other national or regional industrial property office, or in connection with any proceedings relating to the registration of the patent, utility model or the industrial design or other title or protection granted upon such application.

(14) The notice of the application referred to in subsection (1) shall be served on any licensee under the patent, the utility model or the industrial design and that person is entitled to join in the proceedings in the absence of any provision to the contrary in the licence contract.

(15) Where, before or during the proceedings, it is alleged or it appears to the court that the right to the patent, the utility model or the industrial design belongs to a person who is not a party to the proceedings, notice of the application referred to in subsection (1) shall be served on that person and that person is entitled to join in the proceedings.

91. Effect of revocation or invalidation

(1) A revoked or an invalidated patent, a utility model or an industrial design or claim or part of a claim of a registered industrial design shall be regarded from the date of the grant of the patent or certificate of registration for the utility model or the industrial design to have ceased to have effect.

(2) Where the decision of the court is no longer subject to appeal, the court shall inform the registrar who shall immediately register it and publish it as soon as possible in the *Gazette*.

PART XVI—INFRINGEMENT

92. Acts constituting infringement.

Subject to sections 44, 49, 59, 60 and 68 any act specified in section 38 or 79 and performed by a person other than the owner of the patent or of the registered utility model or industrial design without the owner's authorisation, in relation to a product or a process falling within the scope of a validly granted patent or certificate of registration shall constitute an infringement.

93. Relief.

Upon the request of the owner of the patent or the registered utility model or an industrial design, the court shall grant, any of the following reliefs—

- (a) an injunction to prevent infringement where infringement is imminent or to prohibit the continuation of the infringement once infringement has started.
- (b) damages; or
- (c) any other remedy provided for in law.

94. Declaration of non-infringement.

(1) Subject to subsection (2), any person who shows a legitimate interest may request the court to declare that the performance of any specific act does not infringe the patent or the registered utility model or industrial design and the owner and any licensee under the patent or the registered utility model or industrial design shall have the right to be a defendant in the proceedings.

(2) A declaration shall not be made under subsection (1)—

- (a) if the acts to which the request relates are already the subject of infringement proceedings; or

- (b) if the person making the request is unable to prove that he or she has previously demanded from the owner a written acknowledgement of the lawfulness of the acts referred to and the owner has refused that demand or has failed to reply within a reasonable time.

95. Threat of infringement proceedings.

(1) A person who is threatened with infringement proceedings and who can prove that the acts performed or to be performed by him or her do not constitute infringement of the patent or the registered utility model or an industrial design, may request the court to grant an injunction to prohibit the threat and to award damages for financial loss resulting from the threat.

(2) The mere notification of the existence of the patent or the registered utility model or registered industrial design shall not constitute a threat of infringement.

96. Presumption of use of patented process.

For the purposes of proceedings, in respect of the infringement of the rights of the owner of the patent, where the subject matter of the patent is a process for obtaining a product, the burden of establishing that an identical product was not made by the patented process shall be on the alleged infringer, if either of the following conditions is fulfilled—

- (a) the product is new; or
- (b) a substantial likelihood exists that the identical product was made by the process and the owner of the patent is unable, through reasonable efforts, to determine the process actually used.

97. Powers of court on appeal

(1) Where provision is made under this Act for appeal from a decision of the registrar, the appeal shall be made to the court.

(2) Upon any appeal to the court under this Act, the court may—

- (a) confirm, set aside or vary the order or decision in question; or
- (b) exercise any of the powers which could have been exercised by the registrar in the proceedings in connection with which the appeal is brought; and
- (c) make such orders as to costs as it may consider fit.

98. Suspension of release by customs authorities

(1) A rights owner, who has reasonable grounds for suspecting that the importation of pirated goods may take place, may lodge an application in writing with the court for the suspension of the release into free circulation of those goods.

(2) A rights owner who initiates the procedure under subsection (1) shall be required to provide adequate evidence to satisfy the court that, there is *prima facie* infringement of the patent, utility model or industrial design and supply a sufficiently detailed description of the goods to make them readily recognisable by the customs authorities.

(3) In this section “rights owner” is the owner of a patent, utility model or industrial design.

99. Expert witnesses.

The court may, appoint any person with expert knowledge to assist the court in any case where it appears to the court that such knowledge is required for the proper determination of the case.

100. Legal proceedings by licensee.

(1) Any exclusive licensee within the meaning of section 102(2) may request the owner of the patent or the registered utility model or industrial design to institute legal proceedings for a specific relief with respect to any infringement specified by the licensee.

(2) The licensee may, if the owner refuses or fails to institute legal proceedings in subsection (1) notify the registrar, and may after three months from the request or refusal, and after giving notice to the owner, institute the proceedings in his or her own name; and the owner may join in the proceedings.

(3) Before the end of the three-month period referred to in subsection (2), the court may, on the request of the licensee, grant an appropriate injunction to prevent infringement or to prohibit its continuation, where the licensee shows that immediate action is necessary to avoid substantial damage.

PART XVII—SPECIAL PROVISIONS ON ENFORCEMENT OF PATENT RIGHTS

101. Special provisions on enforcement of patent rights.

(1) Subject to sections 38, 59, 60, and 68, the performance of any act referred to in section 38(2) in Uganda by a person other than the owner of the patent and without the agreement of the owner shall constitute an infringement of the patent.

(2) On the request of the owner of the patent, or of an exclusive licensee, or of a compulsory licensee, or of a non-exclusive licensee if he or she has requested the owner to institute court proceedings for a specific relief and the owner has refused or failed to do so within ninety days, the court may grant an injunction to prevent infringement or an imminent infringement and, where the infringer acted knowingly or with reasonable grounds to know, the court may award damages and grant any other remedy provided for in this Act.

(3) The remedies provided to owners of patents in Uganda shall be also available, where appropriate, to the owners of foreign patents that have been the subject of a compulsory licence for the purposes of supplying the market in Uganda of pharmaceutical products, under the scheme established by the Decision of the World Trade Organisation General Council of August 30, 2003, in order to prevent or remedy the unauthorized importation as well as the re-exportation or deviation of the products in question.

(4) Where a foreign patent referred to in subsection (3) resulted from applications that were filed in the country where the compulsory licence was granted after the coming into force of this Act or that were entitled to claim priority in Uganda on that same date, only those applications that are filed in Uganda in accordance with section 8(7) shall benefit from the remedies provided for in this section as well as in the general law on enforcement.

(5) The customs authorities shall have the authority to take border measures for the purposes of this section.

(6) Where the customs authorities take action under subsection (5), they shall notify the rights owner of the suspension of release and the rights owner shall have ten days for providing adequate evidence that the retained products *prima facie* correspond to the claims of the patent in question.

(7) Without prejudice to the subsection (3), the same border measures that are available for the suspension by the customs authorities of the release into free circulation of counterfeit trademark and pirated copyright goods shall also apply to prevent the unauthorized importation or re-exportation of the products that have actually been imported into the territory of Uganda under the scheme referred to in subsection (3).

(8) This section shall not apply to re-exportation of pharmaceutical products to other Members of the Common Market of Eastern and Southern Africa (COMESA).

(9) Provisional measures aimed at preserving relevant evidence shall also be available before the granting of the pending patent application, where the court deems necessary.

(10) The applicant shall initiate proceedings in court within twenty working days or thirty one calendar days, whichever is the longer, from the publication of the grant of the pending registration.

(11) For the purposes of subsection (9), the courts may refuse to grant provisional or definitive injunctions, without prejudice to the payment of damages, where—

- (a) after the expiration of four years from the date of filing of the patent application or three years from the date of the grant of the patent, the plaintiff or a person with his authorization is not, or has not taken serious preparations for, or has no serious intention to start, commercially exploiting the invention in a manner that meets the demands of the market as to quantity, or at any time if the invention is exploited in a manner that does not meet the demands of the market as to quality;
- (b) the injunction causes serious harm to the public interest;
- (c) the patented products or the products manufactured by a patented process are sold by the plaintiff or by a third party with the plaintiff's consent at prices that are deemed excessive taking into account the average purchasing power of consumers and the specific nature of the needs the products aim at meeting, and there is no competing product on the market;
- (d) the plaintiff has engaged in inequitable conduct, according to section 8(3);
- (e) the patent was obtained in contravention of sections 21(6) and 21(7).

(12) At any time after ensuring compliance with sections 21(6) and 21(7) of this Act, the patent holder may initiate proceedings on grounds of infringement, under this section.

(13) A remedy, shall not be available to the patent holder in respect of any acts done by third parties before the patent holder has ensured compliance with sections 21(6) and 21(7).

(14) Where the act of infringement is practised by the government or for the purposes of serving the government the court shall not issue an injunction other than for obtaining evidence in control of the infringer, if necessary, without prejudice to the accounting of damages.

(15) The rights accruing from patents for pharmaceutical processes shall not be enforceable until January 1, 2016, or such other period as may be granted to Uganda or least developed countries by the council responsible for administering the agreement on trade related aspects of intellectual property under the World Trade Organisation if alternative processes for making pharmaceutical products that are not subject to exclusive rights are not available and those patents, if enforced, indirectly give rise to market exclusivity of the pharmaceutical products in question.

(16) The court may order the infringer to pay damages relating to acts of infringement of patent rights practised—

- (a) after the date on which the patent application was opened for public inspection, in accordance with section 29; or
- (b) after the date on which the patent applicant gave notice to the alleged infringer of the contents of the application; or
- (c) after the date on which the alleged infringer acquired knowledge of the contents of the application by any means.

(17) The request for the court to order the payment of damages under subsection (2) may be filed only after the title of industrial property right in question is granted.

(18) Subsection (17) shall apply to those applications to which section 8(3)(f) refers only after January 1, 2016 or such other period as may be granted to Uganda or least developed countries by the council responsible for administering the agreement on trade related aspects of intellectual property under the World Trade Organisation.

(19) For the purposes of civil proceedings in respect of the infringement of rights of the patent owner, if the subject matter of a patent is a process for obtaining a product, the court may order the defendant to prove that the process used to obtain an identical product is different from the patented process.

(20) Any identical product when produced without the consent of the patent owner shall, in the absence of proof to the contrary, be deemed to have been obtained by the patented process in the following circumstances—

(a) if the product obtained by the patented process is new; or

(b) if there is a substantial likelihood that the identical product was made by the process and the owner of the patent has been unable through reasonable efforts to determine the process actually used.

(21) In the adduction of proof to the contrary, the legitimate interests of defendants in protecting their manufacturing and business secrets shall be taken into account by the court, which, among other measures, shall not facilitate those secrets to the plaintiff.

PART XVIII—MISCELLANEOUS

102. Public notices.

Whenever any matter is required to be published under this Act, it shall be published in the *Gazette*, and also as soon as practicable, be published in a newspaper of wide circulation in the relevant area.

103. Regulations.

(1) The Minister may make regulations prescribing anything which under this Act is required or authorized to be prescribed, and generally for the better carrying out of the objects and purposes of this Act.

(2) Regulations made under subsection (1) may prescribe in respect of a contravention of any of the regulations a penalty of a fine not exceeding forty eight currency points or imprisonment not exceeding two years of both.

(3) The regulations may also prescribe additional penalties in respect of continuing offences and also a requirement that anything used in the contravention shall be forfeited to the state by the court.

104. Corrections of errors and extension of time.

(1) The registrar may, subject to any provision in the regulations, correct any error of translation or transcription, clerical error or mistake in any application or document filed with the registry or in any recording effected under this Act or under the regulations.

(2) Substantive errors, may only be modified by the court, under due process.

(3) For the purposes of this section substantive errors are those that, if modified, will affect the rights conferred.

(4) Unless otherwise provided in this Act, if the registrar is satisfied that the circumstances justify it, he or she on receiving a written request, may extend the time for doing any act or taking any proceeding under this Act and the regulations, upon notice to the parties concerned and upon such terms as he or she may direct.

(5) The extension may be granted even where the time for doing the act or taking the proceeding has expired.

105. Exercise of discretionary powers.

The registrar shall give any party to a proceeding before an opportunity of being heard before exercising adversely to that party any discretionary power vested in him or her by this Act or the regulations.

106. Power of Minister to amend Schedule.

The Minister may with the approval of Cabinet by statutory instrument, amend the Schedule.

107. Exemption from stamp duty.

No duty shall be chargeable under the Stamps Act in respect of any instrument executed by, or on behalf of, or in favour of the registrar which, but for this section, the registrar would be liable to pay.

108. Consequential amendment of Cap. 210.

The Uganda Registration Services Bureau Act is amended in item 11 of the First Schedule, by substituting for the reference to the Patent Act the words “Industrial Property Act, 2009”.

109. Repeal of Cap. 216 and Cap. 218, transitional and savings provisions.

(1) The Patents Act and the United Kingdom Designs Protection Act are repealed.

(2) Where a patent was registered in Uganda under the former patent Act or where it was saved under that Act and the privileges and rights conferred by the registration were effective immediately before the commencement of this Act, then, subject to this section—

- (a) the patent shall be treated in Uganda as if it had been granted under this Act;
- (b) the patent shall expire as regards Uganda when those privileges and rights could have expired if this Act had not been enacted;
- (c) the patent may be revoked or invalidated only where those privileges and rights could be declared as not having been acquired in Uganda if this Act had not been enacted;
- (d) the certificate of registration, or a certified copy of the patent, shall be admissible as prima facie evidence of the date and the fact of registration; and

- (e) an action for infringement of the patent shall lie under this Act only if the alleged infringement occurred on or after the commencement of this Act, and in any other case may be referred to the Industrial Property office and disposed of as if this Act had not been enacted.

(3) So far as is necessary for the purposes of subsection (2), the register of patents under the former Patents Act shall continue to be maintained and shall be taken to be part of the register under this Act.

(4) Section 53 of this Act shall not apply to licence contracts and contracts assigning the right to patent or assigning applications or patents, if the contract is concluded before the commencement of this Act and is submitted for registration to the registrar within sixty days from the commencement of this Act.

(5) Where the registered proprietor of any design registered in the United Kingdom enjoyed privileges and rights in Uganda under the former United Kingdom Designs (Protection) Act immediately before the commencement of this Act, those privileges shall continue until they cease to exist under the United Kingdom Act subject to regulations made by the Minister under section 104 of this Act.

(6) All the funds, assets and other property, movable and immovable, which immediately before the commencement of this Act, were held by the Government on behalf of the former office shall, by virtue of this section and without further assurance, vest in the Government on behalf of the registrar.

(7) Every public officer having the power or duty to effect or amend any entry in the register relating to property, or to issue or amend any certificate or other document effecting or evidencing title to property, shall, without payment of any fee or other charge and upon request by or on behalf of the registrar do all such things as are by law necessary to give final effect to the transfer of any property mentioned in subsection (6) to the registrar.

(8) All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the coming into operation of this Act were vested in, imposed on or enforceable by or against the Government in respect of the former office shall by virtue of this subsection, be transferred to, vested in, imposed on, or be enforceable by or against the registrar.

(9) On and after the commencement of this Act, all action, suits or legal proceedings, by or against the government pending in respect of the former office shall be carried on or prosecuted by or against the registrar and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(10) In this section—

“former Patents Act” means as the Patents Act (Cap. 216) repealed by this Act;

“former United Kingdom Designs (Protection) Act” means the United Kingdom Designs (Protection) Act (Cap. 218) repealed by this Act.

SCHEDULE**Currency point**

One currency point is equivalent to twenty thousand shillings.

Cross reference

Stamps Act, Cap. 342.

The National Environment Act, Cap. 153.

Uganda Registration Services Bureau Act, Cap. 210.

Uganda National Council for Science and Technology Act, Cap. 209.