



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

CODE OF INTELLECTUAL PROPERTY
(AMENDMENT)
ACT, No. 17 OF 1990

[Certified on 20th April, 1990]

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**Code of Intellectual Property (Amendment)
Act, No. 17 of 1990**

[Certified on 20th April, 1990]

L.D.—O. 48/88

AN ACT TO AMEND THE CODE OF INTELLECTUAL PROPERTY
ACT, No. 52 OF 1979

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :— Short-title.

1. This Act may be cited as the Code of Intellectual Property (Amendment) Act, No. 17 of 1990.

Insertion of
new Part
VIII in
Act, No. 52
of 1979.

2. The following new Part is hereby inserted immediately after Part VII and shall have effect as Part VIII of the Code of Intellectual Property Act, No. 52 of 1979 :—

‘PART VIII

CONSTITUTION AND POWERS OF ADVISORY COMMISSION

Appoint-
ments &c. of
Advisory
Commission.

193. (1) The Minister may constitute a Commission (hereinafter referred to as the “Advisory Commission”) for the purpose of advising him on any matter referred to him in relation to the law relating to Copyright, Industrial Designs, Trade Marks, Patents and Unfair Competition.

(2) The Advisory Commission constituted under subsection (1) shall consist of—

(a) not less than five and not more than ten members appointed by the Minister from among persons who have shown capacity in law or commerce or related fields, (a member appointed under this paragraph is hereinafter referred to as an “appointed member”); and

(b) the Registrar who shall be an *ex officio* member and shall function as the secretary to the Advisory Commission.

(3) (a) Subject to the provisions of subsection (4), the term of office of an appointed member of the Advisory Commission shall be three years:

Provided that a member appointed in place of a member who resigns or is removed or otherwise vacates office, shall hold office for the unexpired part of term of office of the member whom he succeeds.

(b) An appointed member of the Advisory Commission who vacates office by effluxion of time shall be eligible for reappointment.

(4) (a) An appointed member of the Advisory Commission may resign from office by letter to that effect addressed to the Minister and such resignation shall take effect on such resignation being accepted by the Minister in writing.

(b) The Minister may at any time remove an appointed member from office, without assigning any reason therefor.

(c) Where an appointed member is temporarily unable to discharge the duties of his office on account of illness, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act as a member in his place.

(5) (a) The Minister shall appoint a Chairman of the Advisory Commission (in this Part referred to as the "Chairman") from among the appointed members of the Advisory Commission.

(b) If the Chairman is by reason of illness, other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another appointed member to act in his place.

(c) The Minister may at any time remove the Chairman from office, without assigning any reason therefor.

(d) The Chairman may resign from the office of Chairman by a letter to that effect addressed to the Minister and such resignation shall take effect on such resignation being accepted by the Minister.

(e) Subject to the provisions of paragraphs (c) and (d), the term of office of the Chairman shall be his period of his membership of the Advisory Commission.

(6) There may be appointed such officers and servants as may be necessary to assist the Advisory Commission in performing its duties under this Part.

(7) The members of the Advisory Commission may be paid such remuneration out of the Fund as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

(8) It shall be the duty of the Advisory Commission—

(a) to inquire into and report to the Minister, on any matter or question relating to the law of Copyright, Industrial Designs, Trade Marks, Patents and Unfair Competition as may be referred to it by the Minister from time to time;

(b) to review the law relating to, and applicable to, Copyright, Industrial Designs, Trade Marks, Patents and Unfair Competition from time to time and to make proposals to the Minister for the alteration, modification or addition to such law;

(c) in making the report or proposals referred to in paragraph (a) or (b), to consult and take into consideration where the Advisory Commission deems it necessary to do so, the views of trade chambers, professional organizations, related institutions, governmental authorities and the general public.

(9) The Minister may give special or general directions in writing to the Advisory Commission, as to the performance of its duties and the exercise of the powers, and the Advisory Commission shall give effect to such directions.'

Sinhala text
to prevail
in case of
inconsistency.

3. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.