

PATENT RIGHTS (LIMITATION) DECREE 1968



ARRANGEMENT OF SECTIONS

Section

1. Use of inventions for services of Federal Republic.
2. Rights of third parties in respect of the use.
3. Special provisions as to use during emergency.

4. Application of Decree to government agency and persons acting on its behalf.
5. Citation, effect of applied legislation, interpretation, etc.

Decree No. 8

[13th March, 1968]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) Where a Commissioner is satisfied that it is in the public interest so to do, he may in respect of an article to which this Decree applies and intended for use in Nigeria, authorise any person including a government department to purchase, make, use, exercise, or vend, as the case may be, any such articles for the service of a government agency in the Federal Republic, anything to the contrary in any enactment or rule of law notwithstanding.

Use of
inventions
for services
of the
Federal
Republic.

(2) The authority of a Commissioner in respect of an article may be given under this section either before or after a patent is granted and either before or after the acts in respect of which the authority is given are done, and may be given to any person whether or not he is authorised directly or indirectly by the patentee to make, use, exercise or vend the article.

(3) The foregoing provisions of this section shall have effect so as to exempt the Government and any person authorised under this section from liability for the infringement of a patent granted in respect of the article, or liability to make any payment whether by way of royalty or otherwise to a patentee or any person who derives title from him or from whom he derives title, and in addition such provisions shall extend and apply to grant the same exemption to any supplier or his agent.

(4) Where any use of an article is made by or with the authority of a Commissioner under this section, then, unless it appears to the Commissioner that it would be contrary to the public interest so to do, the permanent secretary of the Ministry concerned with such use shall furnish the patentee with such information as to the extent of the use as he may from time to time require.

Rights of
third
parties in
respect of
the use.

2. The provisions of any licence, assignment or agreement made, whether before or after the commencement of this Decree, between the patentee or any person who derives title from him or from whom he derives title, and any person other than a Ministry shall be of no effect so far as those provisions restrict or regulate the use of an article or provide for the making of payments in respect of any such use, or are calculated by reference thereto.

Special
provisions
as to use
during
emergency.

3.—(1) During any period of emergency within the meaning of this section, the powers exercisable in relation to an article shall include power to purchase, make, use, exercise and vend the article for any purpose which appears to the Commissioner necessary or expedient—

(a) for the efficient prosecution of any war in which the Federal Republic may be engaged ;

(b) for the maintenance of supplies and services essential to the life of the community ;

(c) for securing a sufficiency of supplies and services essential to the well-being of the community ;

(d) for promoting the productivity of industry, commerce and agriculture ;

(e) for fostering and directing exports and reducing imports, or imports or any classes, from all or any countries and for redressing the balance of trade ; or

(f) generally for ensuring that the whole resources of the community are available, for use, and are used, in a manner best calculated to serve the interests of the community ;

and any reference in this Decree to the services of or in the Federal Republic shall be construed as including a reference to the purposes aforesaid.

(2) In this section the expression "period of emergency" means any such period however declared or notified by or on behalf of the Government or any successor Government and the expression "war" includes, for the avoidance of doubt, any civil war in which any such Government is or may be engaged.

Application
of Decree to
government
agency and
persons
acting on
its behalf.

4. Where an article is purchased, made, used, exercised, or vended by or on behalf of any government agency (but not otherwise) the benefit of this Decree shall extend to such government agency and persons in any capacity acting on behalf of such government agency; and the Decree shall have effect accordingly.

Citation,
effect of
applied
legislation,
interpretation,
etc.

5.—(1) This Decree may be cited as the Patent Rights (Limitation) Decree 1968 and shall apply throughout the Federation.

12, 13 and 14
Geo.6. c.87.
cf. S.I.
1963/1487.

(2) The Patents Act 1949 of the United Kingdom and amendments thereof apply to Nigeria and they shall be read subject to this Decree.

(3) In this Decree, unless the context otherwise requires—

"article" or "article to which this Decree applies" includes any drugs, pharmaceutical preparations, substances or materials, and any plant,

machinery or apparatus, whether fixed to land or not after importation, patented under the patent law of any other country and whether or not such patent may be registered under the law of Nigeria relating to registration of patents ;

"Commissioner" means in respect of any article, a Federal or State Commissioner authorising action under this Decree ;

"Federal Republic" means the Federal Republic of Nigeria, and includes any State thereof ;

"Government" means the Federal Military Government and, in respect of articles to which this Decree applies, includes the Government of any State of the Federation ;

"Government agency" means any Federal or State Ministry or Department of Government and includes a voluntary agency, any municipal authority or any Government Public Corporation, or any company which is owned or controlled by government ;

"Ministry" means a Ministry of the Federal Government or State Government and includes a Department of Government ;

"voluntary agency" means any hospital maintained by the Federal or a State Government and includes any other hospital in Nigeria maintained by way of grant-in-aid.

(4) This Decree shall extend and apply to an article forfeited under any law relating to customs or excise, and upon forfeiture, Government may use or sell the article as if it had in any event been imported for use of a government agency in Nigeria.

MADE at Lagos this 13th day of March 1968.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

THE LEGAL PRACTITIONERS (AMENDMENT) DECREE 1968



Decree No. 9

[13th March 1968]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Legal Practitioners Act 1962 is amended—

(a) in section 6 and in,

(i) paragraph (a) of subsection (2) by inserting after the words "that court" the words "so however that where a judge is seized or otherwise aware of matter relating to or connected with proceedings to be determined by the tribunal the Chief Justice shall appoint another judge";

(ii) paragraph (c) of subsection (2) by inserting after the word "association" the words "so however that a legal practitioner who has an interest in the case pending before the tribunal or has already taken part in formal proceedings before the panel which referred the case to the tribunal, shall not be appointed";

(iii) subsection (4) by inserting after the word "association" the words "so however that any such legal practitioner who has an interest in the case which is the subject of a preliminary investigation shall not be appointed".

(b) in paragraph 7 of the Second Schedule and in,

(i) subparagraph (1) by substituting for the word "A" the words "Subject to the provisions of section 6 of this Act, a";

(ii) subparagraph (3) (as amended by section 1 (2) of the Legal Practitioners (Amendment) Act 1965) by inserting after the word "below" the words "so however that any other official not below the rank of Principal State Counsel may act in any such event at the direction of the Attorney-General of the Federation".

2. This Decree may be cited as the Legal Practitioners (Amendment) Decree 1968 and shall apply throughout the Federation.

Citation etc.

MADE at Lagos this 13th day of March 1968.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

THE INTERNAL LOANS DECREE 1968



Decree No. 10

[13th March 1968]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Internal Loans Act 1962 is amended in section 1,—

(a) by repealing all words in subsection (1) after the word "Nigeria" up to and including in subsection (2) the word "subsection" and thereby deleting the word "(2)", and by substituting for the words so repealed and deleted the words, "the proceeds of which after deducting expenses incurred in raising the loans,"; and

Removal of
statutory
limit on
Develop-
ment Fund.
1962 No. 10.
cf. No. 33 of
1958.

(b) by renumbering subsections (3) and (4) as (2) and (3) respectively.

2.—(1) This Decree may be cited as the Internal Loans Decree 1968 and shall form part of and be read as one with the Internal Loans Act 1962.

Citation,
application,
etc.

(2) This Decree shall apply throughout the Federation.

MADE at Lagos this 13th day of March 1968.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander in Chief of the Armed Forces,
Federal Republic of Nigeria*