The Trading with the Enemy (Custodian) (No. 2) Order, 1951

1951 No. 779

Made - - - - *2nd May,* 1951

The Board of Trade in exercise of the powers conferred upon them by Section 7 of the Trading with the Enemy Act, 1939(a), and of all other powers enabling them in that behalf do hereby make the following Order:—

1. There shall vest in the Custodian of Enemy Property for England appointed under the Trading with the Enemy Act, 1939(a), all trade marks registered in pursuance of an application for registration made prior to the 3rd day of September, 1939, belonging to or held or managed on behalf of any enemy.

2. No fee prescribed by the Trade Mark Rules, 1938(c), in accordance with the provisions of Section 41 of the Trade Marks Act, 1938(b), shall be payable by the said Custodian in respect of any application or registration or other matter under the said Act with reference to any of the trade marks vested in the said Custodian by this Order.

3. The said Custodian shall have power to apply under Section 25 of the Trade Marks Act, 1938(b), for the registration of his title to any of the said trade marks in the Register of Trade Marks.

4. The said Custodian shall be entitled in respect of the said trade marks to exercise all the powers conferred upon a registered proprietor by the Trade Marks Act, 1938(b), and to sell the said trade marks and generally to deal with the said trade marks as, subject to any direction by the Board of Trade, in his discretion shall seem advisable.

5. The said Custodian shall have power to employ such agents as he may consider necessary in the exercise of his powers and duties under this Order.

6. Out-of-pocket payments duly made by the said Custodian in relation to the receiving, collecting, vesting, management, holding or disposing of property which is the subject matter of this Order shall be reimbursed to the said Custodian out of such property and shall be chargeable accordingly.

7. The Custodian shall exercise all the powers conferred on him by this Order in such manner as he may from time to time be directed by the Board of Trade and subject to any such direction as he may from time to time think fit.

8. The Interpretation Act, 1889(d), shall apply to this Order as if it were an Act of Parliament.

9. For the purposes of this Order the following expressions shall have the following meanings:—

(*a*) "enemy" means—

(i) the German State;

(ii) any individual resident in Germany;

(iii) any body of persons constituted or incorporated under the laws of Germany;

(iv) any body of persons (whether corporate or unincorporate), carrying on business in any place, controlled by any State, individual or body of persons as aforesaid.

(a) 2 & 3 Geo. 6. c. 89.
(b) 1 & 2 Geo. 6. c. 22.
(c) S.R. & O. 1938 (No. 661) II, p. 3257.
(d) 52 & 53 Vict. c. 63.

(*b*) "Germany" means territory comprised in the German State on the 1st day of March, 1938.

10. This Order may be cited as the Trading with the Enemy (Custodian) (No. 2) Order, 1951.

Dated the 2nd day of May, 1951.

H. S. Gregory,
A Secretary of the Board of Trade.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order vests in the Custodian certain registered trade marks. The trade marks affected are those which were registered in pursuance of applications made prior to 3rd September, 1939, and which are the property of individuals resident in Germany, business concerns constituted or incorporated under the laws of Germany and concerns controlled by the foregoing.

The Trading with the Enemy (Custodian) (No. 3) Order, 1951

1951 No. 780

Made - - - - *2nd May,* 1951

The Board of Trade in exercise of the powers conferred upon them by Section 7 of the Trading with the Enemy Act, 1939(**a**), and of all other powers enabling them in that behalf do hereby make the following Order:—

1. Save as hereinafter otherwise provided there shall vest in the Custodian of Enemy Property for England appointed under the Trading with the Enemy Act, 1939(**a**),

(*a*) all Letters Patent for inventions belonging to or held or managed on behalf of any enemy, and

(*b*) the interest in all Letters Patent for inventions of any enemy who with any other person is the patentee, and

(*c*) the interest of any enemy in all Letters Patent for inventions in which the invention has been communicated to the patentee by an enemy.

2. There shall be excepted from the vesting to be effected by this Order any Letters Patent for inventions sealed in pursuance of an application for a patent made on or after the 3rd day of September, 1939, and the interest of any enemy in any such Letters Patent.

3. The said Custodian shall have power to apply under Section 74 of the Patents Act, 1949(**b**), for the registration of his title to any of the Letters Patent or interests vested in him by Article 1 of this Order.

4. The said Custodian shall be entitled in respect of the Letters Patent vested in him by Article 1 of this Order to exercise all the powers of a patentee and generally to deal with the said Letters Patent and the said interests vested in him as aforesaid as, subject to any direction by the Board of Trade, in his discretion shall seem advisable.

(**a**) 2 & 3 Geo. 6. c. 89. (**b**) 12, 13 & 14 Geo. 6. c. 87.