

(5) For the purposes of this section “geographical indications” shall have the same meaning as in section 101.

PART X

CHAPTER XXXIV

CONSTITUTION AND POWERS OF ADVISORY COMMISSION

162. (1) The Minister may constitute an Advisory Commission (hereinafter referred to as the “Commission”) for the purpose of advising him on any matter referred to him in relation to the law relating to Copyright, Industrial Designs, Marks, Patents and Unfair Competition and any other area or subject of Intellectual Property.

Appointments &
of Advisory
Commission.

(2) The 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, (hereinafter referred to as an “*appointed member*”) ; and
- (b) the Director-General who shall be an *ex-officio* member and who shall function as the Secretary to the Commission ;

(3) (a) Subject to the provisions of subsection (4), the term of office of an appointed member of the 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 portion of the part of term of office of the member whom he succeeds ;

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

(4) (a) An appointed member of the 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, 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 another person to act as a member in his place.

(5) (a) The Minister shall appoint a Chairman of the Commission (in this Part referred to as the “Chairman”) from among the appointed members of the 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, assigning any reason therefor ;

(d) The Chairman may resign from the office of Chairman by a letter to that effect addressed to the Minister in writing 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 membership of the Commission.

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

(7) The members of the 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 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 or any other matter relating to Intellectual Property 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 or any other matter relating to intellectual property 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 Commission deems it necessary to do so, the views of trade chambers, professional organizations, related institutions, government departments and the general public.

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

PART XI

CHAPTER XXXV

APPLICATIONS TO AND PROCEEDINGS BEFORE, THE
DIRECTOR-GENERAL AND COURT

Correction and
rectification of
register.

163. (1) The Director-General may, on application made in the prescribed manner by or on behalf of the registered owner of an industrial design, patent, trade mark or any other registration provided for under the Act, correct any error or make any change—

- (a) in the name, address or description of the registered owner of any Industrial Design, Patent or Mark or any other registration provided for under the Act ;
- (b) concerning any other particulars relating to the registration of an Industrial Design, Patent or Mark or any other registration as may be prescribed.

(2) Subject and without prejudice to other provisions of the Act—

- (a) the Court may on the application of any person aggrieved by the non-insertion in or omission from any register, of any entry, or by any entry made in any register without sufficient cause, or by any entry wrongly remaining on any register, or by any error or defect in any entry in any register, make such order for making, expunging, or varying such entry, as it may think fit ;
- (b) the Court may in any proceeding under this section decide any question that may be necessary or expedient to decide in connection with the rectification of any register ;