

ART. VII. The nature of the goods on which the trade or commercial mark is used can, in no case, be an obstacle to the registration of the mark.

ART. VIII. A trade-name shall be protected in all the countries of the Union, without the necessity of registration, whether it form part or not of a trade or commercial mark.

ART. IX. All goods illegally bearing a trade or commercial mark or trade-name may be seized on importation into those States of the Union where this mark or trade-name has a right to legal protection.

The seizure shall be effected at the request of either the public prosecutor or of the interested party, pursuant to the internal legislation of each country.

ART. X. The provisions of the preceding article shall apply to all goods falsely bearing the name of any locality as indication of their place of origin, when such indication is associated with a trade-name either fictitious or assumed with fraudulent intent.

Any manufacturer or merchant engaged in the manufacture or sale of such goods, established in the locality falsely designated as the place of origin, shall be deemed an interested party.

ART. XI. The high contracting parties agree to grant temporary protection to patentable inventions, to industrial designs or models, and trade and commercial marks, for articles exhibited at official or officially recognized international exhibitions.

ART. XII. Each of the high contracting parties agrees to establish a special department for industrial property, and a central office for the communication to the public of patents, industrial designs or models, and trade and commercial marks.

ART. XIII. An international office shall be organized under the name of the "Bureau International de l'Union pour la Protection de la Propriété Industrielle."

This office, the expense of which shall be defrayed by the governments of all the contracting States, shall be placed under the high authority of the Central Administration of the Swiss Confederation, and shall work under its supervision. Its functions shall be determined by agreement between the States of the Union.

ART. XIV. The present convention shall be submitted to periodical revisions, with a view to introducing improvements calculated to perfect the system of the Union.

To this end conferences shall be successively held in one of the

contracting States by delegates of the said States. The next meeting shall take place in 1885 at Rome.

ART. XV. It is agreed that the high contracting parties respectively reserve to themselves the right to make separately, between themselves, special arrangements for the protection of industrial property, in so far as such arrangements do not contravene the provisions of the present convention.

ART. XVI. States which have not taken part in the present convention shall be permitted to adhere to it at their request.

Such adhesion shall be notified officially through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the others. It shall imply complete accession to all the clauses, and admission to all the advantages stipulated by the present convention.

ART. XVII. The execution of the reciprocal engagements contained in the present convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the high contracting parties who are bound to procure the application of the same, which they engage to do with as little delay as possible.

ART. XVIII. The present convention shall come into operation one month after the exchange of ratifications, and shall remain in force for an unlimited time, till the expiration of one year from the date of its denunciation.

This denunciation shall be addressed to the government commissioned to receive adhesions. It shall only affect the denouncing State, the convention remaining in operation as regards the other contracting parties.

ART. XIX. The present convention shall be ratified, and the ratifications exchanged in Paris, within one year at the latest.

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ON THE SIGNATURE OF THE CONVENTION THE PLENIPOTENTIARIES  
AGREED AS FOLLOWS :—

1. The words "industrial property" shall be understood in their broadest sense ; they are not to apply simply to industrial products properly so called, but also to agricultural products (wine, corn, fruits, cattle, &c.), and to mineral products employed in commerce (mineral waters, &c.).

2. Under the word "patents" are comprised the various kinds

of industrial patents recognized by the legislation of each of the contracting States, such as patents of importation, patents of improvement, &c.

3. The last paragraph of article II. of the Convention does not affect the legislation of each of the contracting States as regards the procedure to be followed before the tribunals, and the competence of those tribunals.

4. Paragraph 1 of Article VI. is to be understood as meaning that no trade or commercial mark shall be excluded from protection in any State of the Union, from the fact alone that it does not satisfy, in regard to the signs composing it, the conditions of the legislation of that State ; provided that on this point it comply with the legislation of the country of origin, and that it had been properly registered in the said country. With this exception, which relates only to the form of the mark, and reserving the provisions of the other articles of the convention, the internal legislation of each State remains in force.

To avoid misconstruction, it is agreed that the use of public armorial bearings and decorations may be considered as being contrary to the public order in the sense of the last paragraph of article VI.

5. The organization of the special department for industrial property mentioned in article XII., shall comprise, so far as possible, the publication in each State of a periodical official paper.

6. The common expenses of the international office, instituted by virtue of article XIII., are in no case to exceed each year a total sum representing an average of 2,000 fr. for each contracting State.

[Here follows directions for classifying the States and assessing expenses upon them, proportionately.]

The Swiss government will superintend the expenses of the international office, advance the necessary funds, and render an annual account, which will be communicated to all the other administrations.

The international office will centralize information of every kind relating to the protection of industrial property, and will bring it together in the form of a general statistical statement which will be distributed to all the administrations. It will interest itself in all matters of common utility to the Union, and will edit, with the help of the documents supplied to it by the various administrations, a periodical paper in the French language, dealing with questions regarding the object of the Union.

The numbers of this paper, as well as all the documents published by the international office, will be circulated among the administrations of the States of the Union in the proportion of the number of contributing units as mentioned above. Such further copies as may be desired, either by the said administrations or by societies or private persons, will be paid separately.

The international office shall at all times hold itself at the service of the members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property.

The administration of the country in which the next conference is to be held will make preparation for the transactions of that conference, with the assistance of the international office.

The director of the international office will be present at the meetings of the conferences, and will take part in the discussions but without the privilege of voting.

He will furnish an annual report upon his administration of the office, which shall be communicated to all the members of the Union.

The official language of the international office will be French.

7. The present final protocol, which shall be ratified together with the convention concluded this day shall be considered as forming an integral part of, and shall have the same force, validity, and duration as the said convention.

*From Carpm. Pat. L. of World, 653.*

See also GREAT BRITAIN AND IRELAND.

## APPENDIX OF RECENT LAWS.

[The following laws have been obtained since the first volume of the work was all in type. They are from the collection of Patent Laws, of W. E. RICHARDS.]

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### ARGENTINE REPUBLIC.

#### *Provisional Regulations of the Patent-Office.*

“Provisional regulations of the patent-office in the Argentine Republic” contain some directions which are of interest to residents of foreign countries, as showing the proper methods of conducting correspondence with the patent-office ; *e. g.*:

NUMBER 5 prescribes that all correspondence shall be conducted in the name of the commissioner.

No. 6 provides that the office cannot give information as to applications, etc., but furnishes “only the following documents :” the law of Congress constituting the office, the decree of the National Government establishing it ; the quarterly reports or annual volumes ; the written descriptions ; the designs and specimens or articles for which patents have been granted.

No. 7 provides that “under no circumstances shall an employe or officer become a representative or agent for an applicant for letters patent.”

No. 8 regulates the appointment and substitution of agents or attorneys.

No. 9 directs the mode of preparing and sending applications

for letters patent, and the payments to be made, accompanying them.

Other regulations relate to the manner of preparing and transmitting models and specimens, and applications for designs ; also the ordinary course of procedure in the office.

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## ECUADOR.

*Law of October 15, 1880.*

The Congress of the Republic of Ecuador, after due consideration of the expediency of regulating the patent laws in such a manner as shall facilitate the obtaining of letters patent for useful inventions, and at the same time provide that the privileges granted shall not become a species of monopoly, has passed the following regulations.

ART. 1. The law secures to every inventor the full and entire use of his invention, provided it is not contrary to established laws and good customs.

ART. 2. The methods and instruments which may be invented or discovered for the improvement of a manufacture or industry, are themselves to be considered as inventions.

ART. 3. A contrivance which introduces only a slight modification (in the methods already known and practiced), or merely relates to objects of adornment, shall not be considered as an invention.

ART. 4. The State has right to purchase the secret of whatsoever invention or discovery which it may consider advantageous to the whole community.

ART. 5. To secure to an originator of an invention or an improvement, the exclusive use of his property, a privilege shall be granted to him for a term not under ten years, and not exceeding fifteen years.

ART. 6. Exclusive rights shall not be granted to inventors of secret remedies ; it being the duty of the inventor to make them known for a reasonable compensation.

ART. 7. Importers of machines and of new methods and processes in the useful arts which are not already known and practiced in

the republic, shall be entitled to exclusive right, to be obtained conformably to the following rules.

ART. 8. If the introduction of an imported machine or manufacturing process requires a preliminary outlay of 25,000 pesos, the term for the grant shall be three years; if the outlay amounts to 50,000 pesos, the term shall be six years. If the expense reaches 100,000 pesos, the term shall be extended to ten years.

ART. 9. The right granted to importers of machines or new industrial processes which are already known and practiced abroad, shall be limited to the locality where the machine is put in operation, or to a territory or district sufficiently extensive to allow of their adequate carrying on.

#### REGULATIONS RELATING TO THE GRANTING OF A PATENT RIGHT.

ART. 10. The person who applies for a patent of whatsoever class or description, shall present to the Executive Department of the administration, a specification containing a description of the invention or improvement, reserving for himself the secret of his method, and the constituents, principles and instruments which he makes use of. His application must be accompanied by a specimen of the article or work produced by means of his invention or improvement.

ART. 11. When the privilege applied for relates to an importation, the specification shall be accompanied by drawings or models of the machine which he intends to introduce, and by a detailed account of the principle, methods and manipulations of the industry which he wishes to import into the territory of the republic; he shall also present a sample of the product which he purposes to perfect.

ART. 12. The government shall thereupon appoint a commission of three competent persons to test the matter and to examine into the *modus operandi* or secret which constitutes the invention, improvement or importation.

ART. 13. This commission shall always be superintended, by the chief civil officer of the district where the patent right is to be exercised. If the right extends over the whole republic, this commission shall be presided over by the chief civil officer of the district where the application was made, and by the municipal council, who shall examine into the matters set forth in the preceding article.

ART. 14. Before the same presiding officer, two functionaries and the three commissioners appointed by the government, shall take oath not to disclose the secret, and explicitly declare that they shall faithfully perform their duties.

ART. 15. The commission and the two officials shall thereupon examine into the matter, in the absence of the interested party, and draw up an official report of the result, carefully recording any difference of opinion or views that may arise between the individuals of the commission.

ART. 16. The report referred to in the preceding article shall then be remitted to the ministry of the interior, with a notice on the envelope that the enclosed document or communication is of a *reserved* description. The document shall be accompanied by the description of the method, machines, &c., which constitute the invention, improvement or importation.

ART. 17. Within three weeks, at the most, after the receipt of the report of the commission appointed to examine into the invention, improvement or importation of a new manufacturing process, the government shall issue the respective letters patent on stamped paper, and give order for the sealing up and preservation in the ministry of the interior, of the package containing the report mentioned in the 11th article.

ART. 18. To avoid an improper use of the privilege accorded, the government shall expressly state in the letters patent, that it does not in any way guarantee the importance, merit or usefulness of the invention, improvement or importation; the entire accountability remaining solely with the patentee.

ART. 19. The patentee who desires to make a modification in his invention, or in his first application, before he has obtained letters patent, or after such have been granted, must present a written declaration, accompanied by a description of the new method, according to the directions given in the 10th article. A mere modification in the letters patent will not, however, entitle the patentee to a prolongation of the term originally granted.

#### RIGHTS OF THE PATENTEE.

ART. 20. The patentee has exclusive right to utilize the invention, improvement or importation for which letters patent were granted.

ART. 21. The patentee has right to do business in every part of



the republic, if the grant is not limited to a certain place or district. He can also authorize other persons to apply and utilize the methods with the same right as himself, and to dispose of them as with movable property.

ART. 22. The patentee can also assign his right, in part or in its entirety, by means of a public document which must be duly recorded by the proper authorities, at the risk of forfeiting his privilege.

ART. 23. If doubt or uncertainty should arise, respecting the priority of two applications for letters patent, the matter shall be settled by a certificate from the sub-secretary of the interior who has in charge the recording of the date and hour when similar applications were filed.

#### TERM OF THE PRIVILEGE.

ART. 24. The term granted for the utilization of an invention, improvement and importation, commences with the date of the letters patent.

ART. 25. The respective privileges granted to the patentee by the government, shall be recorded in a special register at the ministry of the interior. The original application, specification and other documents mentioned in the 10th article, shall also be deposited with the same authority, until the expiration of the term.

ART. 26. The granting of the patent right shall be officially communicated by the ministry of the interior to the provincial governors, and be published in the official journal. The grant shall also be registered in the collection of laws and decrees.

#### RIGHTS OF THE STATE AT THE EXPIRATION OF THE TERM.

ART. 27. When the term fixed for the working of the invention, improvement or importation expires, the new process or industrial method becomes the property of the community.

ART. 28. At the expiration of the term, the application, the description and the other documents referred to in the 10th article shall be published and deposited in the public library of the capital of the republic.

ART. 29. If from any of the causes specified by this law, the privilege becomes void or forfeited, a similar publication and deposition shall be made, and with the same effect as stated in the 27th article.

ART. 30. The government shall give orders relating to the printing of the specifications and the making of models and drawings, necessary to explain the processes which may become public property. A sufficient number of copies shall be sent to the provincial governors.

THE PROTECTION GUARANTEED TO THE PATENTEE AGAINST  
INFRINGEMENTS.

ART. 31. On presenting reliable and sufficient security, the patentee has a right to apply for an interim injunction for the immediate seizure, conformably to the prescribed order of the law, of the machines, instruments and products which are being used in violation of his privilege.

ART. 32. The party who is found guilty of infringement shall be subjected to the confiscation of the sequestered goods, which devolve to the patentee. The guilty party shall, moreover, pay an indemnification for the loss and injury which he has occasioned, proportionate to the extent of the infringement.

ART. 33. If the infringement cannot be proved, the plaintiff shall be sentenced to pay the damages occasioned by the seizure to the defendant, and also to pay a pecuniary penalty equal in amount to that which would have been imposed upon the defendant, if he had been proved guilty of the infringement.

ART. 34. When the patentee is obstructed by any party in the free exercise of his right, he can apply for redress at the ordinary courts of justice. Should any objection or charge be made against (or relating to) the validity or illegality of the privilege, the matter shall be placed before the administrative tribunal in the ministry of the interior.

ART. 35. In case there is an absolute similarity between two inventions, and uncertainty and dispute arise between the patentees relating to their respective rights, the precedence shall be adjudged to the holder of the letters patent earliest granted.

ART. 36. The "posterior" patentee shall in this case be considered as the perfecter of the invention.

PROTECTION OF THE STATE AGAINST ABUSES ON THE PART OF  
PATENTEES.

ART. 37. Patent rights are void, if granted for an invention, improvement or importation which the civil authorities shall con-

sider contrary to the laws of the State or the public safety, and the regulations of the police. The patentee in such contingencies loses also his claims for indemnification.

ART. 38. The privilege granted becomes void and null, not only under the circumstances already specified, but also in the following cases :

1. When it is proved that the inventor has concealed in his description, the actual means of which he makes use in working his process.

2. When it is proved that the inventor has employed secret methods which were not specified either in the description, or in the subsequent declaration (memorandum of alteration) referred to in the 19th article.

3. When it is proved that the inventor (or he who calls himself so) has obtained his privilege for an invention already described and published by the press, within or outside the republic.

4. When the patentee has allowed one year and one day to elapse from the date when the letters patent were granted, without having put his invention into operation, or brought forward any legally valid reasons for his omission.

5. When the inventor or his assignee, under whatsoever pretense, acts contrary to the obligations connected with the use of the privilege.

ART. 39. In all cases of forfeiture and nullification of the privilege, the disposition stated in the 27th article shall be applicable.

ART. 40. It is the duty of the patentee to declare himself willing to obey and submit to the laws of the country under all circumstances. With regard to the privilege conferred upon him, he must explicitly renounce all diplomatic interference or influence.

ART. 41. All persons to whom privileges have been granted in the republic are subject to the provisions of the present law with regard to the expiration of terms and forfeiture of rights.

The Executive Department has in charge to publish this law, and watch over its observance and proper execution.

## NATAL.

*Proclamation of January 12, 1872.*

Whereas, by Law No. 4, 1870, entitled Law "To provide for the granting in this Colony of Patents for Inventions," it is enacted that it shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, to make rules and regulations for carrying out said law :

Now therefore, I do, under and by virtue of the provisions of the said Law No. 4, 1870, and with the advice of the Executive Council aforesaid, proclaim the following rules and regulations thereunder, that is to say :—

1. Every application for letters patent and every title of invention and provisional specification, must be limited to one invention only.

2. The title of the invention must point out distinctly and specifically the nature and object of the invention.

3. Every provisional protection of an invention shall be forthwith advertised by the applicant in the Natal Government Gazette ; and the advertisement shall set forth the name and address of the applicant, the title of the invention, and the date and deposit of provisional specification in the attorney-general's office.

4. In each case the notice of the applicant of his intention to proceed for letters patent for his invention shall be left at the office of the attorney-general eight weeks at least before the expiration of the term of provisional protection thereon, and no notice to proceed shall be received unless the same shall have been left in the said office eight weeks at the least before the expiration of such provisional protection : Provided always that the attorney-general may, upon special circumstances, allow a further extension of time on being satisfied that the same has become necessary by accident, and not from the neglect or willful default of the applicant or his agent.

5. No warrant will be issued for the granting of letters patent for two or more distinct substantive inventions combined.

6. The office of the registrar of the Supreme Court has been, and is, appointed the office to which the attorney-general is to transfer specifications, drawings, &c., for safe custody in terms of said law.

7 and 8 make it the duty of the registrar of the Supreme Court to keep the Register of Patents, Register of Proprietors, Indices to Specifications, Disclaimers, and Memoranda of Alterations, open to inspection by the public, subject to payment of fees; and to collect fees for copies of writings before giving out such copies.

*Act No. 32, 1884.*

Enacted by the Governor, with the advice and consent of the Legislative Council, November 8, 1884.\*

1. The thirty-eighth section of Law No. 4, 1870, shall be and the same is hereby repealed; and it is hereby further enacted that from and after the date of the promulgation in this colony of the Order in Council referred to in section 104 of the Patents, Designs, and Trade-Marks Act, 1883, all letters patent granted in the United Kingdom of Great Britain and Ireland shall be deemed and taken to be granted under the provisions of Law No. 4, 1870, and may be dealt with accordingly: Provided that this law shall only apply to patents granted for inventions in the said United Kingdom, and not to designs or trade-marks.

2. This law shall come into operation from and after the date of the promulgation in the Natal Government Gazette of the order in Council referred to in section 1 hereof, and shall be read and construed together with Law No. 4, 1870, as one law.

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**ORANGE FREE STATE.**

*Act No. 12, 1884.*

The Parliament of the Orange Free State, considering it necessary to issue general orders whereby sole privileges are granted to inventions, promoting art and industry, has resolved and does hereby resolve:

ARTICLE 1. Sole privileges may be granted, for a certain termination, through the President of State, after consultation with and

\* Preambles recite that this act was passed in order to obtain the benefit of section 103 of the British Patents, Designs and Trade-Marks Act of 1883, Stat. 46 and 47 Viet. c. 57; for which see Vol. 1, *ante*, p. 244.

consent of the Executive Council, on any kind of inventions and improvements, useful to art and industry ; and this be done by open letters, named *octroys* (patents), after written application for the same has been furnished to the President of State.

ART. 2. These patents shall be given without regard to right or ownership, and shall then be void, whenever it is seen that the object of the invention or improvement has already, before the granting of applicant's patent, been given, planned or carried into effect by an other party within this State.

ART. 3. Patents shall be granted for a period of five, ten or fifteen years, and a tax therefor be paid to the Treasury, in accordance with the termination and the more or less privileges belonging to same, which must never be higher than £750, or amount to less than £150.

These privileges shall be separately fixed for each application by the executive authority.

ART. 4. A patent granted for a period of five or ten years may also by the expiration of such term, be prolonged whenever very important reasons advise the same, on such conditions as herein explained ; though never for the duration of more than altogether 15 years.

ART. 5. The granting of patents on first introduction, or of patents on inventions or considerable improvements, worked or being worked out by foreigners, shall, in case they are already protected or patented, be given for no longer period than the duration of the granted exclusive right, and expressly upon condition of the granted exclusive right, and expressly upon condition of the patented object being made use of within this State.

ART. 6. The patents give to the proprietors or their lawful attorneys, the following preferences : *a.* Exclusive right to use and sell during the ordered period the patented invention over the entire State. *b.* The right to prosecute by civil action those infringing that exclusive right ; and to proceed against them for the purpose of having declared forfeited all manufactures yet unsold, for the sale price of the patented objects already sold, and for any further damages for loss of profits, and interest, to which he may show himself entitled.

ART. 7. In making application, the applicant shall be obliged to furnish a distinct, specific, sealed description drawn by himself, of the secret connected with the patent : together with the plans, drawings, calculations, etc.; which description, after the expiration

of the original or prolonged termination of patent, or on its expiration within the term from any of the herein mentioned causes, shall be made public, unless important reasons may compel the government to dispense with this publication.

ART. 8. A patent shall be declared void from the following reasons: *a.* Whenever it shall be seen that the patentee in his application has with fraudulent intentions omitted points or falsely explained the same. *b.* Whenever it shall be seen that the matter in reference to which a patent is applied for, has already, before the granting of the same, been published in some printed work. *c.* Whenever the owner within a term of two years from the dating of the patent granted him, has made no use of same; except from important reasons, to be decided by the executive authorities. *d.* Whenever the owner of a patent, on acquiring the same, has already been granted exclusive rights in another country for the same object. *e.* Whenever it shall be seen that the object of a patent, used according to its principles, will oppose the safety of the State or its inhabitants.

ART. 9. The forfeiture of a patent mentioned in the preceding article shall be declared through the president of State and with consent of the executive council, when the patent owner has been informed.

ART. 10. The forfeiture of a patent shall be published at the cost of the owner in the Government Courant and in the different newspapers of the State, by the secretary of the government; which publication in the Government Courant shall form a sufficient proof in court.

ART. 11. A proper register of patents granted shall be sent to the government office through the secretary of the government; and every patent, therein mentioned, shall be signed by the president of State and the government-secretary.

ART. 12. No application for the granting of a patent shall be taken into consideration before at least six weeks have passed after notice of such application has been made public in the Government Courant.



**PERU.***Translation of the Patent Laws.*

ARTICLE 1. Every discovery or invention, in whatever branch of industry, gives to the inventor the exclusive right to use it to his benefit ; under the conditions and for the time determined by this law. This right will be judicially conceded in the deed of patent granted by the Government.

ART. 2. The following will be considered as inventions or discoveries : (1) New industrial products. (2) New methods, or new applications of existing methods, for obtaining an improvement in industrial products.

ART. 3. In the patents granted, the following will be excepted : (1) Pharmaceutical preparations, and remedies of every description. (2) All projects for financial operations. (3) All operations to improve known industries the use of which is free, both in and out of the republic.

ART. 4. In the third clause of the last article, only proposals relating to contracts permitted by law, will be permitted. Said contracts to be adjudged by public auction.

ART. 5. No patent will be granted for a greater term than 10 years ; and any one obtaining a patent shall pay one hundred dollars per annum, which sum shall be applied to the Public Works Fund of the province in which the patent may be used.

ART. 6. All persons soliciting patents or the introduction of inventions from other countries shall be required to present themselves to the prefect of the department in which they intend to make use of the invention, or in case of the patent extending over one or more departments, to the prefect of the department in which the petitioner may reside.

ART. 7. The petition shall contain : (1) A description of the invention or improvement proposed. (2) Plans or models descriptive of the same. (3) An inventory and description of the models presented. (4) A clear and correct explanation of the main object of the patent, with all its details and indication of its appliances. (5) The term for which the patent is asked. (6.) The description of security offered for the proper carrying out of the invention.

ART. 8. The petition shall be clearly written in the Spanish lan-



grage, and all numbers, weights and measures to be those in use in the republic. If one of the petitioners shall be a foreigner, the petition must contain a clause expressly renouncing all diplomatic intervention, in the event of there arising any question relative to the patent solicited; and that such question shall be submitted absolutely and exclusively to the laws and courts of the republic. Without this clause no proposal will be entertained.

ART. 9. The prefect and municipal corporation, will consult the fiscal, or agent of the fiscal, and the other functionaries, to which the class of patent may pertain, and will also hear the judgment of the experts, if necessary; after the above formulas, and respective report, the plans, models, etc. will be passed to the ministry at the expense of the supplicant.

ART. 10. The minister to whom this branch of privilege appertains, will consult the fiscal of the Supreme Court and the various offices through which he may deem fit to refer it.

ART. 11. The extension of a privilege or any modification or alteration of the same, can be given, only by a vote of the Legislature, on the solicitation of the interested parties showing good reasons and documents why such should be conceded.

ART. 12. The patentee is the only person allowed to make use of the patent during the time conceded. Any other person using the same will require a deed of transfer or other form expressed by law.

ART. 13. All patents shall be considered null and void: (1.) If the discovery or application is not new. (2.) If they are not comprehended in the provisions of Art. 2. (3.) If based on principles, methods, systems, discoveries, theories, or sciences, whose application to the industries have not been specified. (4.) If the discovery, invention, or application should be contrary to the public order, the public security, or the laws; without prejudice in such case, to the fines against the manufacture or sale of prohibited articles expressed by law. (5.) If any fraud be discovered, on the part of the patentee, to obtain, under his patent, any object distinct from the true invention. (6.) If on putting in practice the invention, it should be found not to conform to the description that accompanied the application for same. (7.) If the patent has been obtained otherwise than in conformity with the above laws. (8.) If on giving the concession of the patent any pecuniary subversion should be conceded, or other special concession contrary to the laws, that is not embraced in the Budget of the republic.

Any grant shall also be declared null and void which refers to changes, improvements, or additions to concessions, that are not expressed in the original application for the patent.

ART. 14. Any discovery, invention, or application, either in Peru or any foreign country, that may exist, anterior to the date of application, and which shall have had sufficient publicity to have been put into use, will not be considered as new.

ART. 15. The patent will forfeit all its rights: (1.) If the yearly tax or amount stated in Art. 5 is not paid. (2.) If the discovery or invention shall not be put into use within the term of two years or in the term expressed in the patent, unless the cause of its detention can be legally justified. (3.) If articles manufactured in foreign countries should be introduced similar to those patented by the patentee, with the exception, only, of models of machinery whose introduction shall be authorized, after formal inspection, by the government.

ART. 16. Any person that by advertisement, prospectus, placard, mark or stamp, claiming to himself the title of patentee, without legally holding a patent, or after the patent has expired, will be fined 50 to 1000 soles without exempting him from the penalties against the crime of fraud.

ART. 17. Any person who may consider himself lawfully interested, has the right to solicit the nullity or cessation of a patent; in which case the fiscal will intervene, and should the patent be declared null and void, whatever may be the cause, he will give due notice through the proper person, to the respective office.

ART. 18. Every infringement on the right of a patent, be it for the manufacture of products, or the employment of means embraced in the patent, constitutes the crime of fraud; and will be prosecuted according to the gravity of the case, with a fine in favor of the party interested, and the confiscation of the industry or manufacture falsified.

ART. 19. Any exclusive concessions or patents that may exist at the present date, and that may have been given in compliance with former laws, will retain their rights for the full term conceded.

## TASMANIA.

*Law No. 2, of October 20, 1884.*

AN ACT to make provision for the mutual protection of patents for inventions and trade-marks granted or registered in Tasmania or the United Kingdom.

Whereas, by section 104 of the act of the Imperial Parliament to amend and consolidate the law relating to patents for inventions, registrations of designs and of trade-marks, known as the "Patents, Designs and Trade-Marks Act, 1883," provision is made whereby it is rendered lawful for her Majesty, where it is made to appear that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs and trade-marks patented or registered in England, by order in Council to apply the provisions of section 103 of said act, with such variations or additions, if any, as to her Majesty in Council may seem fit, to such British possession.

And whereas it is expedient that the legislature of Tasmania should make such provision as aforesaid,

Be it therefore enacted : &c., &c.

1. In this act "the said acts" mean "the patent law act" and "the merchandise marks act, 1864."

2. (1.) Any person who has applied for protection for any invention or trade-mark in the United Kingdom shall be entitled to a patent for his invention, or to registration of his trade-mark, (as the case may be,) under the said acts, in priority to other applicants ; and such patent or registration shall have the same date as the date of the protection obtained in the United Kingdom : Provided, That his application is made, in the case of a patent, within seven months, and in the case of a trade-mark within four months, from his applying for protection in the United Kingdom : Provided, That nothing in this section contained shall entitle the patentee or proprietor of a trade-mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification or the actual registration of his trade-mark in Tasmania, as the case may be.

(2.) The publication in Tasmania during the respective periods aforesaid of any description of the invention, or the use therein

during such periods of the invention, or the use therein during such periods of the trade-mark, shall not invalidate the patent which may be granted for the invention or the registration of the trade-mark.

(3.) The application for the grant of a patent or the registration of a trade-mark under this act must be made in the same manner as an ordinary application under the said acts, and shall be subject to the payment of the same fees: Provided, That in the case of trade-marks, any trade-mark the registration of which has been duly applied for in the United Kingdom may be registered under the merchandise marks act, 1864.

This act shall not come into operation until her Majesty shall, by order in Council, apply the provisions of section 103 of the patents, designs and trade-marks act, 1863, to Tasmania, with such variations or additions, if any, as to her Majesty in Council may seem fit; but this act shall thereafter come into operation as soon as such order in Council shall have been publicly made known in the colony.

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