

That the petitioner has wilfully made a false statement in his petition or specification ; or,

That some part of the invention, or the manner in which that part is to be carried out as described in the said specification, is not thereby sufficiently described and defined, and that such defect or insufficiency was fraudulent, and is injurious to the public.

Service of Proceedings on all Persons interested.

32. Notice of any rule obtained or proceeding taken under either of the last three preceding sections shall be served on all persons appearing to be proprietors, or to have shares or interests in the exclusive privilege under the provisions of section 23 of this Ordinance, and it shall not be necessary to serve such notice on any other persons.

Court may direct Issue for Trial.

33. The Supreme Court may, if it think fit, direct an issue for trial of any question of fact arising upon an application under sections 30 or 31 of this Ordinance, and such issue shall be tried in the usual manner for trying issues of fact in the said Court.

Judgment.—Costs.

34. If it shall appear to the Supreme Court, at the hearing of any application under the provisions of sections 30 or 31 of this Ordinance, that, by reason of any of the objections therein mentioned, the said exclusive privilege in the invention, or in any part thereof, has not been acquired, the Court shall give judgment accordingly, and shall make such order as to the costs of, and consequent upon, the application, as it may think just ; and thereupon the petitioner, his heirs, executors, administrators, and assigns, shall, so long as the judgment continues in force, cease to be entitled to such exclusive privilege.

Amendment of Specification by Court.—Proviso.

35. If the Court, at the hearing of any application under this Ordinance, shall think that the petitioner has, in the description of the invention given in his petition or specification, included something which at the date of the petition was not new, or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect,

or insufficiency was not fraudulently intended, the said Court may adjudge the said exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by such error, defect, or insufficiency; or if the Court shall think that the error, defect, or insufficiency can be amended without injury to the public, it may adjudge the exclusive privilege in the whole of the invention to be valid, and may, upon such terms as shall appear reasonable, order the specification to be amended in any of the said particulars; and thereupon the petitioner, his heirs, executors, administrators, or assigns, shall, within the time limited by the Court for the purpose, file a specification amended according to such order.

Provided that no such amended specification shall have the effect of extending or enlarging the exclusive privilege before acquired.

Misdescription in the Petition, if not fraudulent, not to defeat the Privilege.

36. An exclusive privilege shall not be defeated upon the ground that there is any misdescription of the invention in the petition, unless such misdescription was fraudulent.

Entry in Registry Book of Judgment declaring Privilege not to have been acquired.

37. Whenever it shall be adjudged by the said Court that an exclusive privilege as to the whole or any part of an invention has not been acquired, the Colonial Secretary shall, upon the production of a certified copy of the judgment or order of the Court, cause an entry thereof to be made in the register hereinbefore in section 20 directed to be kept, and shall cause a reference to such entry to be made in the margin of the entry of the specification contained in such register.

Appeal to Privy Council.

38. Nothing in this Ordinance contained shall be held to affect the right of appeal to Her Majesty in Her Privy Council. Every such appeal may be had, and proceedings therein shall be subject to the Rules, Orders, and Regulations in force, or to be in force, in the Colony for appeals to Her Majesty in Her Privy Council from decisions of the Supreme Court of the Colony.

SCHEDULE.

A.

Form of Petition.

To His Excellency the Governor of the Colony of the Straits Settlements in Council:—

The Petition of [*here insert name, addition, and place of residence*], for leave to file a specification under the Inventions Ordinance, 1871, sheweth,—

That your Petitioner is in possession of an invention for [*state the title of the invention*], which invention he believes will be of public utility; that he is the inventor or owner of the said invention [*or, as the case may be, the assignee, or the executor, or administrator, or heir of the inventor or owner of the said invention*]; and that the same is not publicly known or used in the Colony, to the best of his knowledge and belief [*or, as the case may be, that he is the first importer into the Colony of the said invention, and that the same is not publicly known or used in the Colony*].

N.B.—*If Letters Patent have been obtained for the invention, state according to the requirements of Section 14.*

The following is a description of the invention [*here describe it as required by Section 11*].

Your Petitioner therefore prays for leave to file a specification of the said invention, pursuant to the provisions of the Inventions Ordinance, 1871. And your Petitioner, &c.

(Signed)

The day of

B.

Declaration to accompany a Petition.

I [*here insert name, addition, and place of residence*], do solemnly and sincerely declare that I am in possession of an invention for [*state the title of the invention as in the petition*]; that I believe the said invention will be of public utility; that I am the inventor [*or owner*] of the said invention [*or, as the case may be, the assignee, or executor, or administrator, or heir of the inventor or owner of the said invention, or that I am the first importer of the said invention into this Colony*], and that the same is not publicly known or used in the Colony to the best of my knowledge and belief; and that, to the best of my knowledge and belief, my said

invention is truly described in my Petition for leave to file a specification thereof.

(Signed)

The day of

C.

Declaration to accompany a Specification.

I [*here insert name, addition, and place of residence*], do solemnly and sincerely declare that I am in possession of an invention for [*state the title of the invention*], which invention I believe will be of public utility; that I am the inventor or owner of the said invention [*or, as the case may be, the assignee, or executor, or administrator, or heir of the inventor or owner of the said invention, or that I am the first importer of the said invention into this Colony*], and the same is not publicly known or used in this Colony to the best of my knowledge and belief; and that, to the best of my belief, the instrument in writing under my hand, hereunto annexed, particularly describes and defines the nature of the said invention, and in what manner the same is to be carried out.

(Signed)

The day of

D.

Declaration by Agent.

I , of , do solemnly and sincerely declare that I have been appointed by the said , his agent for the purpose of , and I verily believe that the declaration purporting to be the declaration of the said , marked (), was signed by him, and that the contents thereof are true.

(Signed)

The day of

E.

Form of Grant.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

(Signed) [*Signature of Governor.*]

To all to whom these presents shall come,
Greeting :

Whereas *A. B.*, of *C. D.*, has presented to [*insert name of Governor*], Governor of the Colony of the Straits Settlements, a petition (numbered

in the book of petitions for exclusive privileges in inventions in the Office of the Colonial Secretary) praying for leave to file a specification of a certain invention intituled [*here insert the title of invention*], and an order in Council, dated the day of , 18 , was made thereon, authorising the said *A. B.* to file a specification of the said invention: And whereas the said *A. B.* did on the day of , 18 , file a specification in accordance with the said order, and the same is entered in the Book of Specifications of the Colonial Secretary, and bears the number therein: And whereas all things have been done to entitle him to exclusive privilege in the invention in the said petition and specification instituted, mentioned, and described for the term of years: It is hereby ordered that the said *A. B.*, his heirs, executors, administrators, and assigns, shall have the exclusive privilege of making, selling, and using (as the case may be) the said invention in the said specification described in the Colony of the Straits Settlements for the term of years, in terms of and subject to the provisions of the Inventions Ordinance, 1871 [*here insert any condition under which the grant is made*].

(Signed)

Colonial Secretary.

S W E D E N.

Law of 16th May, 1884, which will take effect from the 1st January, 1885.

§ 1.

Patents may, under the conditions hereinafter prescribed, be granted for inventions of industrial productions or of special methods of manufacturing such productions.

Inventors only, Swedish or foreign, or the legal representatives of inventors, are entitled to obtain patents.

§ 2.

Patents shall not be granted for inventions the working of which would be contrary to law or morals. With regard to inventions relating to provisions or medicines, patents shall not be granted for the commodity itself, only for special methods for its manufacture.

§ 3.

An invention shall not be considered as new, if it has, prior to filing the application for a patent with the patent authorities, been described in any published journal, or is so openly worked that any person conversant with the subject may, guided by the information thus gained, work the invention, or if the object of the invention does not essentially differ from products or methods of manufacture which have before become known in such a way.

The publication of an invention in print by foreign patent

authorities or the exhibition of the same in any international exhibition shall not be an obstacle to the granting of a patent, provided the application is filed within six months from the date of publication or the day the exhibition commenced.

§ 4.

1. Whoever wishes to obtain a patent shall lodge a written application with the patent authorities or send it prepaid by post. The application must be accompanied by a duplicate description of the invention and the drawings in duplicate which are required to explain the description; and when necessary, also by models, samples or the like.

The application shall contain the name, profession and postal address of the applicant, likewise the title of the invention.

The description must be given in so explicit and complete a manner that any person conversant with the subject may, thus guided, work the invention.

The description must also state what the inventor considers to be novel in the invention.

When the applicant does not reside in the country he must also deposit a power of attorney to an agent, residing in the country, authorising him to represent the inventor in everything pertaining to the patent.

If patents are applied for for several inventions, separate applications must be lodged for each.

2. If the applicant names another person as the inventor he shall produce papers authorising him to represent the inventor.

3. The applicant is also required to pay a fee amounting to fifty crowns according to § 11.

§ 5.

If the patent authorities find that the applicant has not fulfilled the provisions of § 4 (1.) a written notice to that effect will be kept at the office for him; or, if a full postal address is furnished, the notice will be sent to him by post. Should the applicant not supply the deficiency within the date fixed by the patent authorities the application will be considered abandoned.

§ 6.

Should it be deemed that the object of the invention is of such a character that a patent may not be granted, or that the invention evidently is not new, or if the applicant upon stating

that another person is the inventor has not proved himself to be the legal representative of the inventor, or if the applicant has failed to pay the fee prescribed by § 4 (3); the patent authorities shall immediately reject the application.

Notice of such a decision together with the reasons for rejection will be communicated to the inventor in accordance with § 5.

§ 7.

If the several documents for application are complete, and there is no cause for immediate rejection of the application as provided in § 6, the patent authorities shall give notice of the application in the newspapers stating the main features thereof, likewise it shall be the duty of the said authorities to keep the documents of application accessible to every person desiring to obtain knowledge of the same. And every one intending to contest the application for the patent shall, within a period of two months from the date of the announcement of the application, be permitted to file with the patent authorities a written protest.

At the end of that period the patent authorities shall take up the case under consideration.

If there is nothing to impede the granting of the application the patent may be granted and Letters Patent be issued, saving however the right of contest provided for in § 18. It shall be the duty of the patent authorities to enter the grant in a register kept for that purpose and to make it public by notices in the newspapers and to have the description, with the necessary supplements in their essential parts, printed and published in a suitable way.

If the application is rejected the decision shall be communicated to the applicant in the form enacted by § 6.

§ 8.

In cases where an application for a patent has been rejected in pursuance of §§ 6 and 7, and the applicant declares himself dissatisfied with this decision, he may appeal to the King before twelve o'clock upon the sixtieth day after the date of the decision or the privilege of appeal shall be lost.

§ 9.

When several persons desire to obtain a patent for the same or a similar invention, the right of preference will be granted to the inventor whose documents for application, prepared in conformity to law, were earliest lodged with the patent authorities.

§ 10.

Letters Patent shall, except in the case hereinafter stated, be issued for a period of fifteen years from the day the application was filed.

Any person desiring to obtain a patent of addition for improvements upon inventions patented before as his own, without applying for a new patent, may upon complying with the conditions hereinbefore stated, have this granted for the same period as that for which the prior patent is valid.

§ 11.

On each application for a patent a fee amounting to fifty crowns shall be paid to the patent authorities as provided in § 4. Should the application be rejected or forfeited half that sum will be returned to the applicant.

Upon each patent granted, with the exception of patents of addition, the patentee shall pay to the patent authorities an annual fee amounting for the second, third, fourth and fifth years of the patent to twenty-five crowns, each year, and for each of the following five years fifty crowns, and for each of the remaining five years seventy-five crowns. The fee may be sent prepaid by post, and shall for each year of the patent be paid before the commencement of that year, under penalty of the fee for that year being increased by one fifth. Should the payment of the increased fee be afterwards neglected, then at the end of the first ninety days of the new year of the patent, the patent shall be considered as forfeited. The patentee has not to pay, over and above the fees here prescribed, the expenses of publishing the patent or the description.

§ 12.

If the patent is assigned to another person, notice of such proceeding, together with the documents proving the assignment shall be presented to the patent authorities. Unless such notice is given, the patentee latest entered in the records shall be considered by the patent authorities as patentee.

§ 13.

In case a patentee is about to reside abroad, or the patent has been assigned to a person who does not live within the country,

it shall be the duty of the patentee to deposit with the patent authorities a power of attorney to a legal representative as provided under § 4 (1). Should the agent of the patentee go away to reside abroad, or his charge be otherwise discontinued, the patentee must deposit a power of attorney to another agent. If these provisions are not observed, the judge of the Court shall upon being duly notified of the matter appoint an agent for the patentee.

§ 14.

If the fees are paid and the proceedings completed as provided by §§ 12 and 13, the patent authorities shall register the payment in the records pursuant to § 7.

§ 15.

It shall be the duty of the patentee within three years from the date at which the patent was granted to have the invention worked within the country to an adequate extent. But the patent authorities may allow at the time the patent is granted, or afterwards, should it be requested, and having regard to the character and extent of the invention, a prolongation of the period up to four years. They may also determine in exceptional cases what measures, taken by the patentee, shall be considered to have complied with the conditions of working the invention.

If the patentee has within the period prescribed failed to comply with the conditions required for working the invention, or if the working of the invention is subsequently abandoned and not afterwards resumed within a year, the patent shall be forfeited.

§ 16.

Claims in relation to patents shall not be valid against any person who at the time the application for the patent was filed had worked the patented invention or made extensive preparations for such working.

§ 17.

If the King considers it necessary that a patented invention shall be open to the free use of the public, or appropriated on account of the State, the patent shall be no obstacle, the

patentee shall however be entitled to full compensation. If the amount of compensation cannot be agreed upon it shall be fixed by a special jury, appointed by the Court, according to the provisions for expropriation of land or homesteads required for public purposes.

§ 18.

Should a patent have been obtained contrary to the provisions of §§ 1, 2 and 3 any person who considers his rights violated through the patent granted, and also the Public Prosecutor, when the interest of the public demands such proceedings, may contest before the Court the validity of the patent.

§ 19.

All and every one who alleges that a patentee through negligence in complying with the regulations prescribed by § 15 has forfeited his patent, may proceed before the Court.

§ 20.

The Court before whom it shall be lawful to proceed in cases coming under §§ 17, 18 and 19, shall be the Court of the City of Stockholm.

§ 21.

If the validity of a patent has been contested, and the contest has been decided, the decision shall, through the Court, be transmitted to the patent authorities.

§ 22.

Any person who without the permission of the patentee, except in cases coming under §§ 16 and 17, manufactures goods in the country with an intent to sell, or for such manufacture employs a method of which he knows another person to be the lawful patentee; or who sells in the country or imports into the country for sale, goods patented here or made according to methods of manufacturing which he knows to be patented here, which methods he appropriates without permission of the patentee, shall be liable to a fine varying from twenty to two thousand crowns, and he shall be also liable to all the damages. No one but the patentee has the right to take proceedings for these penalties.

Goods unlawfully manufactured or unlawfully imported into the country shall, when the complainant so demands, be de-

livered up to him against compensation for the value, or against deduction therefor from the damages due to the complainant. Implements exclusively applicable for the unlawful manufacture may, when the complainant requires it, be destroyed to prevent further mischief.

Persons accused under this section (§ 22) who continue the offence during the proceedings shall, when legally convicted be called to account for each separate time a warrant has been issued and served.

Money fines according to this section go to the crown. In cases of destitution when the fine cannot be fully paid, imprisonment may be substituted according to the general penal code.

§ 23.

Should any person be accused of interfering with the rights of another person under a patent, and in the course of the proceedings the patent be found invalid, forfeited, or the claim unfounded, the person under prosecution shall be acquitted.

§ 24.

When a patent has ceased to be valid, either in consequence of the provisions prescribed by this law, or when the patentee has notified to the patent authorities his intention to give up the patent, it shall be the duty of the patent authorities to cause the same to be cancelled in the register, and also to have notices of the cancellation published in the newspapers.

§ 25.

With regard to patents granted in a foreign state, where patents granted in this country are treated with corresponding consideration, be it enacted that persons, who within seven months from the day the application was filed in the foreign state, apply for a patent for the same invention in this country, shall with regard to this application in relation to earlier applications for patents, be considered as if the application was filed in this country at the same date as the application was filed in the foreign state.

§ 26.

More detailed provisions relating to the character of the documents required when an application is lodged, to the entering of patents, and to the publication of the descriptions of patents, will be issued by the King.

§ 27.

The regulations contained in this law shall take effect from the first day of January, 1885, and applications for patents filed prior to that date shall be proceeded with in accordance with the provisions hitherto observed, also any court, where the validity of a patent has been contested prior to the said date, may, notwithstanding the provisions of § 20, proceed with the case.

If Letters Patent have been issued according to prior laws and a patentee desires the same to be exchanged for another, granted pursuant to this Law, he may lodge an application for that purpose with the patent authorities, when the provisions stated in this law shall be observed relative to the application, questions as to the novelty of the invention being decided with regard to the period when the former patent was granted. If a second patent is granted the period of its validity shall be considered to commence at the same date as that of the patent previously issued, and the annual fees to be paid shall be according to the date of the first patent.

TASMANIA.

Act No. XXII., 5th November, 1858.

AN ACT TO REGULATE THE GRANTING OF LETTERS
PATENT FOR INVENTIONS.

[NOTE.—The words “Registrar of Patents” in italics are alterations made by the Amending Act of 1883.]

Preamble.

WHEREAS it is expedient to promote and encourage the discovery and use of new manufactures, and to afford greater facilities for obtaining for a limited period the exclusive enjoyment thereof by means of Letters Patent: Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Interpretation.

1. In the construction of this Act the following expressions shall have the meanings hereby assigned to them, unless such meanings are repugnant to or inconsistent with the context:

“Law Officer” shall mean Her Majesty’s Attorney-General or Solicitor-General for the time being of the Colony of Tasmania:

“Invention” shall mean any manner of new manufacture the subject of Letters Patent and Grant of Privilege within the meaning of this Act:

“Petition,” “Declaration,” “Specification,” “Appointment to hear Application,” “Warrant,” and “Letters Patent,” respectively, shall mean instruments in the form and to the effect in the Schedule, subject to such alterations as may, from time to time, be made therein under the powers and provisions of this Act.

Power to grant Letters Patent for Inventions.

2. It shall be lawful for the Governor, with the advice of the Executive Council, in the name and on behalf of Her Majesty the Queen, to make and issue, in the manner hereinafter mentioned, Letters Patent and Grants of Privilege for any term not exceeding fourteen years from the date thereof of the sole working or making of any manner of new manufactures within this Colony to the true and first Inventor of such manufactures, which others at the time of making such Letters Patent and Grants do not use, so as also they be not contrary to law nor mischievous to the community by raising prices of commodities, or hurt of trade, or generally inconvenient.

Governor to make Rules for executing Act.

3. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time, to make such rules and regulations, not inconsistent with the provisions of this Act, as may appear to be necessary and expedient for the purposes of this Act; and all such rules and regulations shall be laid before both Houses of the Parliament of Tasmania within fourteen days after the making thereof if Parliament is then sitting, and if Parliament is not then sitting, then within fourteen days after the next meeting of Parliament.

Mode of applying for Letters Patent for Inventions.

4. Every application for the Grant in this Colony, under this Act, of Letters Patent for inventions, shall be made by petition to the Governor, the allegations of which petition shall be supported by a declaration, to be made and subscribed by the applicant, that he is the true and first Inventor, and that the article has not to his knowledge or belief been before made or used in this Colony; and such petitions and declarations shall be lodged at the office of the *Registrar of Patents*, and shall be in the form in the Schedule, or to the like effect.

*On application for Letters Patent Inventor to deposit Specification.—
Specification may be amended before Patent issues.*

5. The applicant for Letters Patent for an invention shall, at the time of lodging such petition and declaration as aforesaid, deposit at the said office of the *Registrar of Patents* an instrument in writing under his hand and seal, hereinafter called a specification, particularly describing and ascertaining the nature of the said invention, and in what manner the same is to be performed, which specification shall be mentioned in and annexed to the declaration; and shall also then deposit at the said office a copy of such instrument, and of the drawings accompanying the same, if any; and the day of the deposit of every such specification shall be recorded at the said office and endorsed on such specification, and a certificate thereof given to such applicant or his agent; and thereupon, subject and without prejudice to the provisions hereinafter contained, the said invention shall be protected under this Act for the term of six months from the day of such deposit, and the applicant shall have during such term the like powers, rights, and privileges as might have been conferred upon him by Letters Patent for such invention issued under this Act, and duly sealed as of the day of such deposit; and during the continuance of such powers, rights, and privileges under this provision, such invention may be used and published without prejudice to any Letters Patent to be granted for the same; and where Letters Patent are granted in respect of such invention, such Letters Patent shall be conditioned to become void if such specification does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed: Provided always, that in case the title of the invention or the said specification is too large or insufficient, it shall be lawful for the law officer during the said term of six months, and before the grant of the Letters Patent, to allow or require the same to be amended, or another and sufficient specification to be deposited in lieu of such specification as aforesaid; and every such amended or new specification shall have the same force, effect, and operation as if it had been originally deposited in its amended or new state.

Forms and size of Specification and Copy.

6. Every such specification shall be in the form in the Schedule, or to the like effect, and shall be written upon parch-

ment upon both sides, and every page thereof shall be of the exact size of twenty inches in length by fifteen inches in breadth, leaving a margin of at least one inch and a-half on each side of every such page in order and to the intent that the same may be bound into books for safe custody, but the drawings accompanying such specification, if any, may be made upon larger sheets of parchment, leaving a margin of the size and for the purpose aforesaid; and every copy of any such specification as aforesaid, and of the drawings accompanying the same, if any, shall in like manner be written upon paper of the size and with the margins aforesaid.

Petition of true Inventor not to be affected by protection obtained in fraud of true Inventor.

7. In case of any application for Letters Patent for an invention, and the obtaining of protection for the same by reason of the deposit of any such specification as aforesaid in fraud of the true and first inventor, any Letters Patent granted to the true and first inventor of such invention shall not be invalidated by reason of such application or of such protection as aforesaid, or of any use or publication of the invention subsequent to such application and before the expiration of the said term of protection.

Mode of Proceeding after deposit of Specification.

8. The applicant, so soon as he thinks fit after the deposit of such specification as aforesaid, and of the drawings and models accompanying the same, if any, may give notice in writing at the office of the law officer of his intention to proceed with his application for Letters Patent for the said invention, stating in such notice the title of the said invention, and the day on which the specification thereof was deposited at the office of the *Registrar of Patents*, and shall at the time of giving such notice produce the said certificate of deposit; and thereupon the law officer shall deliver to the applicant or his agent an appointment to hear the application in the form in the schedule, or to the like effect; and such applicant or agent shall cause the said appointment to be published once in the Gazette and twice in some newspaper published in Hobart Town and in Launceston; and any persons having an interest in opposing the grant of Letters Patent for the said invention shall be at liberty to leave particulars in writing of their objections to the said application at

the office of the law officer within such time, not being less than one month, as the law officer by such appointment may direct.

Law Officer to hear Application and Objections.

9. At the time and place named in the said appointment the applicant shall produce the Gazette and newspapers containing the same; and the law officer shall thereupon hear and consider the said application, and all objections to the same mentioned in the said particulars, if any, and for that purpose shall obtain from the office of the *Registrar of Patents* the copy of the specification and of the drawings and models accompanying the same, if any; and the law officer may call to his aid such scientific or other person as he may think fit, and may cause such remuneration to be paid to such person as he thinks proper: Provided always, that the applicant, the objectors, and their respective witnesses and evidence, shall be respectively heard, examined, and considered separately and apart from and in the absence of the other and his witnesses and evidence.

Law Officer may order by and to whom Costs to be paid.

10. It shall be lawful for the law officer, if he sees fit, by certificate under his hand, to order by and to whom the costs and expenses of any hearing or inquiry upon any objection, or otherwise in relation to the grant of such Letters Patent, shall be paid, and in what manner and by whom such costs are to be ascertained; and if any costs so ordered to be paid are not paid within four days after the amount thereof is so ascertained, it shall be lawful for such law officer to make an order for the payment of the same; and every such order may be made a rule of the Supreme Court.

Law Officer may issue Warrant for sealing Letters Patent.

11. It shall be lawful for the law officer, after such hearing and consideration as he may think fit, to issue a warrant under his hand and seal for the sealing of Letters Patent for the said invention, and such warrant shall set forth the tenor and effect of the Letters Patent thereby authorized to be granted, and shall direct the insertion in such Letters Patent of all such restrictions, conditions, and provisos as the law officer may deem usual and expedient in such grants, or necessary in pursuance of the provisions of this Act; and the said warrant shall be the

warrant for the making and sealing of Letters Patent under this Act according to the tenor of the said warrant; and every such warrant shall be in the form in the schedule or to the like effect.

Writ of Scire Facias.

12. The writ of *scire facias* shall lie for the repeal of any Letters Patent issued under this Act in the like cases as the same would lie in England for the repeal of Letters Patent which may now be issued under the Great Seal; and in case the grantee does not reside in this colony, it shall be sufficient to file such writ in the proper office of the Supreme Court, and serve notice thereof in writing at the last known residence or place of business of such grantee.

Nothing to affect Prerogatives of Crown in granting or withholding Letters Patent.

13. Nothing herein contained shall extend to abridge or affect the prerogatives of the Crown in relation to the granting or withholding the grant of any Letters Patent; and it shall be lawful for the Governor in Council to direct such law officer to withhold such warrant as aforesaid, or that any Letters Patent for the issuing whereof he may have issued a warrant as aforesaid shall not issue, or to direct the insertion in any such Letters Patent of any restrictions, conditions, or provisoes, in addition to or in substitution of any restrictions, conditions, or provisoes which would otherwise be inserted therein under this Act; and it shall also be lawful for the Governor in Council to direct the specification in respect of the invention described to be cancelled in any case in which Letters Patent may have been refused to be granted, and thereupon the protection obtained by the deposit of such specification shall cease.

Letters Patent to be void on Non-Performance of Conditions.

14. All Letters Patent for inventions granted under this Act shall be in the form in the schedule or to the like effect, and be made subject to the condition that the same shall be void, and that the powers and privileges thereby granted shall cease and determine, at the expiration of three years and seven years respectively from the date thereof, unless there is paid before the expiration of the said three and seven years respectively the sum or sums of money in that behalf by this Act

required to be paid; and the Colonial Treasurer shall issue under his hand a certificate of such payment, and shall endorse a receipt for the same on the Letters Patent.

Registrar of Patents to issue Letters Patent.

15. The *Registrar of Patents*, so soon after the receipt by him of the said warrant as he is required by the applicant, shall cause to be prepared Letters Patent for the invention according to the tenor of the said warrant; and it shall be lawful for the Governor in Council to cause such Letters Patent to be sealed with the seal of the colony; and such Letters Patent shall be made applicable to this colony, and shall be valid and effectual within the same.

Letters Patent to be issued within certain time.

16. Save as hereinafter mentioned, no Letters Patent shall issue on any warrant granted as aforesaid unless application is made to seal such Letters Patent within three months after the date of the said warrant, nor shall any Letters Patent be issued or be of any force or effect unless such Letters Patent are granted during the continuance of the protection conferred under this Act by reason of such deposit as aforesaid.

Letters Patent may issue after that time in certain cases.

17. Where Letters Patent have not been sealed during the continuance of such protection as aforesaid, and the delay in such sealing has arisen from accident and not from the neglect or wilful default of the applicant, it shall be lawful for the Governor, if he thinks fit, to seal such Letters Patent at any time, not being more than one month after the expiration of such protection; and where the applicant for Letters Patent dies during the continuance of such protection as aforesaid, such Letters Patent may be granted to the executors or administrators of such applicant during the continuance of such protection, or at any time within three months after the death of such applicant, notwithstanding the expiration of the term of such protection; and the Letters Patent so granted by virtue of this section shall be of the like force and effect as if they had been granted to such applicant during the continuance of such protection; and in case any Letters Patent are destroyed or lost, other Letters Patent of the like tenor and effect, and sealed and dated as of the same day, may, subject to such regulations

as the Governor in Council may direct, be issued under the authority of the warrant in pursuance of which the original Letters Patent were issued.

Letters Patent to bear date of the deposit of Specification, and to be conclusive as to preliminary steps and Proceedings.

18. Notwithstanding any law to the contrary, all Letters Patent to be issued in pursuance of this Act shall be sealed and bear date as of the day of the deposit of such specification as aforesaid; and such Letters Patent shall be of the same force and validity as if they had been sealed on the day as of which the same are expressed to be sealed and bear date; and after any Letters Patent have been issued under this Act it shall not be necessary or material to inquire or ascertain whether such appointment to hear the application as aforesaid has or has not been delivered and published in the manner hereinbefore mentioned and directed.

Letters Patent for foreign Inventions not to continue after expiration of foreign Patent.

19. Where upon any application made under this Act Letters Patent are granted for or in respect of any invention first invented in parts out of this Colony, and a patent or the like privilege for the monopoly or exclusive use or exercise of such invention in any part out of this Colony is there obtained before the grant of such Letters Patent in this Colony, all rights and privileges under such Letters Patent shall, notwithstanding any term in such Letters Patent limited, cease and be void immediately upon the expiration or other determination of the term during which the patent or like privilege obtained in such part out of this Colony continues in force, or where more than one such patent or like privilege is obtained abroad, immediately upon the expiration or determination of the term which first expires or is determined of such several patents or like privileges: Provided always, that no Letters Patent for or in respect of any invention for which any such patent or like privilege as aforesaid has been obtained abroad, granted in this Colony after the expiration or determination of the term for which such patent or privilege was granted or was in force, shall be of any validity.

Letters Patent not to prevent the use of Inventions in foreign Ships resorting to Ports of this Colony.

20. No Letters Patent for any invention granted in pursuance of this Act shall extend to prevent the use of such invention in any foreign ship or vessel, or for the navigation of any foreign ship or vessel which may be in any port of this Colony, or in any of the waters within the jurisdiction of any of Her Majesty's Courts in this Colony, where such invention is not so used for the manufacture of any goods or commodities to be vended within or exported from this Colony: Provided always that this enactment shall not extend to the ships or vessels of any foreign state, the laws of which authorize subjects of such foreign state having patents or like privileges for the exclusive use or exercise of inventions within its territories to prevent or interfere with the use of such inventions in British ships or vessels, or in or about the navigation of British ships or vessels while in the ports of such foreign state, or in the waters within the jurisdiction of its Courts, where such inventions are not so used for the manufacture of goods or commodities to be vended within or exported from the territories of such foreign state.

Specifications, &c., to be filed.

21. Every specification deposited at the office of the *Registrar of Patents* as aforesaid, and the drawings and models accompanying the same, if any, and all such petitions and declarations as aforesaid, shall forthwith after the grant of the Letters Patent, or if no Letters Patent are granted then immediately on the expiration of six months from the time of such deposit, or upon the specification being so cancelled as aforesaid, be transferred to, kept, and filed in such office as the Governor in Council from time to time appoints for that purpose; and the copies of such specifications, and the drawings and models, if any, accompanying the same, shall also be forwarded to and kept at the same office.

Applications to disclaim or make Alterations.

22. Any person who obtains Letters Patent under this Act, or in case such person departs with the whole or any part of his interest by assignment, such person together with the assignee if part only has been assigned, or the assignee alone if the whole

has been assigned, may apply to the law officer for leave to enter a disclaimer of any part of either the title of the invention or of the specification, or a memorandum of any alteration in the said title or specification, not being such a disclaimer or such an alteration as extends the exclusive right granted by the said Letters Patent; and thereupon the law officer shall deliver to such applicant or his agent an appointment to hear such application in the form in the schedule or to the like effect; and such applicant or his agent shall thereupon cause such disclaimer, stating the reason for the same, or such memorandum of alteration, to be written at the foot of the said appointment, and cause the same respectively to be published in the manner hereinbefore required with respect to the publication of the appointment to hear an application for Letters Patent; and any person having an interest in opposing the said application shall be at liberty to leave particulars in writing of their objections to the same at the office of the law officer, within such time not being less than one month as the law officer, by such appointment, may direct: Provided always, that where such application as aforesaid is for leave to enter a disclaimer of any part of the title of the said invention or a memorandum of any alteration in such title, the law officer may dispense with such appointment and publication, and in that case shall certify in the fiat hereinafter mentioned that he has dispensed with the same.

Law Officer to hear Applications for leave to Disclaim.

23. At the time and place named in such appointment the said applicant shall produce the Gazette and newspapers containing the same, and the said disclaimer or memorandum of alteration at the foot thereof; and the law officer shall thereupon hear and consider the said application, and all objections to the same mentioned in the said particulars, if any, and all such power and authority shall and may be exercised upon that occasion by the law officer as by virtue of the provisions hereinbefore contained can and may be exercised in relation to the hearing and considering an application for Letters Patent and objections to the same, and shall and may be enforced in like manner.

Disclaimers and Alterations to be entered and filed.

24. After such hearing and consideration, or without such hearing and consideration where the said appointment and

publication have been dispensed with as aforesaid, such applicant may, by leave of the law officer, to be certified by a fiat under his hand to be written at the foot of the same parchment with the disclaimer or memorandum, enter such disclaimer, stating the reason for the same, or such memorandum of alteration; and such disclaimer or memorandum of alteration and fiat shall be filed in the office in which specifications are appointed to be filed as aforesaid, with the specification of the invention to which the same relate; and such disclaimer or memorandum of alteration, being so filed in such office, shall be deemed and taken to be part of the Letters Patent or the specification, and subject to the several incidents thereof, in all courts whatever, and shall be valid and effectual in favour of any person in whom the rights under the said Letters Patent may then be or thereafter become legally vested; and such filing of any disclaimer or memorandum of alteration in pursuance of the leave of the law officer certified as aforesaid shall, except in cases of fraud, be conclusive as to the right of the party to enter such disclaimer or memorandum of alteration under this Act, and no objection shall be allowed to be made in any proceeding upon or touching such Letters Patent, specification, disclaimer or memorandum of alteration, on the ground that the person entering such disclaimer or memorandum of alteration had not sufficient authority in that behalf: Provided always, that no action shall be brought upon any Letters Patent in which or on the specification of which any disclaimer or memorandum of alteration has been filed in respect of any infringement committed prior to the filing of such disclaimer or memorandum of alteration, unless the law officer certifies in his said fiat that any such action may be brought, notwithstanding the entry or filing of such disclaimer or memorandum of alteration; and that no such disclaimer or memorandum of alteration shall be receivable in evidence in any action or suit, save and except in any proceeding by *scire facias* pending at the time when such disclaimer or alteration was filed as aforesaid, but in every such last-mentioned action or suit the original title and specification alone shall be given in evidence, and be deemed and taken to be the title and specification of the invention for which the Letters Patent have been granted: Provided also, that when any such fiat has been issued under this Act, it shall not be necessary or material to inquire or ascertain whether such appointment as last aforesaid has or has not been delivered and published or dispensed with in accordance with this Act.

Specifications, &c., to be open to Inspection.

25. All specifications, and the drawings and models accompanying the same, if any, and all petitions, declarations, disclaimers, and memoranda of alterations filed in the office appointed for filing specifications under and in pursuance of this Act, and also the copies of the specifications, and drawings and models accompanying the same, if any, kept at the said office, shall be open to the inspection of the public at all reasonable times, subject to such regulations as the Governor in Council may appoint in that behalf.

Mode of obtaining Extension of the Term.

26. If any person having obtained Letters Patent under this Act, or in case such person has departed with his whole or any part of his interest by assignment, if such person, together with the assignee where part only has been assigned, or if the assignee alone where the whole has been assigned, six months before the expiration or other determination of such Letters Patent, presents to the Governor a petition for the extension of the term in such Letters Patent mentioned, and sets forth in such petition that he has been unable to obtain a due remuneration for his expense and labour in perfecting such invention, and that an exclusive right of using and vending the same for some further period to be named in such petition, in addition to the said term, is necessary for his reimbursement and remuneration, it shall be lawful for the Governor in Council to refer the consideration of the said petition to Commissioners to be appointed for that purpose in the manner hereinafter mentioned.

Mode of obtaining Confirmation of Invalid Patent.

27. If in any suit or action it is proved or specially found by the verdict of a jury that any person who has obtained Letters Patent for any invention or supposed invention was not the first inventor thereof, or of some part thereof, by reason of some other person having invented or used the same or some part thereof in this Colony, before the date of such Letters Patent, or if such patentee or his assigns discover that some other person had, unknown to such patentee, invented or used the same or some part thereof in this Colony before the date of such Letters Patent, such patentee or his assigns may petition the

Governor to confirm the said Letters Patent, or to grant new Letters Patent, and it shall be lawful for the Governor in Council to refer the consideration of the said petition to Commissioners to be appointed for that purpose in the manner hereinafter mentioned.

Appointment of Commissioners.

28. For the purpose of considering any such petition as aforesaid, it shall be lawful for the Governor in Council, if he thinks fit, to issue and direct a commission in the name of Her Majesty to five or more persons, of whom the Judges of the Supreme Court shall be two, reciting such petition and requiring or authorising such persons or any three of them, of whom one of the said Judges shall be one, to meet at some time, not being less than two months from the publication of the said commission in the Gazette, and at some place to be fixed in the said commission, and then and there to consider the said petition, and to report to the Governor, in case the petitioner prays for an extension of the term in the Letters Patent mentioned, whether any, and if any what, further extension of the said term should be granted, or in case the petitioner prays for a confirmation of the Letters Patent or for a grant of new Letters Patent, whether such confirmation or grant should be made, and upon what, if any, conditions the prayer of any such petition should be complied with.

Notice of Commission to be published and Caveats entered.

29. Two months at least before the time named in the commission for the consideration of any such petition as aforesaid, the petitioner shall cause an advertisement of the contents of the said commission, in the form in the schedule or to the like effect, to be published in the same manner as is hereinbefore required with respect to the publication of the appointment to hear an application for Letters Patent; and any person having an interest in opposing the said petition shall be at liberty to enter a caveat against the same at the office of the *Registrar of Patents*, at any time not being less than one week before the time named in the commission for the execution thereof.

Commissioners to hear all Parties and report.

30. At the time and place fixed in the Commission for that purpose the Commissioners shall meet and proceed to consider

such petition; and the petitioner shall be heard by his counsel and witnesses to prove his case as stated in such petition, and the publication of the said last-mentioned advertisement as required by this Act; and the persons entering caveats shall likewise be heard by their counsel and witnesses; and all such witnesses shall be examined upon oath, which oath any one of the Commissioners is hereby authorized and required to administer; and the proceedings before the said Commissioners may be adjourned from time to time as may be necessary.

Extension of Term may be granted.—Invalid Patents may be confirmed.—Parties to Actions to have notice of Petitions.

31. If upon hearing and inquiry of the whole matter the Commissioners, in case the petitioner prays for an extension as aforesaid, are of opinion, and so report, that a further extension of the said term should be granted, it shall be lawful for the Governor in Council, if he thinks fit, to grant to the petitioner new Letters Patent for the said invention for any term not exceeding fourteen years after the expiration of the term of the first Letters Patent, anything hereinbefore contained to the contrary in anywise notwithstanding; and if the Commissioners, in case the petitioner prays for a confirmation or grant as aforesaid, upon examining the said matter, and being satisfied that such patentee as aforesaid believed himself to be the first and original inventor, and that such invention, or part thereof, had not been publicly and generally used in this colony before the date of the first Letters Patent, report their opinion that the prayer of such petition ought to be complied with, the Governor in Council may, if he thinks fit, grant such prayer; and the said Letters Patent shall be available at law and in equity to give to such petitioner the sole right of using, making, and vending such invention as against all persons whatsoever, anything hereinbefore contained to the contrary notwithstanding: Provided, that any person, party to any former suit or action touching any such first Letters Patent as in this section are mentioned, shall be entitled to have notice in writing of the time and place fixed as aforesaid for the first meeting of the said Commissioners to consider the said petition; and that after any such report has been made it shall not be material or necessary to inquire or ascertain whether any such advertisement as last aforesaid has or has not been published, or whether any such

notice as last aforesaid has or has not been given in the manner hereinbefore directed in that behalf.

Conditions may be inserted in new Patents.—Date of new Patents.

32. It shall be lawful for the Governor in Council to insert in any such new Letters Patent as in the preceding section are mentioned any restrictions, conditions, and provisions which may be recommended by the Commissioners in their report, or which to the Governor in Council may seem proper; and such new Letters Patent shall be sealed and bear date as of the day after the expiration of the term of the first Letters Patent.

Index to Specifications, etc.

33. The Governor may cause indexes to all specifications, petitions, declarations, disclaimers, and memoranda of alterations, deposited and filed as aforesaid, to be prepared in such form as may be thought fit; and such indexes shall be open to the inspection of the public, subject to the regulations to be made by the Governor.

Register of Patents to be kept.

34. There shall be kept at the office appointed for filing specifications as aforesaid a book, to be called "The Register of Patents," wherein shall be entered and recorded in chronological order all Letters Patent granted under this Act,—the deposit and filing of specifications, disclaimers and memoranda of alterations filed in respect of such Letters Patent,—all amendments in such Letters Patent and specifications,—all confirmations and extensions of such Letters Patent, the expiry, determination, vacating, or cancelling of such Letters Patent, with the dates thereof respectively,—and all such other matters and things affecting the validity of such Letters Patent as the Governor in Council may direct; and such register, or a copy thereof, shall be open at all convenient times to the inspection of the public, subject to such regulations as the Governor may make in that behalf.

Register of Proprietors to be kept.

35. There shall be kept at the same office a book, entitled "The Register of Proprietors," wherein shall be entered, in

such manner as the Governor directs, the assignment of any Letters Patent, or of any share or interest therein,—any licence under Letters Patent, and the district to which such licence relates, with the name or names of any person having any share or interest in such Letters Patent or Licence,—the date of his or their acquiring such Letters Patent, share, and interest,—and any other matter or thing relating to or affecting the proprietorship in such Letters Patent or licence; and a copy of any entry in such book, certified as hereinafter mentioned, shall be given to any person requiring the same, and shall be *prima facie* proof of the assignment of such Letters Patent, or share or interest therein, or of the licence or proprietorship, as therein expressed; and such register or a copy thereof shall be open to public inspection, subject to such regulations as the Governor may make: Provided always, that until such entry has been made, the grantee of the Letters Patent shall be deemed and taken to be the sole and exclusive proprietor of such Letters Patent, and of all the licences and privileges thereby given and granted.

More than Twelve Persons may be interested in Patent.

36. It shall be lawful for a larger number than twelve persons to have a legal and beneficial interest in Letters Patent granted under this Act.

Certified Copies to be Evidence.

37. The Governor may cause a seal to be made for the purposes hereinafter mentioned; and all courts, judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence in like manner as impressions of the seal of the colony are received in evidence; and copies or extracts, certified and sealed with such seal, of Letters Patent, specifications, disclaimers, memoranda of alterations, and all other documents or books recorded, filed, and kept in pursuance of this Act, shall be received in evidence in all proceedings relating to Letters Patent for inventions in all courts, and by all judges and other persons whomsoever.

Falsification or Forgery of Entries.

38. If any person wilfully makes, or causes to be made, any false entry in the said register of proprietors, or wilfully makes or forges, or causes to be made or forged, any writing falsely

purporting to be a copy of any entry in the said book, or produces or tenders, or causes or suffers to be produced or tendered in evidence, any such writing knowing the same to be false or forged, he shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years, or be fined and imprisoned at the discretion of the court.

Entries may be expunged from Register of Proprietors.

39. If any person deems himself aggrieved by any entry made under colour of this Act, in the said register of proprietors, it shall be lawful for such person to apply by motion to the Supreme Court in term time, or by summons to a judge of such court in vacation, for an order that such entry may be expunged, vacated, or varied; and upon any such application, such court or judge respectively may make such order for expunging, vacating, or varying such entry, and as to the costs of such application, as to such court or judge may seem fit; and the officer having the care and custody of such register, on the production to him of any such order, shall expunge, vacate, or vary the said entry according to the requisition of such order.

Penalty for unauthorised use of word "Patent."

40. If any person writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks upon anything made, used, or sold by him, for the sole making or selling of which he has not obtained Letters Patent, the name or any imitation of the name of any other person who has obtained Letters Patent for the sole making and vending of such thing, without leave in writing of such patentee or his assigns, or if any person upon such thing, not having been purchased from the patentee, or some person who purchased it from or under such patentee, or not having had the licence or consent in writing of such patentee or his assigns, writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks the word "Patent," the words "Letters Patent," or the words "by the Queen's Patent," or any words of the like kind, meaning, or import, with a view of imitating or counterfeiting the stamp, mark, or other device of the patentee, he shall for every such offence forfeit and pay the sum of one hundred pounds, one half to Her Majesty, and the other half with full costs of suit to any person who sues for the said penalty by action of debt: Provided always, that nothing herein contained shall be construed to extend to subject

any person to any penalty in respect of stamping or in any way marking the word "Patent" upon anything made for the sole making or vending of which Letters Patent before obtained have expired or been otherwise determined.

In Actions for Infringement, particulars of breaches and objections to be delivered.

41. In any action for the infringement of Letters Patent the plaintiff shall deliver with his declaration particulars of the breaches complained of in the said action, and the defendant on pleading thereto shall deliver with his pleas, and the prosecutor in any proceeding by *scire facias* to repeal Letters Patent shall deliver with his declaration, particulars of any objections on which he means to rely at the trial in support of the pleas in the said action, or of the suggestions of the said declaration in the proceeding by *scire facias* respectively; and at the trial or proceeding by *scire facias* no evidence shall be allowed to be given in support of any alleged infringement or of any objection impeaching the validity of such Letters Patent which are not contained in the particulars delivered as aforesaid: Provided always, that the place at or in which and in what manner the invention is alleged to have been used or published prior to the date of the Letters Patent shall be stated in such particulars: Provided also, that it shall and may be lawful for any judge at chambers to allow such plaintiff or defendant or prosecutor respectively to amend the particulars delivered as aforesaid, upon such terms as to such judge seems fit. Provided also, that at the trial of any proceeding by *scire facias* to repeal Letters Patent the defendant shall be entitled to begin and to give evidence in support of such Letters Patent; and in case evidence is adduced on the part of the prosecutor impeaching the validity of such Letters Patent, the defendant shall be entitled to the reply.

Court may grant Injunction in case of Infringement.

42. In any action for the infringement of Letters Patent, it shall be lawful for the court, if the court is then sitting, or if the court is not sitting then for a judge, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account, and the proceedings therein respectively, as to such court or judge may seem fit.

Particulars to be regarded in taxing Costs.

43. In taxing the costs in any action for infringing Letters Patent, regard shall be had to the particulars delivered in such action, and the plaintiff and defendant respectively shall not be allowed any costs in respect of any particular unless certified by the judge before whom the trial was had to have been proved by such plaintiff or defendant respectively, without regard to the general costs of the cause; and it shall be lawful for the judge before whom any such action is tried to certify on the record that the validity of the Letters Patent in the declaration mentioned came in question: and the record with such certificate being given in evidence in any suit or action for infringing the said Letters Patent, or in any proceeding by *scire facias* to repeal the Letters Patent, shall entitle the plaintiff in any such suit or action, or the defendant in such proceeding by *scire facias*, on obtaining a decree, decretal order, or final judgment, to his full costs, charges, and expenses, taxed as between attorney and client, unless the judge making such decree or order, or the judge trying such action or proceeding, certifies that the plaintiff or defendant respectively ought not to have such full costs.

Fees on obtaining Patents.

44. There shall be paid in respect of Letters Patent applied for or issued under or in pursuance of this Act, the depositing of specifications, the filing of disclaimers and memoranda of alterations, certificates, entries, and searches, and other matters and things respectively mentioned in the schedule, such fees as are enumerated in the schedule; and such of the said fees as are hereby made payable to the law officer shall and may be received and retained by such law officer for his own proper use; and the residuo of the said fees shall form part of the general revenue, and shall be forthwith paid into the colonial treasury by the persons receiving the same in pursuance of this Act.

English Patents.

45. All Letters Patent which are granted in the United Kingdom of Great Britain and Ireland after the 30th day of June, 1859, for any invention, shall, so far as the same relate to this colony, be utterly void and of none effect, and in no wise

be put in execution; but all such Letters Patent granted in the said United Kingdom on or before that day, and which if this Act had not been passed would have been valid in this colony, shall be deemed and taken to have been granted under this Act, and may be dealt with accordingly.

Forms in Schedule may be varied.

46. The Governor in Council may, if he thinks fit, vary and alter the several forms in the schedule as occasion may require.

Short title.

47. In referring to this Act it shall be sufficient to use the expression the Patent Law Act.

SCCHEDULE.

FORMS.

Petition.

No.

To His Excellency the Governor of the Colony of Tasmania.
The humble petition of [*here insert name and address of Petitioner,*]
for, &c.

Showeth,—

That your petitioner is in possession of an invention for [*the title of the invention*], which invention he believes will be of great public utility; that he is the true and first inventor thereof; and that the same has not been before made or used in this Colony by any other person or persons, to the best of his knowledge and belief.

Your petitioner therefore humbly prays that Your Excellency will be pleased to grant unto him, his executors, administrators, and assigns, Letters Patent for the term of fourteen years, pursuant to the provisions of the Patent Law Act.

And your petitioner will ever pray, &c.

Declaration.

No.

I, A. B., of _____, in Tasmania, do hereby solemnly and sincerely declare that I am in possession of an invention for, &c. [*the title as*

invention, and in what manner the same is to be performed, and that by reason of such deposit the said invention is protected and secured to him exclusively for the term of six months then next ensuing: And I do further notify that the said *A. B.* has given notice in writing at my office of his intention to proceed with his application for Letters Patent for the said invention, and that I have appointed [*Thursday*] the day of next, at o'clock in the noon, at my office, to hear and consider the said application, and all objections thereto; and I do hereby require all persons having an interest in opposing the grant of such said Letters Patent, to leave before that day at my office at Hobart Town particulars in writing of their objections to the said application, otherwise they will be precluded from urging the same.

Given under my hand this day of , 18 .
F. S., [Attorney] General,
Macquarie Street, Hobart Town.

Warrant.

I have heard and considered the application of *A. B.*, of , in Tasmania, Engineer, for Letters Patent for [*insert the title as in the specification*], and [*also all objections to the same, if any*], and having perused the specification and the usual and necessary advertisements, am of opinion that as it is entirely at the hazard of the said applicant whether the said invention is new and will have the desired success, Letters Patent may be issued to the said *A. B.*, in the form contained in the Schedule to the Patent Law Act; [*with the following additional clauses; that is to say, here set them out, if any.*]

Given under my hand and seal, this day of , 18 .
F. S. (L. S.),
[Attorney] General.

Letters Patent.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith:—

To all to whom these presents come, greeting:—

Whereas *A. B.*, of , in , Tasmania, Engineer, has represented that he is desirous of obtaining Letters Patent for securing unto him Our special Licence that he, his executors, administrators, and assigns, and such others as he or they should agree with, and no others, should and lawfully might, make, use, exercise, and vend within Our Colony of Tasmania an invention for [*insert the title of the invention*]; and by an instrument in writing under his hand and seal deposited in the Office of the *Registrar of Patents*, the said *A. B.* has particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed:

And We, being willing to give encouragement to all arts and inventions which may be for the public good, are graciously pleased to confer upon

the said *A. B.* the privileges herein-after mentioned: Know ye, therefore, that We, of Our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents, for Us, Our heirs, and successors, do give and grant unto the said *A. B.*, his executors, administrators, and assigns, Our especial licence, full power, sole privilege, and authority that he the said *A. B.*, his executors, administrators, and assigns, and every of them, by himself and themselves, and his or their deputy or deputies, servants or agents, or such others as he or they at any time agree with, and no others, during the term herein expressed, shall and lawfully may, make, use, exercise, and vend his said invention within Our said Colony, in such manner as to him, his executors, administrators, and assigns, or any of them, seems meet, and that he, his executors, administrators, and assigns, shall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage, from time to time coming, growing, accruing, and arising by reason of the said invention during the said term; to have, hold, exercise, and enjoy the said licences, powers, privileges, and advantages unto and by the said *A. B.*, his executors, administrators, and assigns, for and during and unto the full end and term of fourteen years now next ensuing: And to the end that the said *A. B.*, his executors, administrators, and assigns, and every of them, may have and enjoy the full benefit, and the sole use and exercise, of the said invention according to Our gracious intention, We do by these presents, for Us, Our heirs and successors, require and strictly command all and every person and persons, bodies politic and corporate, and all other Our subjects whatsoever of what estate, quality, degree, name, or condition soever they be, within Our said Colony, that neither they nor any of them at any time during the said term, either directly or indirectly, do make, use, or put in practice the said invention or any part of the same so attained unto by the said *A. B.* as aforesaid, nor in anywise counterfeit, imitate, or resemble the same, nor make or cause to be made any addition thereunto or subtraction from the same whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the consent, licence, or agreement of the said *A. B.*, his executors, administrators, or assigns, in writing under his or their hands and seals first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted on such offenders for their contempt of this Our Royal command, and further to be answerable to the said *A. B.*, his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned: Provided always, and these Our Letters Patent are and shall be upon this condition, that if at any time during the said term hereby granted it appears that this Our grant is contrary to law or prejudicial or inconvenient to Our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, or that the said *A. B.* is not the true and first inventor thereof within this Colony, these Our Letters Patent shall forthwith cease, determine, and be utterly void to all intents and purposes, anything herein-before contained to the contrary thereof in anywise notwithstanding: Provided also, that

these Our Letters Patent, or anything herein contained, shall not extend or be construed to extend to give privilege unto the said *A. B.*, his executors, administrators, or assigns, or any of them, to use or imitate any invention or work whatsoever which has heretofore been found out or invented by any other of Our subjects whatsoever and publicly used or exercised, unto whom Our like Letters Patent or privileges have been already granted for the sole use, exercise, and benefit thereof, within Our said Colony: It being Our will and pleasure that the said *A. B.*, his executors, administrators, and assigns, and all and every other person and persons to whom like Letters Patent or privileges have been already granted as aforesaid, shall distinctly use and practise their several inventions by them invented and found out according to the true intent and meaning of the same respective Letters Patent, and of these presents: Provided likewise nevertheless, and these Our Letters Patent are upon this express condition, that if the said instrument in writing does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed, and also if the said *A. B.*, his executors, administrators, and assigns, shall not pay at the Office of the Colonial Treasurer of Our said Colony the sum of fifteen pounds within three years next after the date of these presents, and the sum of twenty pounds within seven years next after such date, and also if the said *A. B.*, his executors, administrators, or assigns, shall not supply or cause to be supplied for Our service all such articles of the said invention as he or they are required to supply by the persons administering the department of Our service for the use of which the same are required, in such manner, at such times, and at and upon such reasonable prices and terms as are settled for that purpose by the said persons requiring the same, that then and in any of the said cases these Our Letters Patent, and all liberties and advantages whatsoever hereby granted, shall utterly cease, determine, and become void, anything herein-before contained to the contrary thereof in anywise notwithstanding: Provided that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: And lastly We do by these presents, for Us, Our heirs and successors, grant unto the said *A. B.*, his executors, administrators, and assigns, that these Our Letters Patent shall be in and by all things good, firm, valid, sufficient and effectual in the law according to the true intent and meaning thereof, and shall be taken, construed, and adjudged in the most favourable and beneficial sense for the best advantage of the said *A. B.*, his executors, administrators, and assigns, as well as in all Our Courts of Record as elsewhere, and by all and singular the officers and ministers whatsoever of Us, Our heirs and successors, in Our said Colony, and amongst all and every the subjects of Us, Our heirs and successors, whatsoever and wheresoever, notwithstanding the not full and certain describing the nature or quality of the said invention, or of the materials thereunto conducing and belonging. In witness whereof We have caused these Our Letters Patent to be made Patent, and to be sealed and bear date as of the day of , 18 .

Appointment to hear Application for Leave to enter Disclaimer.

Patent for [*insert title*]. This is to notify that *C. D.*, of _____, in Tasmania, has applied to me for leave to enter a disclaimer of part of [*or a memorandum of alteration in*] the title of the said invention [*or, as the case may be*] the particulars whereof are stated below; I do therefore appoint [*Thursday*], the _____ day of _____ next, at _____ o'clock in the noon, at my office, to hear and consider the said application, and all objections to the same; and I do hereby require all persons having an interest in opposing the said application to leave before that day, at my office at Hobart Town, particulars in writing of their objection to the same, otherwise they will be precluded from urging such objections.

Given under my hand, this _____ day of _____, 18 _____.

F. S., [*Attorney*] *General*,
Macquarie Street, Hobart Town.

The following is the disclaimer [*or, as the case may be*] which I desire to make in, &c. [*The applicant must here set forth what he wishes to enter, and the reasons for the disclaimer, and sign it.*]

Notice of Appointment of Commission.

Patent for [*insert the title*]. Notice is hereby given that I have presented a petition to His Excellency the Governor, praying for the confirmation of [*or extension of the term in, or, as the case may be*] the said Patent; and that a Commission has issued authorising and requiring certain Commissioners therein named to consider and report upon the subject to His Excellency the Governor, which said Commissioners will meet for that purpose on the _____ day of _____ next, at _____ o'clock in the _____ noon, at _____: All persons objecting to the said confirmation [*or extension, or, as the case may be*] must enter a caveat against the same at the Office of the *Registrar of Patents* at Hobart Town, not less than one week before the time named for the said meeting, otherwise they will be precluded from objecting to the said petition.

Dated this _____ day of _____, 18 _____.

A. B.

FEES.

Fees on obtaining Patents.

| | £ | s. | d. |
|--|---|----|----|
| On depositing specification | 2 | 10 | 0 |
| To the law officer for any appointment | 2 | 4 | 6 |
| On obtaining Letters Patent | 2 | 10 | 0 |

| | £ | s. | d. |
|--|----|----|----|
| At or before the expiration of the third year | 15 | 0 | 0 |
| At or before the expiration of the seventh year | 20 | 0 | 0 |
| To the law officer with particulars of objections | 2 | 4 | 6 |
| On presenting petition for extension or confirmation | 2 | 10 | 0 |
| Every search and inspection | 0 | 1 | 0 |
| Entry of assignment or licence | 0 | 10 | 0 |
| Certificate of assignment or licence | 0 | 10 | 0 |
| Filing disclaimer or memorandum of alteration | 2 | 10 | 0 |
| Entering any caveat | 2 | 10 | 0 |
| Copy or extract of any writing, per common law folio | 0 | 1 | 0 |

TRINIDAD.

Ordinance, No. 25, 2nd September, 1867.

An Ordinance enacted by the Governor of Trinidad, with the advice and consent of the Legislative Council thereof, for amending the Law for granting Patents for Invention.

Be it enacted by his Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

On delivery of Declaration and Specification, the Registrar-General to issue Certificate to Inventor.

I. The Registrar-General, on an application by or on behalf of any person claiming to be the inventor within this Colony of any invention, and on the delivery to such Registrar-General of a declaration in writing according to the form in the schedule to this Ordinance, together with a specification signed by the applicant or his agent, particularly describing and ascertaining the nature of the invention and in what manner the same is to be performed, shall deliver to such person or his agent a certificate according to the form in the schedule to this Ordinance, and a copy of such certificate shall be inserted by the Registrar-General in the Royal Gazette.

Specification may be opened or closed, and, if closed, to be opened in Six Months.

II. Any specification of an invention may be delivered to the Registrar-General, open or closed, in an envelope, with a

note of the name of the invention to which the specification refers endorsed on such envelope, and signed by the applicant or his agent, and where any such specification shall be so delivered closed, the Registrar-General shall, on the expiration of six calendar months from the day of granting the certificate, or at any earlier day, on the request of the applicant, his executors, administrators, or assigns, break the seal of such envelope and enregister the specification.

Inventions to be duly recorded, and Specifications numbered.

III. The Registrar-General shall number with a distinguishing number, and shall, in a book to be kept by him for that purpose, to be called "The Book of Inventions," enter and record in its chronological order every such invention, and the christian and surnames of the inventor, and the day of the date of the certificate of such invention, and shall cause every specification to be marked with the distinguishing number of the invention to which the specification refers, and such Book of Inventions and such specifications shall be open to the inspection of the public.

Certificate to vest exclusive Right for Fourteen Years.

IV. Every certificate granted under this Ordinance shall vest in the applicant, his executors, administrators, or assigns, the sole right and benefit of using within this island the invention mentioned in such certificate for and during the space of fourteen years next after the granting of such certificate.

Disclaimer may be entered.

V. Any person who, as grantee, assignee, or otherwise, shall obtain a certificate under this Ordinance, may, if he think fit, enter with the Registrar-General a disclaimer or disclaimers of any part or parts of either the title of the invention or of the specification, stating the reason for such disclaimer, or may enter a memorandum of any alteration in such title or specification, not being such disclaimer or such alteration as shall extend the exclusive right vested by such certificate; and such disclaimer or memorandum of alteration, being filed by the said Registrar-General, shall be deemed and taken to be part of such specification in all courts whatever; provided always, that no action shall be brought on any certificate in any case where

any disclaimer or memorandum shall have been filed in respect of any infringement committed prior to the filing of such disclaimer or memorandum of alteration.

Where the Invention assigned, who may enter Disclaimer.

VI. In case any person obtaining such certificate shall part with his or their whole or any part of his or their interest by assignment to any other person or persons, it shall be lawful for the person obtaining such certificate, together with such assignee or assignees, if part only hath been assigned, and for the assignee or assignees, if the whole hath been assigned, to enter a disclaimer and memorandum of alteration under the powers of this Ordinance; and such disclaimer and memorandum of such alteration, having been so entered and registered as in this Ordinance mentioned, shall be valid and effectual in favour of any person or persons in whom the rights under the said certificate may then be or thereafter become legally vested; and no objection shall be made in any proceeding whatsoever on the ground that the party making such disclaimer or memorandum of such alteration had not sufficient authority in that behalf.

Disclaimer to be recorded, and a Note thereof to be endorsed on the Specification.

VII. The Registrar-General shall cause every such disclaimer and memorandum to be entered in a book to be kept by him for that purpose, and to be marked with the distinguishing number of the invention and specification to which such disclaimer or memorandum shall refer, and shall endorse on the declaration and specification to which such disclaimer or memorandum shall refer a memorandum in writing of the date and entry of every such memorandum and disclaimer.

Penalties for Infringement of exclusive Right.

VIII. If any person shall, during the said term of fourteen years from the granting of a certificate for an invention, directly or indirectly make, use, or put in practice the said invention, or any part of the same, or in anywise counterfeit or imitate the same, or make or cause to be made any addition or subtraction from the same, whereby to pretend himself the inventor thereof, without the licence in writing of the inventor,

his executors, administrators, or assigns, the inventor, his executors, administrators, or assigns, shall have and be entitled to such and the like remedies against such persons, both in law and in equity, as the grantee of any Letters Patent for any invention would be entitled to in the like case by the law of England.

Exclusive Right to cease in certain cases.

IX. Provided always, that if at any time during the said term of fourteen years, it shall be made to appear that the said invention is not a new invention as to the public use and exercise thereof in this Colony, or that the said invention is prejudicial or inconvenient to the subjects of our Lady the Queen in general, then all privileges and advantages hereby granted to the inventor, his executors, administrators, and assigns, in respect of such invention, shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary in anywise notwithstanding.

Fees to be paid.

X. There shall be paid to the Registrar-General the several fees mentioned in the schedule to this Ordinance, and such fees shall be paid over monthly by the Registrar-General to the Receiver-General for the use of the Colony.

Form of Declaration.

I of declare that I am in possession of an invention for
(state the title of the invention), which invention I believe will
be of great public utility, and that the same is not in use by any person
or persons in the Island of Trinidad to the best of my knowledge and
belief, and that the instrument in writing under my hand herewith
delivered particularly describes and ascertains the nature of the said
invention and the manner in which the same is to be performed.

Signature.

Form of Certificate.

I, J. B., Registrar General of the Island of Trinidad, do hereby certify
that on the day of has been delivered to me by (or on
behalf of the name and place of abode of the inventor), a declara-
tion in writing, signed by the said of a certain invention whereof

the said claims to be the inventor in this island, being an invention (state the name of the invention), together with a specification (open or under seal, as the case may be,) describing the nature of the said invention, and the manner in which the same is to be performed.

In witness whereof, I have hereunto put my hand at Port of Spain, in the Island of Trinidad, this day of in the year one thousand eight hundred and

*Fees to be paid to the Registrar-General.**

| | £ | s. | d. |
|--|----|----|----|
| On leaving any declaration of invention and specification | 10 | 0 | 0 |
| Every disclaimer | 2 | 0 | 0 |
| Publication in the Royal Gazette of any declaration, disclaimer, or memorandum of alteration | 0 | 10 | 0 |
| Every search or inspection of the book of inventions | 0 | 1 | 0 |
| Every inspection of any specification | 0 | 2 | 0 |
| For every copy of any specification, for every 120 words | 0 | 1 | 0 |

TURKEY.

*Law of the 20th Day of the Month of Rabia I., A. H. 1297,
(18th February, 1879).*

SECTION I.**GENERAL PROVISIONS.****Art. 1.**

Every new discovery, invention, or improvement in any branch of industry, confers on its author, under the conditions and for the time hereinafter mentioned, the right to work the said discovery, invention, or improvement for his own benefit. This right is confirmed by a *Berat* (patent) delivered by the Government.

Art. 2.

The following shall be considered as new inventions:—

The invention of new industrial products.

The invention of new means, or a new application of known means, for obtaining an industrial result or product.

Art. 3.

The following are not patentable:—

1. Pharmaceutical compounds and medicines of all kinds.
2. Devices or combinations relating to banking or finance.

Art. 4.

The duration of patents delivered in accordance with Art. 1 will be five, ten, or fifteen years. Every patent shall be subject to the payment of a fixed tax, as follows:—

Ten Turkish pounds for a patent for five years.

Twenty Turkish pounds for a patent for ten years.

Thirty Turkish pounds for a patent for fifteen years.

This tax shall be paid in instalments of two Turkish pounds, payable at the commencement of each year, under penalty of forfeiture if the patentee omits the payment of any annuity.

SECTION II.

THE FORMALITIES IN RELATION TO THE DELIVERY OF PATENTS.

CHAPTER I.

Applications for Patents.

Art. 5.

Whoever shall desire to obtain a patent shall deposit, in a sealed envelope, if in Constantinople, at the Ministry of Commerce and Agriculture, and if in the provinces at the office of the Provincial Government, or, if he prefers it, at the said Ministry:—

1. His application for a patent.
2. A specification of the discovery, invention, or appliance forming the subject of the application.
3. The drawings or samples which may be necessary to the understanding of the description.
4. A memorandum of the papers deposited.

If the applicant complies with these formalities in a place in which he has no domicile, he must elect domicile there.

Art. 6.

The application shall be limited to a single main subject with its details. It shall mention the duration which the applicant wishes to assign to his patent, within the limits fixed

by Art. 4, and shall contain neither restrictions, conditions, nor reservations. It shall have a title giving a short and precise designation of the object of the invention. The application and the specification shall be written without erasures, alterations, or interlineations. The drawings shall be made in ink, to a metrical scale. A duplicate of the specification and drawings shall accompany the application. All the papers shall be signed by the applicant or by his attorney, whose power shall be annexed to the application.

Art. 7.

No deposit will be accepted unless accompanied by a receipt showing that the applicant has paid to the authorities, to whom he presented his application, the sum of two Turkish pounds on account of the tax on the patent. An official memorandum shall be drawn up, in Constantinople, at the Ministry of Commerce and Agriculture, or in the provinces at the office of the provincial government. This memorandum will authenticate each deposit, showing the date of the remission of the application papers, and shall be signed by the applicant. A copy of the said memorandum will be sent to the depositor on prepayment of postage.

Art. 8.

The term of the patent will begin from the date of the deposit prescribed in Art. 5.

CHAPTER II.

The Delivery of Patents.

Art. 9.

After the application has been filed and the deposits made in the province, in accordance with Art. 5, the Governor-General will transmit the application to the Ministry of Commerce and Agriculture within five days, accompanied by a letter, a certified copy of the memorandum, the receipt for the tax, the power of attorney (if there be one), and the memorandum of the pieces deposited, all under the seal of the applicant. If the applicant is at Constantinople, these formalities must be complied with at the Ministry of Commerce and Agriculture.

Art. 10.

The papers sent from the provinces and those remitted directly to the Ministry of Commerce and Agriculture will be filed in the order of their reception on a special file, and the patent applied for will be delivered.

Art. 11.

Patents applied for in due form shall be delivered without previous examination, at the risk and peril of the applicant and without guarantee either of the reality, novelty, or merit of the invention, or of the accuracy or exactness of the specification.

Art. 12.

In case of the invention of arms, tools, or apparatus of war, which may be used by the army and navy of the State, the inventors and their applications are directed at once to the Grand Master of Artillery and to the Imperial Admiralty. A patent will be given for any invention which is shown after examination to be useful and advantageous to the State, and will be bought, in conformity with a contract with the inventor, and paid for, in proportion to its usefulness, by that department of the army or navy which the invention chiefly concerns. A medal of invention is also conferred upon the inventor in accordance with Art. 14. Inventions not found useful or advantageous will be rejected.

Art. 13.

The *Berat* (patent) is the official document confirming the regularity of the application, and is delivered to the applicant. It will bear at the top the imperial arms, and at the bottom the seal of the Ministry of Commerce and Agriculture. This document will be accompanied by a certified copy of the specification and drawings mentioned in Art. 6. Subsequent copies of the patent asked for by the patentee or parties interested require the payment of a fee of one Turkish pound for expenses, the cost of the drawings, if any, being borne by the applicant.

Art. 14.

Gold, silver, and copper medals will be ordered. Ottoman subjects and foreigners who shall invent articles useful to the

State and to the country will receive as a recompense for and according to the importance of their inventions, gold, silver, or copper medals. They will be required to use the design of the medal as a trade-mark for the object invented.

Art. 15.

The first copy of a patent is delivered without charge.

Art. 16.

Every application not in conformity with the formalities prescribed by numbers 2 and 3 of Art. 5 and by Art. 6 will be rejected. Half of the sum prepaid will remain in the treasury, but it will be placed on account of the sum payable by the applicant if he repeats his application within three months, counting from the date of the notification of the rejection of the application.

Art. 17.

When an application is rejected in accordance with Art. 3 the tax prepaid will be returned.

Art. 18.

A list of the patents issued by the Ministry of Commerce and Agriculture with a description of the inventions will be published officially every six months. This publication will be in the usual form of the proclamations of the laws of the empire.

Art. 19.

The duration of patents can be prolonged only by special law.

CHAPTER III.

Certificates of Addition.

Art. 20.

Patentees or parties interested will have the right during the whole term of the patent to make changes, improvements or additions in the invention by complying with the formalities laid down in Arts. 5, 6, and 7. These changes, improvements, or additions will be confirmed by certificates, which will have

from the date of their delivery, the same effect as the original patents, and will expire with them. Every application for a certificate of addition requires the payment of one Turkish pound. Certificates of addition taken by any person interested inures to the benefit of all the others.

Art. 21.

Every patentee who, instead of a certificate of addition, wishes to take out a new patent for a change, improvement, or addition, shall comply with the formalities prescribed in Arts. 5, 6, and 7, and pay the fees mentioned in Art. 4.

Art. 22.

Those who have transferred their patents to others lose the right of applying for a certificate of addition according to Art. 20.

Art. 23.

No one besides the patentee or persons interested through him may, during one year from the date of the patent, apply for a patent for a change, improvement or addition to the invention which was the subject of the original patent. Nevertheless, if such an application is received in the course of the aforesaid year, the application and the papers annexed will remain deposited under seal at the Ministry of Commerce and Agriculture. When the year has expired the seal will be broken and the patent issued. In all cases the original patentee will have the preference in the matter of changes, improvements, or additions for which he himself shall during the year apply for a certificate of addition or a patent.

Art. 24.

Any one having taken out a patent for a discovery, invention, or appliance connected with the object of another patent shall have no right to work the invention already patented, and, reciprocally, the owner of the original patent shall not have the right to work the object of the new patent.

CHAPTER IV.

Assignment and Transfer of Patents.

Art. 25.

The right of ownership of a patent for an invention is divisible. Every patentee may assign the whole or a part of his patent. The assignment, total or partial, of a patent, either gratuitously or for a consideration, can only be made by notarial deed, or by an Act passed before a civil tribunal of first instance in localities where there are no notaries. This formality requires the payment of all the fees mentioned in Art. 4. No assignment will be valid until registered at Constantinople, at the Ministry of Commerce and Agriculture, or in the provinces at the office of the local authorities of the place in which the Act was passed. The entry of assignments or transfers shall be accomplished by the deposit of a certified copy of the act of assignment or transfer. A copy of each official entry made in the provinces shall be sent by the local authorities to the Ministry of Commerce and Agriculture within five days from the date of the official report. This copy will be accompanied by an extract of the act aforementioned.

Art. 26.

Every patentee may, in accordance with a contract, assign in part the right to work his patent for the manufacture or preparation of the article invented in any quantities, and for any time agreed upon. The owner of a patent for any object dangerous to the community can only work it with caution and under surveillance of the government. The assignee of such a patent is subjected to the same conditions.

Art. 27.

The Ministry of Commerce and Agriculture will keep a register of the assignments and transfers of all patents. Every six months an official publication will announce in a form laid down in Art. 18, the assignments and transfers that have occurred during the half-year just expired.

Art. 28.

Licenseses under a patent and all who have acquired from a patentee or his agents the right to work a patent shall have the full benefit of certificates of addition issued to the original patentee or to persons interested through him. In the same way the patentee and persons interested through him will profit by certificates of addition issued to the licenseses. All those who have the right to profit by a certificate of addition may obtain a copy of it from the Ministry of Commerce and Agriculture on payment of a fee of one Turkish pound.

CHAPTER V.

Inspection and Publication of the Specifications and Drawings of Patents.

Art. 29.

The specifications, drawings, samples, and models of patents issued will remain until the expiration of the patents deposited at the Ministry of Commerce and Agriculture, where they may be inspected without expense by any applicant. Any one may obtain, at his own expense, copies of the said specifications and drawings.

Art. 30.

After payment of the second annual fee the specifications and drawings will be published either entire or by extract only. Besides, there will be published every year a catalogue of the patents issued during the preceding year.

Art. 31.

The specifications and drawings and the catalogue, when published, will be deposited at Constantinople, at the Ministry of Commerce and Agriculture, and in the provinces, at the office of the Secretary of the Administrative Council, where they can be consulted without charge.

Art. 32.

At the expiration of the patents the original specifications and drawings will be deposited at the conservatory of the School of Arts and Trades at Constantinople.

SECTION III.

RIGHTS OF FOREIGNERS.

Art. 33.

Foreigners may obtain patents in Turkey.

Art. 34.

The formalities and conditions prescribed by the present law are applicable, without exception, to foreigners applying for patents.

Art. 35.

The author of an invention already patented in a foreign country may obtain a patent in Turkey; but the duration of this patent shall not exceed that of the patent previously obtained in the foreign country.

SECTION IV.

ANNULMENTS AND FORFEITURES AND MATTERS RELATING
THEREUNTO.

CHAPTER I.

Annulments and Forfeitures.

Art. 36.

Patents issued in the following cases will be null and void :

1. If the discovery or invention is not new.
2. If in accordance with Art. 3 the discovery or invention is not patentable.
3. If the patents relate to theoretical principles, methods, systems, discoveries, and conceptions, without indication of their industrial application.

4. If the discovery or invention is contrary to public order or safety, to morals, or to the laws of the empire.
5. If the title under which the patent was applied for gives a false or fraudulent indication of the real object of the invention.
6. If the specification annexed to the patent is insufficient for the execution of the invention or if it does not indicate completely and faithfully the true means employed by the inventor.
7. If the patent was obtained contrary to the provisions of Art. 23.

The manufacture and sale of articles prohibited by paragraphs 3 and 4 of this article incur the penalties enacted by the laws of the empire.

All certificates for alterations, improvements, and additions which do not relate to the subject of the original patent are likewise null and void.

Art. 37.

No invention will be considered new which, up to the date of the application, has received, either in Turkey or elsewhere, sufficient publicity to enable the same to be worked.

Art. 38.

The following persons shall be deprived of all rights:—

1. Patentees who neglect to pay the yearly tax before the beginning of each year of their patent's duration.
2. Any patentee who has not worked his invention in Turkey within two years from the date of the issue of the patent or who has at any time ceased to work the same for any consecutive period of two years, unless in either case he can give a sufficient reason for his inaction.
3. Any patentee who shall have introduced into Turkey articles of foreign manufacture and similar to those forming the subject of his patent.

Nevertheless, the Minister of Commerce and Agriculture may authorise the introduction into the empire of models of machines, and of articles manufactured abroad intended for public exhibitions or for experiments made with the consent of the government.

Art. 39.

Whoever shall in a sign, announcement, prospectus, advertisement, trade-mark, or stamp, pretend to the possession of a patent according to law without really possessing one, or after the same has expired, or shall, while having a patent, mention the same without adding the words "without guarantee of the government," shall be punished by a fine of not less than two nor more than forty-five Turkish pounds. For the second offence the fine shall be doubled.

CHAPTER II.

Actions for Annulment and Forfeiture.

Art. 40.

Actions for annulment or forfeiture may be brought by any person having an interest in the matter, or who can be injured by the act of the defendant. These actions, as well as all disputes relating to the ownership of patents, shall be brought before a civil tribunal of first instance.

Art. 41.

If the action is brought at the same time against the owner of a patent and against a licensee, it shall be brought before the tribunal of the domicile of the owner.

Art. 42.

Whenever the annulment or forfeiture of a patent has been pronounced, notice of the same shall be sent to the Ministry of Commerce and Agriculture, and it shall be published in the form prescribed by Art. 18 for the proclamation of patents.

SECTION V.

INFRINGEMENTS, PROSECUTIONS, AND PENALTIES.

Art. 43.

Every interference with the rights of a patentee, either by the manufacture of articles or by the use of means forming the subject of his patent, constitutes the offence of infringe-

ment. Every person who shall be judged guilty of this offence shall be punished by a fine of not less than five nor more than a hundred Turkish pounds.

Art. 44.

All persons who shall have knowingly received, sold, or exposed for sale or introduced into Ottoman territory, infringing articles shall be considered guilty of infringement.

Art. 45.

Any person who shall, without authority from the government, sell or expose for sale arms, tools, or apparatus of war, mentioned in Art. 12, and that could be used to the detriment of the country, shall be amenable to the penalties imposed by the appendix to Art. 166 of the penal code, without regard to the fact of these inventions having been accepted or rejected by the Army and Navy departments.

Art. 46.

The penalties established by the present law are not cumulative. The heaviest penalty only can be inflicted for all acts committed prior to the prosecution.

Art. 47.

For a second offence, in addition to the fine imposed by Arts. 42 and 43, there shall be inflicted a penalty of imprisonment for not less than one nor more than six months. Any act will be considered as a second offence when the accused shall have at any time during the previous five years been found guilty of any offence provided for by the present law. An imprisonment of not less than one month, nor more than six months, may likewise be inflicted upon any infringer who is or has been employed in any capacity in the shops or establishments of the patentee, or who has been associated with any one so employed in such a manner as to obtain knowledge from him of the processes described by the patent. In the latter case the employé from whom the knowledge was derived may be prosecuted as an accomplice.

Art. 48.

At the request of the patentee and on presentation of the patent the president of the tribunal may issue an order pro-

viding that an officer of the court shall, assisted, if need be by an expert, make an inventory of articles alleged to be infringements. When a seizure is to be made, the order may require security of the person making the requisition. Security shall always be required of foreigners. The owner of the articles seized shall be provided with copies both of the Ordinance and of the order requiring security, if there be one, under pain of annulment of the proceedings and of damages against the officer to the profit of the party injured.

Art. 49.

In default of the party making the requisition presenting himself before the tribunal within a period of seven days, in addition to the time necessary to travel the distance between the place in which the objects seized or inventoried were found and the place of residence of the infringer, receiver, importer, or retailer, the seizure or inventory shall be void without prejudice to any damages that may be claimed.

Art. 50.

The objects declared infringements must, and the implements and tools intended specially for the manufacture of the said objects may, at the discretion of the tribunal, be confiscated, even in case of the acquittal of the infringer, receiver, importer, or retailer. The objects, implements, and tools so confiscated shall, at the discretion of the judge, be delivered to the owner of the patent without prejudice to further damages or to the publication of the judgment.

UNITED STATES.

*Revised Statutes, Forty-third Congress, approved June 22,
1874, so far as they relate to Patents for Inventions.*

(As amended by Acts of Congress.)

ORGANIZATION OF THE PATENT OFFICE.

TITLE XI. Rev. Stat., p. 80.

Establishment of the Patent Office.

SEC. 475. There shall be in the Department of the Interior an office known as the Patent Office, where all records, books, models, drawings, specifications, and other papers and things pertaining to patents shall be safely kept and preserved.

Officers and Employés.

SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one Assistant Commissioner, and three examiners-in-chief, who shall be appointed by the President, by and with the advice and consent of the Senate. All other officers, clerks, and employés authorized by law for the office shall be appointed by the Secretary of the Interior, upon the nomination of the Commissioner of Patents.

Salaries.

SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows :

The Commissioner of Patents, four thousand five hundred dollars a year.

The Assistant Commissioner of Patents, three thousand dollars a year.

Three examiners-in-chief, three thousand dollars a year each.

TITLE XI. Rev. Stat., p. 75 :

SEC. 440. There shall be in the Department of the Interior—

* * * * *

In the Patent Office :

One chief clerk, at a salary of two thousand five hundred dollars a year.

One examiner in charge of interferences, at a salary of two thousand five hundred dollars a year.

One examiner in charge of trade-marks, at a salary of two thousand five hundred dollars a year.

Twenty-four principal examiners, at a salary of two thousand five hundred dollars a year each.

Twenty-four first assistant examiners, at a salary of one thousand eight hundred dollars a year each.

Twenty-four second assistant examiners (two of whom may be women), at a salary of one thousand six hundred dollars a year each.

Twenty-four third assistant examiners, at a salary of one thousand four hundred dollars a year each.

One librarian, at a salary of two thousand dollars a year.

One machinist, at a salary of one thousand six hundred dollars a year.

Three skilled draughtsmen, at a salary of one thousand two hundred dollars a year each.

Thirty-five copyists of drawings, at a salary of one thousand dollars a year each.

One messenger and purchasing clerk, at a salary of one thousand dollars a year.

One skilled labourer, at a salary of one thousand two hundred dollars a year.

Eight attendants in the model-room, at a salary of one thousand dollars a year each.

Eight attendants in the model room, at a salary of nine hundred dollars a year each.

One examiner of designs, two thousand four hundred dollars.

[NOTE.—The words in italics were added by the Act of June 15, 1880.]

TITLE XI. Rev. Stat., p. 80 :

Seal.

SEC. 478. The seal heretofore provided for the Patent Office shall be the seal of the office, with which the Letters Patent and papers issued from the office shall be authenticated.

Bonds of Commissioner and Chief Clerk.

SEC. 479. The Commissioner of Patents and the chief clerk, before entering upon their duties, shall severally give bond, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned for the faithful discharge of their respective duties, and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

Restrictions upon Officers and Employés.

SEC. 480. All officers and employés of the Patent Office shall be incapable, during the period for which they hold their appointments, to acquire or take, directly or indirectly, except by inheritance or bequest, any right or interest in any patent issued by the office.

Duties of Commissioner.

SEC. 481. The Commissioner of Patents, under the direction of the Secretary of the Interior, shall superintend or perform all duties respecting the granting and issuing of patents directed by law ; and he shall have charge of all books, records, papers, models, machines, and other things belonging to the Patent Office.

Duties of Examiners-in-Chief.

SEC. 482. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and

determine upon the validity of the adverse decisions of examiners upon applications for patents, and for reissues of patents, and in interference cases; and, when required by the Commissioner, they shall hear and report upon claims for extensions, and perform such other like duties as he may assign them.

Establishment of Regulations.

SEC. 483. The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may from time to time establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

Arrangement and Exhibition of Models, &c.

SEC. 484. The Commissioner of Patents shall cause to be classified and arranged in suitable cases, in the rooms and galleries provided for that purpose, models, specimens of composition, fabrics, manufactures, works of art, and designs, which have been or shall be deposited in the Patent Office; and the rooms and galleries shall be kept open during suitable hours for public inspection.

Disposals of Models on rejected Applications.

SEC. 485. The Commissioner of Patents may restore to the respective applicants such of the models belonging to rejected applications as he shall not think necessary to be preserved, or he may sell or otherwise dispose of them after the application has been finally rejected for one year, paying the proceeds into the Treasury, as other patent moneys are directed to be paid.

Library.

SEC. 486. There shall be purchased for the use of the Patent Office a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated for that purpose.

Patent-Agents may be refused recognition.

SEC. 487. For gross misconduct the Commissioner of Patents may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior.

Printing of Papers filed.

SEC. 488. The Commissioner of Patents may require all papers filed in the Patent Office, if not correctly, legibly, and clearly written, to be printed at the cost of the party filing them.

Printing Copies of Claims, Laws, Decisions, &c.

SEC. 489. The Commissioner of Patents may print, or cause to be printed, copies of the claims of current issues, and copies of such laws, decisions, regulations, and circulars as may be necessary for the information of the public.

Printing Specifications and Drawings.

SEC. 490. The Commissioner of Patents is authorized to have printed, from time to time, for gratuitous distribution, not to exceed one hundred and fifty copies of the complete specifications and drawings of each patent hereafter issued, together with suitable indexes, one copy to be placed for free public inspection in each capital of every State and territory, one for the like purpose in the clerk's office of the district court of each judicial district of the United States, except when such offices are located in State or territorial capitals, and one in the Library of Congress, which copies shall be certified under the hand of the Commissioner and seal of the Patent Office, and shall not be taken from the depositories for any other purpose than to be used as evidence.

[See Sect. 894.]

Additional Specifications and Drawings.

SEC. 491. The Commissioner of Patents is authorized to have printed such additional number of copies of specifications and drawings, certified as provided in the preceding section, at a price not to exceed the contract price for such drawings, for sale, as may be warranted by the actual demand for the same; and he is also authorized to furnish a complete set of such specifications and drawings to any public library which will pay for binding the same into volumes to correspond with those in the Patent Office, and for the transportation of the same, and which shall also provide for proper custody for the same, with convenient access for the public thereto, under such regulations as the Commissioners shall deem reasonable.

Lithographing and Engraving.

SEC. 492. The lithographing and engraving required by the two preceding sections shall be awarded to the lowest and best bidders for the interest of the Government, due regard being paid to the execution of the work, [the work] to be done under the supervision of the Commissioner of Patents, who shall receive competitive bids therefor.

The work of said photographing, or otherwise producing plates and copies, referred to in this and the two preceding paragraphs, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can be there done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

[NOTE.—The words in italics were added by the Act of June 15, 1880.]

Price of Copies of Specifications and Drawings.

SEC. 493. The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents, within the limits of ten cents as the minimum and fifty cents as the maximum price.

The Commissioner may print or cause to be printed copies of the specifications of all Letters Patent and of the drawings of the same, and copies of the claims of current issues, and copies of such laws, decisions, rules, regulations, and circulars as may be necessary for the information of the public.

[NOTE.—The words in italics were added by the Act of July 8th, 1870.]

Annual Report of the Commissioner.

SEC. 494. The Commissioner of Patents shall lay before Congress, in the month of January, annually, a report, giving a detailed statement of all monies received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year; designating under proper heads the subjects of such patents; and alphabetical list of all the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent Office as may be useful to Congress or the public.

Custody of Collections of Exploring Expedition.

SEC. 495. The Collections of the Exploring Expedition, now in the Patent Office, shall be under the care and management of the Commissioner of Patents.

Disbursements for Patent Office.

SEC. 496. All disbursements for the Patent Office shall be made by the disbursing clerk of the Interior Department.

TITLE XIII. Rev. Stat., p. 168 :

Copies of Records, &c., of Patent Office.

SEC. 892. Written or printed copies of any records, books, papers, or drawings belonging to the Patent Office, and of Letters Patent authenticated by the seal and certified by the Commissioner or Acting Commissioner thereof, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor, and paying the fee required by law, shall have certified copies thereof.

Copies of foreign Letters Patent.

SEC. 893. Copies of Specifications and drawings of foreign Letters Patent certified as provided in preceding section, shall be primâ facie evidence of the fact of the granting of such Letters Patent, and of the date and contents thereof.

Printed Copies of Specifications and Drawings of Patents.

SEC. 894. The printed copies of specifications and drawings of patents, which the Commissioner of Patents is authorized to print for gratuitous distribution, and to deposit in the capitols of the States and territories, and in the clerks' offices of the district courts, shall, when certified by him and authenticated by the seal of his office, be received in all courts as evidence of all matters therein contained.

[See Sect. 490.]

TITLE XV. Rev. Stat., p. 261 :

Patented Articles connected with Marine Engines.

SEC. 1537. No patented article connected with marine engines shall hereafter be purchased or used in connection with

any steam vessels of war until the same shall have been submitted to a competent board of naval engineers, and recommended by such board, in writing, for purchase and use.

Title XVII. Rev. Stat., p. 292 :

No royalty to be paid by United States to its Officers for a certain Patent.

SEC. 1673. No royalty shall be paid by the United States to any one of its officers or employes for the use of any patent for the system, or any part thereof, mentioned in the preceding section (*Springfield breech-loading system*), nor for any such patent in which said officers or employes may be directly or indirectly interested.

PATENTS.

TITLE LX. Rev. Stat., chap. 1, p. 953 .

Patents, how issued, attested, and recorded.

SEC. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Secretary of the Interior and countersigned by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent Office, in books to be kept for that purpose.

Contents and Duration.

SEC. 4884. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States and the territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

Date of Patent.

SEC. 4885. Every patent shall bear date as of a day not later than six months from the time at which it was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld.

What Inventions are patentable.

SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement thereof, not known or used by others in this country, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale for more than two years prior to his application, unless the same is proved to have been abandoned, may upon payment of the fees required by law, and other due proceedings had, obtain a patent therefor.

Patents for Inventions previously patented abroad.

SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application. But every patent granted for an invention which has been previously patented in a foreign country shall be so limited as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term, and in no case shall it be in force more than seventeen years.

Requisites of Application, Description, Specification, and Claim.

SEC. 4888. Before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery.

The specification and claim shall be signed by the inventor and attested by two witnesses.

Drawings, when requisite.

SEC. 4889. When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, and attested by two witnesses, which shall be filed in the Patent Office; and a copy of the drawing, to be furnished by the Patent Office, shall be attached to the patent as a part of the specification.

Specimens of Ingredients, &c.

SEC. 4890. When the invention or discovery is of a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment.

Model, when requisite.

SEC. 4891. In all cases which admit of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size to exhibit advantageously the several parts of his invention or discovery.

Oath required from Applicant.

SEC. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent, holding commission under the Government of the United States, or before any notary public of the foreign country in which the applicant may be.

Examination and issuing Patent.

SEC. 4893. On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents

shall cause an examination to be made of the alleged new invention or discovery; and if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the Commissioner shall issue a patent therefor.

Limitation upon time of completing Applications.

SEC. 4894. All applications for patents shall be completed and prepared for examination within two years after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable.

Patents granted to Assignee.

SEC. 4895. Patents may be granted and issued or reissued to the assignee of the inventor or discoverer; but the assignment must first be entered of record in the Patent Office. And in all cases of an application by an assignee for the issue of a patent, the application shall be made and the specification sworn to by the inventor or discoverer; and in all cases of an application for a reissue of any patent, the application must be made, and the corrected specification signed by the inventor or discoverer, if he is living, unless the patent was issued and the assignment made before the eighth day of July, eighteen hundred and seventy.

When and on what Oath Executor or Administrator may obtain Patent.

SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will, disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application is made by such legal representatives, the oath or

affirmation required to be made shall be so varied in form that it can be made by them.

Renewal of Application in cases of failure to pay Fees in Season.

SEC. 4897. Any person who has an interest in an invention or discovery, whether as inventor, discoverer, or assignee, for which a patent was ordered to issue upon the payment of the final fee, but who fails to make payment thereof within six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent, shall have a right to make an application for a patent for such invention or discovery the same as in the case of an original application. But such second application must be made within two years after the allowance of the original application. But no person shall be held responsible in damages for the manufacture or use of any article or thing for which a patent was ordered to issue under such renewed application prior to the issue of the patent. And upon the hearing of renewed applications preferred under this section, abandonment shall be considered as a question of fact.

Assignments of Patents.

SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof.

Persons purchasing of Inventor before application, may use or sell the thing purchased.

SEC. 4899. Every person who purchases of the inventor, or discoverer, or with his knowledge and consent constructs any newly invented or discovered machine, or other patentable article, prior to the application by the inventor or discoverer for a patent, or who sells or uses one so constructed, shall have the right to use, and vend to others to be used, the specific thing so made or purchased, without liability therefor.

Patented Articles must be marked as such.

SEC. 4900. It shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word "patented," together with the day and year the patent was granted; or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice; and in any suit for infringement, by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the article so patented.

Penalty for falsely marking or labelling Articles as patented.

SEC. 4901. Every person who, in any manner, marks upon anything made, used, or sold by him for which he has not obtained a patent, the name or any imitation of the name of any person who has obtained a patent therefor, without the consent of such patentee, or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any such patented article the word "patent," or "patentee," or the words "Letters Patent," or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any unpatented article the word "patent" or any word importing that the same is patented, for the purpose of deceiving the public, shall be liable, for every such offence, to a penalty of not less than one hundred dollars, with costs; one-half of said penalty to the person who shall sue for the same, and the other to the use of the United States, to be recovered by suit in any district court of the United States within whose jurisdiction such offence may have been committed.

Filing and Effect of Caveats.

SEC. 4902. Any citizen of the United States who makes any new invention or discovery, and desires further time to mature

the same, may, on payment of the fees required by law, file in the Patent Office a caveat setting forth the design thereof, and of its distinguishing characteristics, and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year by any other person for a patent with which such caveat would in any manner interfere, the Commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office, and give notice thereof, by mail, to the person by whom the caveat was filed. If such person desires to avail himself of his caveat, he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post office in Washington, with the usual time required for transmitting it to the caveator added thereto; which time shall be endorsed on the notice. An alien shall have the privilege herein granted, if he has resided in the United States one year next preceding the filing of his caveat, and has made oath of his intention to become a citizen.

Notice of Rejection of Claim for Patent to be given to Applicant.

SEC. 4903. Whenever, on examination, any claim for a patent is rejected, the Commissioner shall notify the applicant thereof, giving him briefly the reasons for such rejection, together with such information and references as may be useful in judging the propriety of renewing his application or of altering his specification; and if, after receiving such notice, the applicant persists in his claim for a patent, with or without altering his specifications, the Commissioner shall order a re-examination of the case.

Interferences.

SEC. 4904. Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And

the Commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the primary examiner, or of the board of examiners-in-chief, as the case may be, within such time, not less than twenty days, as the Commissioner shall prescribe.

Affidavits and Depositions.

SEC. 4905. The Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any officer authorised by law to take depositions to be used in the courts of the United States, or of the State where the officer resides.

Subpœnas to Witnesses.

SEC. 4906. The clerk of any court of the United States, for any district or territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpœna for any witness residing or being within such district or territory, commanding him to appear and testify before any officer in such district or territory authorised to take depositions and affidavits, at any time and place in the subpœna stated. But no witness shall be required to attend at any place more than forty miles from the place where the subpœna is served upon him.

Witness Fees.

SEC. 4907. Every witness duly subpœnaed and in attendance shall be allowed the same fees as are allowed to witnesses attending the courts of the United States.

Penalty for failing to attend or refusing to testify.

SEC. 4908. Whenever any witness, after being duly served with such subpœna, neglects or refuses to appear, or after appearing refuses to testify, the judge of the court whose clerk issued the subpœna may, on proof of such neglect or refusal, enforce obedience to the process, or punish the disobedience, as in other like cases. But no witness shall be guilty of contempt for disobeying such subpœna, unless his fees and travelling expenses in going to, returning from, and one day's attendance

at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret invention or discovery made or owned by himself.

Appeals from Primary Examiners to Examiners-in-Chief.

SEC. 4909. Every applicant for a patent, or for the reissue for a patent, any of the claims of which have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner, or of the examiner in charge of interferences in such case, or to the board of examiners-in-chief; having once paid the fee for such appeal.

From Examiners-in-Chief to Commissioner.

SEC. 4910. If such party is dissatisfied with the decision of the examiners-in-chief, he may, on payment of the fee prescribed, appeal to the Commissioner in person.

From the Commissioner to the Supreme Court, District of Columbia.

SEC. 4911. If such party, except a party to an interference, is dissatisfied with the decision of the Commissioner, he may appeal to the Supreme Court of the District of Columbia, sitting in banc.

Notice of such Appeal.

SEC. 4912. When an appeal is taken to the Supreme Court of the District of Columbia, the appellant shall give notice thereof to the Commissioner, and file in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing.

Proceedings on Appeal to Supreme Court.

SEC. 4913. The court shall, before hearing such appeal, give notice to the Commissioner of the time and place of the hearing, and on receiving such notice the Commissioner shall give notice of such time and place in such manner as the court may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the Commissioner shall furnish the court with the grounds of his decision, fully set forth in writing, touching all the points involved by

the reasons of appeal. And at the request of any party interested, or of the court, the Commissioner and the examiners may be examined under oath, in explanation of the principles of the thing for which a patent is demanded.

Determination of such Appeal, and its effect.

SEC. 4914. The court, on petition, shall hear and determine such appeal, and revise the decision appealed from in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as the court may appoint; and the revision shall be confined to the points set forth in the reasons of appeal. After hearing the case the court shall return to the Commissioner a certificate of its proceedings and decisions, which shall be entered of record in the Patent Office, and shall govern the further proceedings in the case. But no opinion or decision of the court in any such case shall preclude any person interested from the right to contest the validity of such patent in any court wherein the same may be called in question.

Patents obtainable by Bill in Equity.

SEC. 4915. Whenever a patent on application is refused, either by the Commissioner of Patents or by the Supreme Court of the District of Columbia upon appeal from the Commissioner, the applicant may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favour of the right of the applicant, shall authorise the Commissioner to issue such patent on the applicant filing in the Patent Office a copy of the adjudication, and otherwise complying with the requirements of law. In all cases, where there is no opposing party, a copy of the bill shall be served on the Commissioner; and all the expenses of the proceeding shall be paid by the applicant, whether the final decision is in his favour or not.

Reissue of Defective Patents.

SEC. 4916. Whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of

the patentee claiming as his own invention or discovery more than he had a right to claim as now, if the error has arisen by inadvertence, accident or mistake, and without any fraudulent or deceptive intention, the Commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or, in the case of his death or of an assignment of the whole or any undivided part of the original patent, then to his executors, administrators, or assigns, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the amended patent. The Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued Letters Patent. The specifications and claim in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so reissued, together with the corrected specifications, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid.

Disclaimer.

SEC. 4917. Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed more than that of which he was the original or first inventor or discoverer, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of such parts of the thing patented as he shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent

of his interest in such patent. Such disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing it.

Suits touching interfering Patents.

SEC. 4918. Whenever there are interfering patents, any person interested in any one of them, or in the working of the invention claimed under either of them, may have relief against the interfering patentee, and all parties interested under him, by suit in equity against the owners of the interfering patent; and the court, on notice to adverse parties, and other due proceedings had according to the course of equity, may adjudge and declare either of the patents void in whole or in part, or inoperative, or invalid in any particular part of the United States, according to the interest of the parties in the patent or the invention patented. But no such judgment or adjudication shall affect the right of any person except the parties to the suit and those deriving title under them subsequent to the rendition of such judgment.

Suits for infringement ; Damages.

SEC. 4919. Damages for the infringement of any patent may be recovered by action on the case, in the name of the party interested, either as patentee, assignee, or grantee. And whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount found by the verdict as the actual damages sustained, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

Pleading and Proof in Actions for Infringement.

SEC. 4920. In any action for infringement the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney, thirty days before, may prove, on trial, any one or more of the following special matters :

First. That for the purpose of deceiving the public the description and specification filed by the patentee in

the Patent Office was made to contain less than the whole truth relative to his invention or discovery, or more than is necessary to produce the desired effect; or,

Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting and perfecting the same; or,

Third. That it had been patented or described in some printed publication prior to his supposed invention or discovery thereof; or,

Fourth. That he was not the original and first inventor or discoverer of any material and substantial part of the thing patented; or,

Fifth. That it had been in public use or on sale in this country for more than two years before his application for a patent, or had been abandoned to the public.

And in notices as to proof of previous invention, knowledge, or use of the thing patented, the defendant shall state the names of patentees, and the dates of their patents, and when granted, and the names and residences of the persons alleged to have invented, or to have had the prior knowledge of the thing patented, and where and by whom it had been used; and if any one or more of the special matters alleged shall be found for the defendant, judgment shall be rendered for him with costs. And the like defences may be pleaded in any suit in equity for relief against an alleged infringement; and proofs of the same may be given upon like notice in the answer of the defendant, and with the like effect.

Power of Courts to grant Injunctions and estimate Damages.

SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement, the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby; and the court shall assess the same, or cause the same to be assessed under its direction. And the court shall have the same power to increase such

damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case.

Suit for infringement where Specification is too broad.

SEC. 4922. Whenever, through inadvertence, accident, or mistake, and without any wilful default or intent to defraud or mislead the public, a patentee has, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor or discoverer, every such patentee, his executors, administrators, and assigns, whether of the whole or any sectional interest in the patent, may maintain a suit at law or in equity, for the infringement of any part thereof, which was *bonâ fide* his own, if it is a material and substantial part of the thing patented, and definitely distinguishable from the parts claimed without right, notwithstanding the specifications may embrace more than that of which the patentee was the first inventor or discoverer. But in every such case in which a judgment or decree shall be rendered for the plaintiff no costs shall be recovered unless the proper disclaimer has been entered at the Patent Office before the commencement of the suit. But no patentee shall be entitled to the benefits of this section if he has unreasonably neglected or delayed to enter a disclaimer.

Patent not void on account of previous use in foreign country.

SEC. 4923. Whenever it appears that a patentee, at the time of making his application for the patent, believed himself to be the original and first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been known or used in a foreign country, before his invention or discovery thereof, if it had not been patented or described in a printed publication.

Extension of Patents granted prior to March 2, 1861.

SEC. 4924. Where the patentee of any invention or discovery, the patent for which was granted prior to the second day of March, eighteen hundred and sixty-one, shall desire an extension of this patent beyond the original term of its limitation, he shall make application therefor in writing to the Commissioner of Patents, setting forth the reasons why such extension should

be granted; and he shall also furnish a written statement under oath of the ascertained value of the invention or discovery, and of his receipts and expenditures on account thereof, sufficiently in detail to exhibit a true and faithful account of the loss and profit in manner accruing to him by reason of the invention or discovery. Such application shall be filed not more than six months nor less than ninety days before the expiration of the original term of the patent; and no extension shall be granted after the expiration of the original term.

What notice of application for Extension must be given.

SEC. 4925. Upon the receipt of such application and the payment of the fees required by law, the Commissioner shall cause to be published in one newspaper in the city of Washington, and in such other papers published in the section of the country most interested adversely to the extension of the patent as he may deem proper, for at least sixty days prior to the day set for hearing the case, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted.

Applications for Extension, to whom to be referred.

SEC. 4926. Upon the publication of the notice of an application for an extension, the Commissioner shall refer the case to the principal examiner having charge of the class of inventions to which it belongs, who shall make the Commissioner a full report of the case, stating particularly whether the invention or discovery was new and patentable when the original patent was granted.

Commissioner to hear and decide the question of Extension.

SEC. 4927. The Commissioner shall, at the time and place designated in the published notice, hear and decide upon the evidence produced both for and against the extension; and if it shall appear to the satisfaction of the Commissioner that the patentee, without neglect or fault on his part, has failed to obtain from the use and sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it, and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the Commis-

sioner shall make a certificate thereon, renewing and extending the patent for the term of seven years from the expiration of the first term. Such certificate shall be recorded in the Patent Office; and thereupon such patent shall have the same effect in law as though it had been originally granted for twenty-one years.

Operation of Extensions.

SEC. 4928. The benefit of the extension of a patent shall extend to the assignees and grantees of the right to use the thing patented, to the extent of their interest therein.

FEEES.

SEC. 4934. The following shall be the rates for patent fees:

On filing each original application for a patent, fifteen dollars.

On issuing each original patent, twenty dollars.

On filing each caveat, ten dollars.

On every application for the reissue of a patent, thirty dollars.

On filing each disclaimer, ten dollars.

On every application for the extension of a patent, fifty dollars.

On the granting of every extension of a patent, fifty dollars.

On an appeal for the first time from the primary examiners to the examiners-in-chief, ten dollars.

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars.

For certified copies of patents and other papers, including certified printed copies, ten cents per hundred words.

For recording every assignment, agreement, power of attorney, or other paper, of three hundred words or under, one dollar; of over three hundred and under one thousand words, two dollars; of over one thousand words, three dollars.

For copies of drawings, the reasonable cost of making them.

Mode of Payment.

SEC. 4935. Patent fees may be paid to the Commissioner of Patents, or to the Treasurer or any of the assistant treasurers of the United States, or to any of the designated depositaries

national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose; and such officer shall give the depositor a receipt or certificate of deposit therefor. All money received at the Patent Office, for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever.

Refunding.

SEC. 4936. The Treasurer of the United States is authorised to pay back any sum or sums of money to any person who has through mistake paid the same into the Treasury, or to any receiver or depositary, to the credit of the Treasury, as for fees accruing at the Patent Office, upon a certificate thereof being made to the Treasurer by the Commissioner of Patents.

OFFICIAL GAZETTE.

Act, May 18, 1872.

PATENT OFFICE.—To provide for the plates of an Official Gazette of the Patent Office abstracts of the drawings of patents issued, thirteen thousand three hundred and thirty-three dollars, to be expended under the direction of the Commissioner of Patents: Provided, That one copy of said Gazette shall be furnished to each senator, representative, and delegate in Congress; and one copy each shall be sent to eight such public libraries as may be designated by each senator, representative, and delegate, and two copies to the library of Congress: Provided further, That a subscription-price of not less than five dollars per annum for said Gazette shall be charged to each subscriber; and all sums received from such subscription shall be, on or before the first day of each month, paid into the Treasury.

FOR THE PUBLIC PRINTING.—For the additional expense of printing and stitching the Patent Office Official Gazette with the abstracts of specifications and drawings, five thousand four hundred and twenty-five dollars.

REPEAL PROVISIONS.

TITLE LXXIV. Rev. Stat. p. 1091:

What revised Statutes embrace.

SEC. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their

nature, in force on the 1st day of December, one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited, as the Revised Statutes of the United States.

Repeal of Acts embraced in revision.

SEC. 5596. All acts of Congress passed prior to said first day of December, one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into said revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local, or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day, no part of which are embraced in said revision, shall not be affected or changed by its enactment.

Accrued rights reserved.

SEC. 5597. The repeal of the several acts embraced in said revision shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office, or change the term or tenure thereof.

Prosecutions and Punishments.

SEC. 5598. All offences committed, and all penalties or forfeitures incurred under any statute embraced in said provision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made.

Acts of limitation.

SEC. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offences, or for the recovery of penalties of forfeitures, embraced in said revision and covered by said appeal, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

Arrangement and Classification of Sections.

SEC. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title under which any particular section is placed.

Acts passed since Dec. 1, 1873, not affected.

SEC. 5601. The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December, one thousand eight hundred and seventy-three, and all acts passed since that date are to have full effect as if passed after the enactment of this revision, and so far as such acts vary from, or conflict with, any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.

URUGUAY.

Law of the 20th June, 1853.

Art. 1.

The executive Government is authorized to issue patents conferring exclusive rights for inventions, for improvements on inventions, and for importations of inventions.

Art. 2.

The nation does not guarantee either the merit or the novelty of the inventions or improvements.

Art. 3.

All questions which may arise as to whether or not an invention or improvement was already public property at the time of the grant shall be determined by the tribunals.

Art. 4.

The exclusive patent right referred to in the preceding articles shall be limited to ten years for the author, eight years for the introducer, and six years for the improver of an invention.

Art. 5.

The executive Government shall fix the term within which the inventions for which patents are granted shall be worked.

Art. 6.

In case of accident, or force of circumstances beyond control, the executive Government may grant an extension of the term of patent, if the person interested applies for it at least six months before the expiration of the original term. The extension shall never be longer than one-third part of the terms specified in Article 4.

Art. 7.

Any person wishing to obtain a patent must deliver to the executive Government a clear and succinct description of his invention, together with the samples, drawings, and models necessary to explain the same, swearing that the property in it belongs to him, and making application for a patent to establish his title.

Art. 8.

No patent shall be issued to an applicant without proof of his having previously paid into the general treasury the sum of 100 piastres, which shall be paid to a fund for providing a room in the National Museum, in which to deposit the specifications, drawings, and models required for obtaining the patents.

Art. 9.

Any patent obtained by false or improper statements, or relating to an invention which is already public property, shall be immediately annulled, and the cost of this proceeding shall be borne by the patentee, who shall also be liable to a fine of one thousand dollars, or to imprisonment for six months.

Art. 10.

In case of a declaration by the tribunals that any person has infringed the rights of a patentee, the infringer shall be subject to a fine of five hundred dollars, or three months imprisonment, in addition to the payment of indemnity for loss or damages sustained.

Art. 11.

The executive Government will regulate the form and manner of the issuing of the patent, taking especial care, however, that the whole of the requirements of Art. 7 remain unaltered.

Art. 12.

Upon the lapsing of the patent by the expiration of the term, or default of working within the period provided for by Art. 5, the executive Government shall publish the fact in the public papers.

VENEZUELA.

Law of 23rd May, 1878.

CHAPTER I.**GENERAL PROVISIONS.****Art. 1.**

Every new discovery or invention in all classes of industry confers upon its author, under the conditions and for the time fixed by this law, the exclusive right of working for his own profit the said discovery or invention. This right is certified by a document issued by the Government under the name of a patent.

Art. 2.

The following shall be considered as new inventions or discoveries under this law:—

1. The invention of new industrial productions.
2. The invention of new methods, or the new application of known methods for obtaining a hitherto unknown result.

Art. 3.

The following shall not be patentable:—

1. Pharmaceutical compositions or medicines of all kinds which are subjected to special laws on the subject.
2. Schemes and combinations relating to credit and finance.

Art. 4.

To obtain a patent for any object it is necessary that it should be a lawful one, that is to say, that it should not be contrary to the security of the State, to morals, or public order, and that it should be for an improvement applicable to industry.

Art. 5.

A patent or privilege granted by the Government confers no honorary position nor any recompense or favour. It simply means that the author of a discovery wishes, before giving it publicity, to reserve to himself for a certain time the exclusive right to work it for his own benefit.

Art. 6.

The duration of patents shall be five, ten, or fifteen years.

Every patent shall be subject to the following payments:—

For five years, twenty venezolanos (4*l.*).

For ten years, forty venezolanos (8*l.*).

For fifteen years, fifty venezolanos (10*l.*).

These sums shall be paid to the Treasury by yearly instalments of four venezolanos (16 shillings), under penalty of forfeiture if the patentee allows any year to elapse without payment of the tax.

The National Executive may exempt from this payment such inventors as may, in their opinion, deserve it.

 CHAPTER II.

FORMALITIES RESPECTING THE DELIVERY OF PATENTS.

Art. 7.

Any person who shall wish to obtain a patent must deposit, under a sealed cover, at the Ministry of the Interior:—

1. A petition to the Minister.
2. A specification of his discovery or invention.
3. The drawings or specimens which may be necessary for the comprehension of the specification.
4. A list of the papers deposited.

Art. 8.

The application must be limited to a single principal object, with such details of its application as may be necessary. It must mention the term for which the privilege is desired within the limits fixed by Art. 6, and shall contain neither restrictions, conditions, or reservations. It must set forth a title containing a short and precise designation of the object of the invention. The specification must not be written in a foreign language; it must be without alterations or interlineations; words erased must be counted and verified, the pages and references being initialed.

It must not contain denominations of weights and measures which are not those of the Republic.

The drawings must be in ink, to a metrical scale.

A duplicate of the specification and drawings must accompany the petition. All the documents must be signed by the petitioner or his attorney, and in the latter case the power must be affixed to the petition.

Art. 9.

No petition shall be received without a certificate from the Treasury of the receipt of the first annual payment; as soon as this is done, the Director of the Patent Branch shall enter in a book the day and hour of the delivery of the petition and a list of the papers received. This shall be signed by the Director and the petitioner. A copy shall be given, if desired.

Art. 10.

The term of the patent shall count from the date of the deposit.

Art. 11.

As soon as the above requisites have been complied with the patents shall be delivered in the order of the entries in the book.

Art. 12.

Patents applied for in due form shall be delivered, without previous examination, at the risk and peril of the petitioner, without guarantee by the Government of the reality, novelty, or merit of the invention, or the accuracy or exactitude of the description. A decree of the Minister, certifying the regularity

of the application, shall be delivered to the applicant and shall constitute the patent. To this decree shall be annexed a certified duplicate of the specification and drawings mentioned in Art. 8.

Art. 13.

All applications in which the formalities prescribed by Nos. 2 and 3 of Art. 7 and by Art. 8 have not been observed shall be rejected. One-half of the sum paid shall be forfeited to the Treasury, but shall be allowed to the petitioner if the application be amended within three months.

Art. 14.

A list of patents granted shall be inserted in the Official Gazette every three months.

CHAPTER III.

ASSIGNMENT AND TRANSFER OF PATENTS.

Art. 15.

Every patentee may transfer a part or the whole of the ownership of his patent. This can only be done by due form of law and after payment of the whole fees required by Art. 6.

Art. 16.

The document proving the transfer shall be presented to the Minister who shall register it. Such transfers shall be published in the Gazette every three months.

CHAPTER IV.

PUBLICATION OF SPECIFICATIONS AND DRAWINGS.

Art. 17.

The specifications, drawings, samples, and models of the patents delivered shall remain at the Ministry of the Interior until the expiration of the patent, where they may be inspected free of charge by any applicant. Copies can also be made at the expense of the applicant.

Art. 18.

After the payment of the second annuity, the specifications and drawings shall be published either in full or by extracts. At the beginning of each year a catalogue shall be published of the patents granted during the past year.

Art. 19.

At the expiration of patents, the original specifications and drawings shall be deposited in a special place annexed to the National Museum.

CHAPTER V.

RIGHTS OF FOREIGNERS.

Art. 20.

Foreigners can obtain in Venezuela patents in conformity with the present law.

Art. 21.

The author of an invention or discovery already patented abroad may obtain a patent in Venezuela, but its duration shall not exceed that of the patents previously obtained abroad.

CHAPTER VI.

ANNULMENTS, FORFEITURES, AND OFFENCES.

Art. 22.

Patents granted in the following cases shall be null and void :—

1. If the discovery, invention, or application is not new.
2. If it is not patentable according to Art. 3 of this law.
3. If it refers only to theoretical principles, methods, systems, or conceptions, the practical application of which is not specified.
4. If it is contrary to public security or order, to morals, or to the laws of the Republic, and this without preju-

dice to the penalties attached to the introduction or sale of prohibited articles.

5. If it fraudulently alleges an object which is not the real object of the invention ; and
6. If the specification is not sufficiently clear and precise.

Art. 23.

No invention, discovery, or application shall be considered as new if it has been published in Venezuela or abroad in such manner as to admit of its practical execution.

Art. 24.

The rights of the privilege are cancelled—

1. When the proper annual payments have not been made.
2. When the patentee shall not have commenced to work the invention in Venezuela within two years from the date of the patent, or when he shall have ceased to work it during two consecutive years ; unless, in such cases he shall explain the delay to the satisfaction of the Executive ; and
3. When the patentee shall have introduced into Venezuela articles manufactured abroad similar to those which are protected by his patent.

Art. 25.

Any person who in his signboards, advertisements, prospectuses, placards, marks, or stamps, shall call an invention patented without having obtained a patent, or after the expiration of one duly granted, or who, there being a patent, omits the words *without Guarantee of the Government*, shall be subject to a fine of from 10 to 100 venezolanos (2l. to 20l.), as the Executive shall determine. In case of a second offence the fine may be doubled.

Art. 26.

Any person interested in the matter may demand the annulment or forfeiture of a patent. These actions shall be brought before the Tribunal of First Instance of the State or of the Federal District.

Art. 27.

If the suit be brought at the same time against the patentee and one or more of his licensees, it shall be brought before the tribunal of the domicile of the patentee.

Art. 28.

The matter shall be heard and decided in conformity with the requirements of the Civil Code. The sentence shall be communicated to the Minister of the Interior.

Art. 29.

In all proceedings for the nullity or forfeiture of a patent, whatever stage they may be in, the Public Prosecutor shall have the right to intervene.

Art. 30.

Whenever the sentence in such cases shall have acquired the force of res-adjudicator, notice shall be given to the Ministry and shall be published in the form prescribed by Art. 14.

INFRINGEMENTS.

Art. 31.

Any interference with the rights of a patentee, whether they be the manufacture of the object or the employment of the means for which his patent has been granted constitute the offence of infringement, this shall be punished by a fine of from 25 to 150 venezolanos (5*l.* to 30*l.*)

Art. 32.

Those who have knowingly received, sold, or exposed for sale or introduced into Venezuela one or more infringing articles shall be liable to the same penalty, to be doubled for a second offence.

Art. 33.

Proceedings for these penalties shall only be taken on the complaint of an interested party.

Art. 34.

The tribunal before which an action for infringement is brought shall decide, in the first place, on pleas raised by the accused for the nullity or forfeiture of the patent, and also upon all questions relating to the ownership of the patent.

Art. 35.

The confiscation of articles held to be infringements, and also of the instruments or utensils used in their manufacture, shall be pronounced against the maker, importer, or seller. Such objects shall be delivered to the patentee, who may claim, in addition, such damages as may be deemed equitable.

REGULATIONS.

Art. 36.

The National Executive shall order to be framed the Regulations necessary for the execution of this law.

VICTORIA.

Act No. CCXL., 9th May, 1865.

AN ACT TO CONSOLIDATE THE LAW CONCERNING LETTERS PATENT
FOR INVENTIONS.

(NOTE.—The words “Registrar-General” in italics are alterations made
by the Act, No. 432, 17th Dec., 1872.)

BE it enacted by the Queen’s most excellent Majesty, by and
with the advice and consent of the Legislative Council and the
Legislative Assembly of Victoria, in this present Parliament
assembled, and by the authority of the same, as follows :

Title.

1. This Act shall come into operation on the first day of
June, in the year of our Lord one thousand eight hundred and
sixty-five, and shall be called and may be cited as “The Patents
Statute, 1865.” Its sections are divided into parts as follow :

PART I.—Mode of obtaining Letters Patent, ss. 4–19.

PART II.—Disclaimers and Alterations, ss. 20–23.

PART III.—Extension of Term and Confirmation of Invalid
Patents, ss. 24–28.

PART IV.—Miscellaneous Provisions, ss. 29–39.

Repeal of Acts.

2. The Acts mentioned in the first schedule hereto, to the extent to which the same are in and by the said schedule expressed to be repealed, shall be and the same are hereby repealed. Nothing herein contained shall affect any proceedings or things lawfully taken, done, or commenced, or any Letters Patent granted, or any protection or right conferred, or any rules and regulations, or any register or appointment made, or any notice or particulars given or published, or any warrant issued or caveat entered under the said repealed Acts, or either of them, before the coming into operation of this Act; and all such proceedings and things shall be as valid and may be continued, and all such Letters Patent, protections, rights, rules, and regulations, registers, appointments, notices, particulars, warrants, and caveats shall have the same force and efficacy as if this Act had not been passed. Letters Patent may be granted in respect of applications made before the coming into operation of this Act in like manner as if this Act had not been passed; and where Letters Patent have been granted before the commencement of this Act, or shall in respect of any application made before the commencement of this Act be hereafter granted for any invention, such Letters Patent may be confirmed, or the term thereof extended or new Letters Patent granted for such invention in like manner as if the original or first Letters Patent had been granted under this Act.

Interpretation.

3. In the interpretation of this Act the word "invention" shall mean and include any manner of new manufacture the subject of Letters Patent and Grant of Privilege within the meaning of the enactment next hereinafter contained.

PART I.—MODE OF OBTAINING LETTERS PATENT.

Power to grant Patents.

4. It shall be lawful to make and issue, in the manner hereinafter mentioned, Letters Patent and Grants of Privilege for any term not exceeding fourteen years from the date thereof of the sole working or making of any manner of new manufactures within Victoria and its dependencies to the true and first inventor of such manufactures, which others at the time of

making such Letters Patent and Grants shall not use, so as also they be not contrary to the law nor mischievous to the State by raising prices of commodities, or hurt of trade, or generally inconvenient. And all other monopolies, commissions, grants, licences, charters, and Letters Patent hereafter to be made or granted to any person of or for the sole buying, selling, making, working, or using of anything within Victoria or its dependencies, or of any other monopolies, or of power, liberty, or faculty to dispense with any others, and all matters and things whatsoever in anywise tending to the instituting, erecting, or countenancing of the same, or any of them, shall be utterly void and of none effect, and in nowise to be put in execution.

Governor in Council to make Rules for executing this Act.

5. It shall be lawful for the Governor in Council, from time to time, to make such rules and regulations (not inconsistent with the provisions hereof), as may appear to be necessary and expedient for the purposes of this Act; and all such rules and regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting of Parliament.

*On application for Patents inventor to deposit Specification. —
Specification may be amended before Patent issues.*

6. All applications under this Act for the grant of Letters Patent for an invention shall be made as follows; (that is to say,) the applicant shall deposit at the office of the *Registrar-General* an instrument in writing under his hand and seal, particularly describing and ascertaining the nature of the said invention, and in what manner the same is to be performed, and also a copy of such instrument, and of the drawings accompanying the same (if any); and the day of the deposit of every such specification shall be recorded at the said office and endorsed on such specification, and a certificate thereof given to such applicant or his agent; and thereupon, subject and without prejudice to the provisions hereinafter contained, the said invention shall be protected under this Act for the term of six months next after the said deposit, and the applicant shall have during such term the like powers, rights, and privileges as might have been conferred upon him by Letters Patent

for such invention issued under this Act, and duly sealed as of the day of such deposit; and during the continuance of such powers, rights, and privileges under this provision, such invention may be used and published without prejudice to any Letters Patent to be granted for the same; and where Letters Patent are granted in respect of such invention, such Letters Patent shall be conditioned to become void if such specification does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed: Provided always, that in case the title of the invention or the said specification be too large or insufficient, it shall be lawful for the law officer during the said term of six months, and before the grant of the Letters Patent, to allow or require such specification to be amended, or another and sufficient specification to be deposited in lieu thereof; and every such amended or new specification shall have the same force, effect, and operation as if it had been originally deposited in its amended or new state.

Form and size of Specification and Copy.

7. Every such specification as aforesaid shall be in the form contained in the second schedule to this Act, or to the like effect, and shall be written upon both sides of one or more skin or skins of parchment, and every page thereof shall be of the exact size of twenty inches in length by fifteen inches in breadth, leaving a margin of at least one inch and a half on each side of every such page in order and to the intent that the same may be bound into books for safe custody; but the drawings accompanying such specification (if any) may be made upon larger sheets of parchment, leaving a margin of the size and for the purpose aforesaid; and every copy of any such specification as aforesaid, and of the drawings accompanying the same (if any), shall in like manner be written upon one or more sheet or sheets of paper of the size and with the margins aforesaid.

Patent of true Inventor not to be affected by Specification of pretended Inventor.

8. In case of the deposit of any such specification as aforesaid in fraud of the true and first inventor, any Letters Patent granted to the true and first inventor of such invention shall

not be invalidated by reason of such deposit, or of any use or publication of the invention subsequent to such deposit and before the expiration of the said term of protection.

Mode of proceeding after deposit of Specification.

9. The applicant, so soon as he shall think fit after the deposit of such specification as aforesaid, and of the drawings and models accompanying the same (if any), may give notice in writing at the chambers of the law officer of his intention to proceed with his application for Letters Patent for the said invention, stating in such notice the title of the said invention; and the day on which the specification thereof was deposited at the office of the *Registrar-General*, and at the time of giving such notice shall produce the said certificate of deposit; and thereupon the said law officer shall deliver to the applicant or his agent an appointment in the form contained in the third schedule to this Act, or to the like effect; and such applicant or agent, not less than twenty-one clear days prior to the day appointed by the law officer, shall cause the said appointment to be published once in the Government Gazette, once in some newspaper published in the city of Melbourne, and twice in some newspaper published in the town or place at or near to which the applicant uses or exercises the said invention, or (in case he does not use or exercise the same) in or near to which he resides, or if there shall be no newspaper published in such town or place then twice in some newspaper circulating in the neighbourhood where he uses or exercises the said invention or (in case he does not use or exercise the same) where he resides; and any person having an interest in opposing the grant of Letters Patent for the said invention shall be at liberty, not less than three clear days prior to the day so appointed, to leave particulars in writing of his objections to the said application at the chambers of the law officer.

Law Officer to hear Applications and Objections and award Costs.

10. At the place and time named in the said appointment the applicant shall produce the newspapers containing the same; and the law officer shall thereupon hear and consider the said application, and all objections to the same mentioned in the said particulars (if any), and for that purpose shall obtain from the office of the *Registrar-General* the said copy of the said

specification, and of the drawings and models accompanying the same (if any), and may call to his aid such scientific or other person as he may think fit, and may, by writing under his hand, order to be paid to such person some remuneration for his attendance; and may also in like manner order that the costs of any hearing upon any objection, or otherwise in relation to the grant of such Letters Patent, or the protection acquired by the applicant under this Act, shall be paid, and in and by such writing shall fix the amount of such remuneration or costs, and by or to whom the same respectively shall be paid; and every such order shall be in the form contained in the fourth schedule to this Act, or to the like effect, and may be made a rule of the Supreme Court: Provided always, that the applicant, the objectors, and their respective witnesses and evidence shall be respectively heard, examined, and considered separately and apart from and in the absence of the other and his witnesses and evidence.

Law Officer may issue Warrant for Letters Patent.

11. The law officer, after such hearing and consideration, may issue a warrant under his hand and seal for the granting of Letters Patent for the said invention, and by such warrant shall direct the insertion in such Letters Patent of all such restrictions, conditions, and provisoes as he may deem usual and expedient in such grants, or necessary in pursuance of this Act: and the said warrant shall be the warrant for the making and sealing of Letters Patent under this Act according to the tenor of the said warrant; and every such warrant shall be in the form contained in the fifth schedule to this Act, or to the like effect.

Letters Patent may be repealed or withheld, and Specification cancelled.

12. The writ of scire facias shall lie for the repeal of any Letters Patent granted under this Act and may be issued into the circuit district in which the grantee resided when the said Letters Patent were granted; and in case such grantee does not reside in Victoria, it shall be sufficient to file such writ in the proper office of the Supreme Court, and serve notice thereof in writing at the last known place of residence or business of such grantee; and nothing herein contained shall extend to abridge or affect the prerogative of the Crown in relation to

the granting or withholding the grant of any Letters Patent; and it shall be lawful for the Governor in Council to order such law officer to withhold such warrant as aforesaid, or that any Letters Patent for the granting whereof he may have issued a warrant as aforesaid shall not issue, or to order the insertion in any such Letters Patent of any restrictions, conditions or provisos, in addition to or in substitution for any restrictions, conditions, or provisos which would otherwise be inserted therein under this Act; and it shall also be lawful for the Governor in Council to order any specification in respect of the invention described in which no Letters Patent may have been granted to be cancelled, and thereupon the protection obtained by the deposit of such specification shall cease.

Letters Patent to be void on non-performance of Conditions.

13. All Letters Patent for inventions granted under this Act shall be in the form contained in the sixth schedule to this Act, or to the like effect, and be made subject to the condition that the same shall be void, and that the powers and privileges thereby granted shall cease and determine, at the expiration of three years and seven years respectively from the date thereof, unless there be paid within the said three and seven years respectively the sum or sums of money in that behalf hereby required to be paid; and the *Registrar-General* shall issue under his hand a certificate of such payment, and shall endorse a receipt for the same on the Letter Patent.

Letters Patent to be issued within Three Months after Warrant and during the protection.

14. The *Registrar-General*, so soon after the receipt by him of the said warrant as required by the applicant, shall cause to be prepared Letters Patent for the invention according to the tenor of the said warrant; and it shall be lawful for the Governor in Council to cause such Letters Patent to be sealed with the seal of the colony; and such Letters Patent shall be made applicable to the said colony and its dependencies, and shall be valid and effectual as to the whole of the same respectively; but except as hereinafter-mentioned, no Letters Patent shall issue on any warrant granted as aforesaid unless application be made to seal such Letters Patent within three months after the date of the said warrant, nor unless such Letters Patent be

granted during the continuance of the protection conferred under this Act by reason of such deposit.

Letters Patent may issue after that time in certain cases.

15. Where the application to seal such Letters Patent has been made during the continuance of such protection as aforesaid, and the sealing of such Letters Patent has been delayed from accident and not from the neglect or wilful default of the applicant, then such Letters Patent may be sealed at such time not being more than one month after the expiration of such protection as the Governor in Council shall direct; and where the applicant for such Letters Patent dies during the continuance of such protection as aforesaid, such Letters Patent may be granted to the executors or administrators of such applicant during the continuance of such protection, or at any time within three months after the death of such applicant, notwithstanding the expiration of the term of such protection; and the Letters Patent so granted shall be of the like force and effect as if they had been granted to such applicant during the continuance of such protection; and in case any Letters Patent shall be destroyed or lost, other Letters Patent of the like tenor and effect, and sealed and dated as of the same day, may (subject to such regulations as the Governor in Council may direct) be issued under the authority of the warrant in pursuance of which the original Letters Patent were issued.

Letters Patent to bear Date of the deposit of Specification, and to be conclusive as to preliminary steps and proceedings.

16. Notwithstanding any enactment to the contrary, all Letters Patent to be issued in pursuance of this Act shall be sealed and bear date as of the day of the deposit of such specification as aforesaid, and shall be of the same force and validity as if they had been sealed on the day as of which the same are expressed to be sealed and bear date; and after any Letters Patent shall have been granted or issued under this Act it shall not be necessary or material to inquire or ascertain whether such appointment as aforesaid has or has not been delivered and published in the manner hereinbefore-mentioned and directed.

Letters Patent for Foreign Inventions not to continue after expiration of Foreign Patent.

17. Where upon any application made under this Act Letters Patent are granted for or in respect of any invention first invented in parts out of Victoria and its dependencies, and a patent or like privilege for the monopoly or exclusive use or exercise of such invention in any parts out of Victoria and its dependencies is obtained before the grant of such Letters Patent in Victoria, all rights and privileges under such Letters Patent shall (notwithstanding any term in any such Letters Patent limited) cease and be void immediately upon the expiration or other determination of the term during which the patent or like privilege obtained in such part out of Victoria and its dependencies shall continue in force, or where more than one such patent or like privilege is obtained abroad, immediately upon the expiration or determination of the term which shall first expire or be determined of such several patents or like privileges: Provided always, that no Letters Patent for or in respect of any invention (for which any such patent or like privilege as aforesaid shall have been obtained abroad) granted in Victoria after the expiration or determination of the term for which such patent or privilege was granted or was in force shall be of any validity.

Letters Patent not to prevent the use of Inventions in Foreign Ships resorting to ports in Victoria.

18. No Letters Patent for any invention granted after the coming into operation of this Act shall extend to prevent the use of such invention in any foreign ship or vessel, or for the navigation of any foreign ship or vessel, which may be in any port of Victoria or its dependencies or in any of the waters within the jurisdiction of any of Her Majesty's courts of Victoria, where such invention is not so used for the manufacture of any goods or commodities to be vended within or exported from the same: Provided always, that this enactment shall not extend to the ships or vessels of any foreign state, the laws of which authorize subjects of such foreign state having patents or like privileges for the exclusive use or exercise of inventions within its territories, to prevent or interfere with the use of such inventions in British ships or vessels, or in or

about the navigation of British ships or vessels while in the ports of such foreign state, or in the waters within the jurisdiction of its courts, where such inventions are not so used for the manufacture of goods or commodities to be vended within or exported from the territories of such foreign state.

Specification to be filed after issue of Patent or expiring of Protection.

19. Every specification deposited at the office of the *Registrar-General* as aforesaid, and the drawings and models accompanying the same (if any), shall, forthwith after the grant of the Letters Patent, or if no Letters Patent be granted then immediately on the expiration of six months from the time of such deposit, be transferred to and kept in such office as the Governor in Council shall from time to time appoint for that purpose.

PART II.—DISCLAIMERS AND ALTERATIONS.

Notice of Application to disclaim or make alterations.

20. Any person who shall obtain Letters Patent under this Act, or in case such person shall part with his whole or any part of his interest by assignment, such person together with the assignee (if part only has been assigned), or the assignee alone (if the whole has been assigned), may apply to the law officer for leave to enter a disclaimer of any part of either the title of the invention or of the specification, or a memorandum of any alteration in the said title or specification, not being such disclaimer or such alteration as shall extend the exclusive right granted by the said Letters Patent; and thereupon the law officer shall deliver to such patentee and assignee, or either of them, or to their or either of their agent, an appointment in the form contained in the seventh schedule to this Act, or to the like effect; and such patentee or assignee shall thereupon cause such disclaimer (stating the reason for the same), or such memorandum of alteration, to be written at the foot of the said appointment, and shall cause the same respectively to be published in the manner hereinbefore required with respect to the said first-mentioned appointment; and any person having an interest in opposing the said application shall be at liberty to leave particulars in writing of his objections to the same at the chambers of the law officer within such time not being less than three clear days prior to the day so appointed: Provided

always, that where such application as aforesaid shall be for leave to enter a disclaimer of any part of the title of the said invention, or a memorandum of any alteration in such title, the law officer may dispense with such appointment and publication, and in that case shall certify in the fiat hereinafter mentioned that he has dispensed with the same.

Application for Disclaimer to be heard.

21. At the time and place named in such appointment the said patentee and assignee, or one of them, shall produce the newspapers containing the same and the said disclaimer or memorandum of alteration at the foot thereof; and the law officer shall thereupon hear and consider the said application, and all objections to the same mentioned in the said particulars (if any), and all such power and authority shall and may be exercised upon that occasion by the law officer as by virtue of the provisions hereinbefore contained can and may be exercised in relation to the hearing and considering an application for Letters Patent and objections to the same, and shall and may be enforced in like manner.

How Disclaimer may be entered and alterations made.

22. After such hearing and consideration, or without such hearing and consideration where the said appointment and publication shall have been dispensed with as aforesaid, such patentee and assignee, or either of them, may by leave of the law officer (to be certified by a fiat under his hand to be written at the foot of the same parchment with the said disclaimer or memorandum) enter such disclaimer (stating the reason for the same) or such memorandum of alteration, and at the time of entering such disclaimer or memorandum of alteration shall deposit a copy thereof in the office next hereinafter mentioned; and such disclaimer or memorandum of alteration, being filed in such office as the Governor in Council shall from time to time appoint for that purpose, shall be deemed and taken to be part of such Letters Patent or such specification, and subject to the several incidents thereof, in all courts whatever, and shall be valid and effectual in favour of any person in whom the rights under the said Letters Patent may then be or thereafter become legally vested; and no objection shall be allowed to be made in any proceeding upon or touching such Letters Patent, specification, disclaimer or memorandum of alteration, on the ground that the person entering such disclaimer or memorandum

of alteration had not sufficient authority in that behalf: Provided always, that no action shall be brought upon any Letters Patent in which or on the specification of which any disclaimer or memorandum of alteration shall have been filed in respect of any infringement committed prior to the filing of such disclaimer or memorandum of alteration (unless the law officer shall certify in his said fiat that any such action may be brought), notwithstanding the entry or filing of such disclaimer or memorandum of alteration; and no such disclaimer or alteration shall be receivable as evidence in any action or suit (save and except in any proceeding by scire facias) pending at the time when such disclaimer or alteration was filed as aforesaid; but in every such last-mentioned action or suit the original title and specification alone shall be given in evidence, and be deemed and taken to be the title and specification of the invention for which the Letters Patent have been or shall have been granted: Provided also, that when any such fiat shall have been granted or issued under this Act, it shall not be necessary or material to inquire or ascertain whether such appointment as last aforesaid has or has not been delivered and published or dispensed with in accordance with this Act, and such filing of any disclaimer or memorandum of alteration in pursuance of the leave of the law officer certified as aforesaid shall (except in cases of fraud) be conclusive as to the right of the party to enter such disclaimer or memorandum of alteration under this Act.

Copies of Specification, Disclaimers, &c., to be open to inspection.

23. The copies of all specifications and the drawings and models accompanying the same (if any) and of all disclaimers and memoranda of alterations respectively deposited under or in pursuance of this Act shall be open to the inspection of the public at all reasonable times after the grant of Letters Patent, or if no Letters Patent be granted then immediately on the expiration of six months from the time of such deposit; but subject to such regulations as the Governor in Council may make in that behalf.

PART III.—EXTENSION OF TERM and CONFIRMATION OF INVALID PATENTS.

Mode of obtaining extension of the Term.

24. If any person who has obtained Letters Patent under this Act or any other Act relating to Letters Patent heretofore in

force in Victoria, or (in case such person shall have parted with his whole or any part of his interest by assignment) if such person, together with the assignee where part only has been assigned, or of the assignee alone where the whole has been assigned, shall, six months before the expiration or other determination of such Letters Patent, present to the Governor in Council a petition for the extension of the term in such Letters Patent mentioned, and shall set forth in such petition that he or they has or have been unable to obtain a due remuneration for his or their expense and labour in perfecting such invention, and that an exclusive right of using and vending the same for some further period to be named in such petition, in addition to the said term, is necessary for his or their reimbursement and remuneration, it shall be lawful for the Governor in Council to refer the consideration of the said petition to commissioners to be appointed for that purpose in the manner hereinafter mentioned.

Mode of obtaining confirmation of invalid Patent.

25. If in any suit or action it shall be proved or specially found by the verdict of a jury that any person who shall have obtained Letters Patent for any invention or supposed invention was not the first inventor thereof, or of some part thereof, by reason of some other person having invented or used the same, or some part thereof, before the date of such Letters Patent, or if such patentee or his assigns shall discover that some other person had, unknown to such patentee, invented or used the same, or some part thereof, before the date of such Letters Patent, such patentee or his assigns may petition the Governor to confirm the said Letters Patent or to grant new Letters Patent; and it shall be lawful for the Governor in Council to refer the consideration of the said petition to commissioners to be appointed for that purpose in the manner hereinafter mentioned.

Appointment of Commissioners.

26. For the purpose of considering any such petition as aforesaid, it shall be lawful for the Governor in Council (if he shall think fit) to issue and direct in the name of Her Majesty, her heirs or successors, to five or more persons (of whom some of the judges of the Supreme Court shall be two) a commission

reciting such petition, and requiring and authorising such persons, or any three of them, of whom one of the said judges shall be one, to meet at some time (not being less than two months from the publication of the said commission in the Government Gazette) and at some place to be respectively fixed in the said commission, and then and there to consider the said petition, and to report to Her Majesty, her heirs and successors (in case such petitioner shall have prayed for an extension of the term in the Letters Patent mentioned), whether any and, if any, what further extension of the said term should be granted according to the prayer of the said petition, and upon what, if any, conditions, or (in case such petitioner shall have prayed for a confirmation of the Letters Patent or for a grant of new Letters Patent) whether such confirmation or grant should be made.

Notice of Commission to be published and Caveats entered.

27. Two months at least before the time named in the said commission for the consideration of any such petition as aforesaid, the petitioner shall cause to be published in the same manner as is hereinbefore required with respect to the said first-mentioned appointment an advertisement of the contents of the said commission in the form contained in the eighth schedule to this Act, or to the like effect; and any person having an interest in opposing the said petition shall be at liberty to enter a caveat against the same at the office of the *Registrar-General* at any time not being less than one week before the time named in the said commission for the execution thereof.

Commissioners to hear all Parties and report.

28. At the time and place fixed in the said commission for that purpose the commissioners shall meet and proceed to consider such petition; and the petitioner shall be heard by his counsel and witnesses to prove his case as stated in such petition, and the publication of the said last-mentioned advertisement as required by this Act; and the persons entering caveats shall likewise be heard by their counsel and witnesses; and all such witnesses shall be examined upon oath or affirmation (which oath or affirmation such commissioners as aforesaid are hereby authorised and required to administer); and thereupon and upon hearing and inquiry of the whole matter (in case such petitioner shall have prayed for an extension as aforesaid)

the said commissioners may report whether any and, if any, what further extension of the said term should be granted; and the Governor in Council is hereby authorised and empowered, if he shall think fit, to grant to the petitioner new Letters Patent for the said invention for a term not exceeding fourteen years after the expiration of the first term, anything hereinbefore contained to the contrary thereof in anywise notwithstanding; and such new Letters Patent shall be sealed and bear date as of the day after the expiration of the term of the first Letters Patent. Or (in case such petitioner shall have prayed for a confirmation or grant as aforesaid) such commissioners, upon examining the said matter and being satisfied that such patentee as aforesaid believed himself to be the first and original inventor, and being satisfied that such invention, or part thereof, had not been publicly and generally used before the date of such first Letters Patent, may report to Her Majesty, her heirs and successors, their opinion that the prayer of such petition ought to be complied with, whereupon the Governor in Council may, if he shall think fit, grant such prayer; and the said Letters Patent shall be available at law and in equity to give to such petitioner the sole right of using, making, and vending such invention as against all persons whomsoever, anything hereinbefore contained to the contrary thereof notwithstanding: Provided that any person, party to any former suit or action touching such first Letters Patent as last aforesaid, shall be entitled to have notice in writing of the time and place fixed as aforesaid for the first meeting of the said commissioners to consider the said petition; and after any such report shall have been made it shall not be material or necessary to inquire or ascertain whether any such advertisement as last aforesaid has or has not been published, or whether any such notice as last aforesaid has or has not been given in the manner hereinbefore directed in that behalf.

PART IV.—MISCELLANEOUS PROVISIONS.

Index to Specifications, Disclaimers, &c.

29. The Governor in Council may cause indices to all specifications, disclaimers, and memoranda of alterations heretofore or to be hereafter enrolled or deposited as aforesaid to be prepared in such form as may be thought fit; and such indices shall be

open to the inspection of the public, at such places as the Governor in Council shall appoint, and subject to the regulations to be made as hereinbefore provided.

Register of Patents to be kept.

30. There shall be kept at the office to be appointed as aforesaid a book or books, to be called "The Register of Patents," wherein shall be entered and recorded in chronological order all Letters Patent granted under this Act and any other Act relating to Letters Patent heretofore in force in Victoria, the deposit and filing of specifications, disclaimers, and memoranda of alterations filed in respect of such Letters Patent, all amendments in such Letters Patent and specifications, all confirmations and extensions of such Letters Patent, the expiry, determination, vacating, or cancelling such Letters Patent, with the dates thereof respectively, and all other matters and things affecting the validity of such Letters Patent as the Governor in Council may direct; and such register, or a copy thereof, shall be open at all convenient times to the inspection of the public, subject to such regulations as the Governor in Council may make in that behalf.

Register of Proprietors to be kept.

31. There shall be kept at the same office a book or books, entitled "The Register of Proprietors," wherein shall be entered, in such manner as the Governor in Council shall direct, the assignment of any Letters Patent, or of any share or interest therein, any licence under Letters Patent, and the district to which such licence relates, with the name or names of any person having any share or interest in such Letters Patent or licence, the date of his or their acquiring such Letters Patent, share, and interest, and any other matter or thing relating to or affecting the proprietorship in such Letters Patent or licence; and a copy of any entry in such book, certified as hereinafter mentioned, shall be given to any person requiring the same, and shall be *primâ facie* proof of the assignment of such Letters Patent, or share or interest therein, or of the licence or proprietorship, as therein expressed: Provided always, that until such entry shall have been made the grantee or grantees of the Letters Patent shall be deemed and taken to be the sole and exclusive proprietor or proprietors of such Letters Patent, and of all the licences and privileges

thereby given and granted; and such register of a copy shall be open to public inspection, subject to such regulations as the Governor in Council may make.

Certified Copies to be Evidence.

32. The Governor in Council may cause a seal to be made for the purposes hereinafter mentioned; and all courts, judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence in like manner as impressions of the seal of the colony are received in evidence; and copies or extracts, certified and sealed with such seal, of Letters Patent, specifications, disclaimers, memoranda of observations, and all other documents or books recorded, filed, and kept in pursuance of this Act, shall be received in evidence in all proceedings relating to Letters Patent for inventions in all courts, and by all judges and other persons whomsoever.

Falsification or forgery of Entries.

33. If any person shall wilfully make or cause to be made any false entry in any such register, or shall wilfully make or forge or cause to be made or forged any writing falsely purporting to be a copy of any entry in the said book, or shall produce or tender or cause or suffer to be produced or tendered in evidence any such writing, knowing the same to be false or forged, he shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding five years.

Entries may be expunged.

34. If any person shall deem himself aggrieved by any entry made under colour of this Act in any such register, it shall be lawful for such person to apply by motion to the Supreme Court in term time, or by summons to a judge of such court in vacation, for an order that such entry may be expunged, vacated, or varied; and upon any such application such court or judge may make such order for expunging, vacating, or varying such entry, and as to the costs of such application, as to such court or judge may seem fit; and the officer having the care and custody of such register, on the production to him of any such order, shall expunge, vacate, or vary the said entry according to such order.

Penalty for unauthorised user of the word "Patent."

35. If any person shall write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark upon anything made, used, or sold by him, for the sole making or selling of which he has not or shall not have obtained Letters Patent, the name or any imitation of the name of any other person who has or shall have obtained Letters Patent for the sole making and vending of such thing, without leave in writing of such patentee or his assigns, or if any person shall upon such thing, not having been purchased from the patentee, or some person who purchased it from or under such patentee, or not having had the licence or consent in writing of such patentee or his assigns, write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark the word "patent," the words "letters patent," or the words "by the Queen's patent," or any words of the like kind, meaning, or import, with a view of imitating or counterfeiting the stamp, mark, or other device of the patentee, he shall for every such offence forfeit and pay the sum of one hundred pounds, one half to Her Majesty, her heirs and successors, and the other half with full costs of suit to any person who shall sue for the said penalty by action of debt: Provided always, that nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping or in any way marking the word "patent" upon anything for the sole making or vending of which Letters Patent before obtained shall have expired or otherwise determined.

In Actions for Infringement Particulars of Breaches and Objections to be delivered.

36. In any action for the infringement of Letters Patent the plaintiff shall deliver with his declaration particulars of the breaches complained of in the said action, and the defendant on pleading thereto shall deliver with his pleas, and the prosecutor in any proceeding by scire facias to repeal Letters Patent shall deliver with his declaration, particulars of any objections on which he means to rely at the trial in support of the pleas in the said action, or of the suggestions of the said declaration in scire facias respectively; and at the trial of such action or proceeding by scire facias no evidence shall be allowed to be given in support of any alleged infringement or of any objection impeaching the validity of such Letters Patent which shall

not be contained in the particulars delivered as aforesaid: Provided always, that the place or places at or in which and in what manner the invention is alleged to have been used or published prior to the date of the Letters Patent shall be stated in such particulars: Provided also, that it shall and may be lawful for any judge at chambers to allow such plaintiff or defendant or prosecutor respectively to amend the particulars delivered as aforesaid, upon such terms as to such judge shall seem fit. Provided also, that at the trial of any proceeding by scire facias to repeal Letters Patent the defendant shall be entitled to begin and to give evidence in support of such Letters Patent; and in case evidence shall be adduced on the part of the prosecutor impeaching the validity of such Letters Patent the defendant shall be entitled to the reply.

Particulars to be regarded in taxing Costs.

37. In taxing the costs in any action for infringing Letters Patent regard shall be had to the particulars delivered in such action, and the plaintiff and defendant respectively shall not be allowed any costs in respect of any particular unless certified by the judge before whom the trial was had to have been proved by such plaintiff or defendant respectively, without regard to the general costs of the cause; and it shall be lawful for the judge before whom any such action shall be tried to certify on the record that the validity of Letters Patent in the declaration mentioned came in question; and the record with such certificate being given in evidence in any suit or action for infringing the said Letters Patent, or in any proceeding by scire facias to repeal the Letters Patent, shall entitle the plaintiff in any such suit or action, or the defendant in such proceeding by scire facias, on obtaining a decree, decretal order, or final judgment, to his full costs, charges, and expenses to be taxed as between attorney and client, unless the judge making such decree or order, or the judge trying such action or proceeding, shall certify that the plaintiff or defendant respectively ought not to have such full costs.

Fees on obtaining Patents.

38. There shall be paid in respect of Letters Patent applied for or issued as herein mentioned, the deposit of specifications, disclaimers, and memoranda of alterations, warrants,

certificates, entries, and searches, and other matters and things respectively mentioned in the ninth schedule to this Act, such fees as are enumerated in that schedule; and such of the said fees as are thereby made payable to the law officer shall and may be received and retained by such law officer for his own proper use; and the residue thereof shall form part of the consolidated revenue of Victoria, and be paid, applied, and disposed of accordingly.

English Patents to be subject to this Act.

39. All Letters Patent which shall have been or which shall be granted in the United Kingdom of Great Britain and Ireland after the thirty-first day of December in the year of our Lord one thousand eight hundred and fifty-seven, for any invention, shall, so far as the same relate to Victoria and its dependencies, be and be deemed to have been utterly void and of none effect, and in nowise be put in execution; but all such Letters Patent granted in the said United Kingdom on or before that day, and which would be or would have been valid in Victoria if this Act or any other Act relating to Letters Patent heretofore in force in Victoria had not been passed, shall be deemed and taken to have been granted under this Act, and may be dealt with accordingly.

SCHEDULES.

SCHEDULE I.

Section 2.

| Date of Act. | Title of Act. | Extent of Repeal. |
|-------------------|--|-------------------|
| 18 Vict. No. 1 .. | “ An Act to protect the rights of “ inventors of articles at the “ Exhibition in Victoria of one “ thousand eight hundred and “ fifty-four.” | The whole. |
| 20 Vict. No. 3 .. | “ An Act concerning Letters Patent “ for Inventions.” | The whole. |

SCHEDULE II.

Section 7.

To all to whom these presents shall come, I [John Doe, of Taradale, in the county of Talbot, engineer,] send greeting :

Whereas I am desirous of obtaining Royal Letters Patent for securing unto me Her Majesty's special licence that I, my executors, administrators, and assigns, and such others as I or they should at any time agree with, and no others, should and lawfully might from time to time, and at all times during the term of fourteen years (to be computed from the day on which this instrument shall be left at the office of the *Registrar-General*), make, use, exercise, and vend within the colony of Victoria and its dependencies an invention for [*insert the title of the invention*]; and in order to obtain the said Letters Patent I must by an instrument in writing under my hand and seal particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed, and must also enter into the covenant hereinafter contained: Now know ye, that the nature of the said invention, and the manner in which the same is to be performed, is particularly described and ascertained in and by the following statement; (that is to say,) [*describe the invention*]. And I do hereby, for myself, my heirs, executors, and administrators, covenant with Her Majesty, her heirs and successors, that I believe the said invention to be a new invention as to the public use and exercise thereof, and that I do not know or believe that any other person than myself is the true and first inventor of the said invention, and that I will not deposit these presents at the office of the *Registrar-General* with any such knowledge or belief as last aforesaid.

In witness, &c.

SCHEDULE III.

Section. 9.

Patent for [*insert the title of the specification*]. This is to notify that *A.B.* of, &c., did on the day of instant [*or last*] deposit at the office of the *Registrar General* in Melbourne a specification or instrument in writing under his hand and seal particularly describing and ascertaining the nature of the said invention, and in what manner the same is to be performed, and that by reason of such deposit the said invention is protected and secured to him exclusively for the term of six calendar months thence next ensuing; and I do further notify that the said *A.B.* has given notice in writing at my chambers of his intention to proceed with his application for Letters Patent for the said invention, and that I have appointed [*Thursday*] the day of next, at o'clock in the noon, at my chambers to hear and consider the said application and all objections thereto; and I do hereby require all

persons having an interest in opposing the grant of such Letters Patent to leave on or before the day of at my chambers in Melbourne particulars in writing of their objections to the said application, otherwise they will be precluded from urging the same.

Given under my hand this day of 18 .
T. H. F.,
 General.

SCHEDULE IV.

Section 10.

Upon hearing the objection of *A.B.* to the grant to *C.D.* of Letters Patent for [*insert the title as in the specification*], I do by this writing under my hand order that the said *A.B.* shall pay to the said *C.D.* the sum of for the costs of such hearing [*or to E.F. the sum of as a remuneration for his attendance at such hearing*].

Given under my hand this day of 18 .
G. H.,
 General.

SCHEDULE V.

Section 11.

I have heard and considered the application of *A.B.* for Letters Patent for [*insert the title as in the specification*], and also all objections to the same, and having perused the specification and the usual and necessary advertisements, am of opinion that as it is entirely at the hazard of the said applicant whether the said invention is new and will have the desired success, Her Majesty's Royal Letters Patent may be issued in the form contained in the sixth schedule to the "Patents Statute, 1865," [*with the following additional clauses; (that is to say,) here set them out if any*].

Given under my hand and seal this day of
(L.S.) W. F. S.,
 General.

SCHEDULE VI.

Section 13.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

Whereas *A.B.* of in the county of , engineer, hath represented that he is desirous of obtaining our Royal Letters Patent for securing unto him our special licence that he, his executors, adminis-

trators, and assigns, and such others as he or they should agree with, and no others, should and lawfully might make, use, exercise, and vend within our colony of Victoria and its dependencies an invention for [*insert the title of the invention*]; and by an instrument in writing under his hand and seal, deposited in the office of the *Registrar General*, the said *A.B.* hath particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed; and we, being willing to give encouragement to all arts and inventions which may be for the public good, are graciously pleased to confer upon the said *A.B.* the privileges hereinafter mentioned: Know ye, therefore, that we, of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents, for us, our heirs, and successors, do give and grant unto the said *A.B.*, his executors, administrators, and assigns, our especial licence, full power, sole privilege, and authority that he the said *A.B.*, his executors, administrators, and assigns, and every of them, by himself and themselves, or his and their deputy or deputies, servants or agents, or such others as he or they shall at any time agree with, and no others, during the term herein expressed, shall and lawfully may make, use, exercise, and vend his said invention within our said colony and its dependencies, in such manner as to him, his executors, administrators, and assigns, or any of them shall seem meet, and that he, his executors, administrators, and assigns, shall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage, from time to time coming, growing, accruing, and arising by reason of the said invention during the said term; to have, hold, exercise, and enjoy the said licences, powers, privileges, and advantages unto and by the said *A.B.*, his executors, administrators, and assigns, for and during and unto the full end and term of fourteen years now next ensuing; and to the end that he, his executors, administrators, and assigns, and every of them, may have and enjoy the full benefit and the sole use and exercise of the said invention according to our gracious intention, we do by these presents, for us, our heirs and successors, require and strictly command all and every person and persons, bodies politic and corporate and all other our subjects whatsoever, of what estate, quality, degree, name, or condition soever they be, within our said colony and its dependencies, that neither they nor any of them at any time during the said term, either directly or indirectly, do make, use, or put in practice the said invention or any part of the same so attained unto by the said *A.B.* as aforesaid, nor in anywise counterfeit, imitate, or resemble the same, nor shall make or cause to be made any addition thereunto or subtraction from the same whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the consent, licence, or agreement of the said *A.B.*, his executors, administrators, or assigns, in writing under his or their hands and seals first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted on such offenders for their contempt of this our royal command, and further to be answerable to the said *A.B.*, his executors, administrators, and assigns, according to law for his and their damages thereby

occasioned: Provided always, and these our Letters Patent are and shall be upon this condition, that if at any time during the said term hereby granted it shall appear that this our grant is contrary to law or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, or that the said *A.B.* is not the true and first inventor thereof within this colony or its dependencies, these our Letters Patent shall forthwith cease, determine, and be utterly void to all intents and purposes, anything hereinbefore contained to the contrary thereof in anywise notwithstanding: Provided also, that these our Letters Patent, or anything herein contained, shall not extend or be construed to extend to give privilege unto the said *A.B.*, his executors, administrators, or assigns, or any of them, to use or imitate any invention or work whatsoever which hath heretofore been found out or invented by any other of our subjects whatsoever and publicly used or exercised, unto whom our like Letters Patent or privileges have been already granted for the sole use, exercise, and benefit thereof, within our said colony or its dependencies, it being our will and pleasure that the said *A.B.*, his executors, administrators, and assigns, and all and every other person and persons to whom like Letters Patent or privileges have been already granted as aforesaid, shall distinctly use and practise their several inventions by them invented and found out according to the true intent and meaning of the same respective Letters Patent and of these Presents: Provided likewise nevertheless, and these our Letters Patent are upon this express condition, that if the said instrument in writing does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed, and also, if the said *A.B.*, his executors, administrators, or assigns, shall not pay at the office of the *Registrar-General* of our said colony the sum of fifteen pounds within three years next after the date of these presents, and the sum of twenty pounds within seven years next after such date, and also if the said *A.B.*, his executors, administrators, or assigns, shall not supply or cause to be supplied for our service all such articles of the said invention as he or they shall be required to supply by the persons administering the department of our service for the use of which the same shall be required, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled for that purpose by the said persons requiring the same, that then and in any of the said cases these our Letters Patent, and all liberties and advantages whatsoever hereby granted, shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding: Provided that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted. And lastly, we do by these presents, for us, our heirs and successors, grant unto the said *A.B.*, his executors, administrators, and assigns, that these our Letters Patent shall be, in and by all things, good, firm, valid, and sufficient and effectual in the law, according to the true intent and meaning thereof, and shall be taken, construed, and adjudged in the most favourable and

beneficial sense, for the best advantage of the said *A.B.*, his executors, administrators, and assigns, as well in all our courts of record as elsewhere, and by all and singular the officers and ministers whatsoever, of us, our heirs and successors, in our said colony and its dependencies, and amongst all and every the subjects of us, our heirs and successors whatsoever and wheresoever, notwithstanding the not full and certain describing the nature or quality of the said invention, or of the materials thereunto conducing and belonging. In witness whereof we have caused these our letters to be made patent, and to be sealed and bear date as of the day of

SCHEDULE VII.

Section 20.

Patent for [*insert the title*]. This is to notify to all whom it may concern, that *C.D.*, of &c., has applied to me for leave to enter a disclaimer of part [*or memorandum of alteration, as the case may be*] of the said invention, the particulars whereof are stated below; I do therefore appoint [*Thursday*], the day of next, at o'clock in the noon, to hear and consider the said application and all objections to the same; and I do hereby require all persons having an interest in opposing the said application to leave on or before the day of at my chambers in Melbourne particulars in writing of their objections to the same, otherwise they will be precluded from urging such objections.

Given under my hand, this day of .

W. F. S.,
General.

The following is the disclaimer [*or as the case may be*] which I desire to make in, &c. [*The applicant must here set forth what he wishes to enter, and sign it*].

SCHEDULE VIII.

Section 27.

Patent for [*insert the title*]. Notice is hereby given, that I have presented a petition to his Excellency the Governor, praying for the confirmation of [*or extension of the term in*] the said patent, and that a royal commission has issued authorising and requiring certain commissioners therein named to consider and report upon the subject to Her Majesty, which said commissioners will meet for that purpose on the day of next, at o'clock in the noon, at . All persons objecting to the said confirmation [*or extension*] must enter a caveat against the same, at the office of the *Registrar-General* in Melbourne, otherwise they will be precluded from objecting to it.

Dated this day of

A. B.

SCHEDULE IX.

Section 38.

| | £ | s. | d. |
|--|----|----|----|
| On depositing specification | 2 | 10 | 0 |
| To the law officer for any "appointment". | 2 | 4 | 6 |
| On obtaining letters patent | 2 | 10 | 0 |
| At or before the expiration of the third year | 15 | 0 | 0 |
| At or before the expiration of the seventh year | 20 | 0 | 0 |
| To the law officer with particulars of objections | 2 | 4 | 6 |
| On presenting petition for extension or confirmation | 2 | 10 | 0 |
| Every search and inspection | 0 | 1 | 0 |
| Entry of assignment or licence | 0 | 10 | 0 |
| Certificate of assignment or licence | 0 | 10 | 0 |
| Filing of memorandum of alteration or disclaimer | 2 | 10 | 0 |
| Entering any caveat | 2 | 10 | 0 |
| Copy or extract of any writing per common law folio | 0 | 1 | 0 |

WESTERN AUSTRALIA.

Act No. 1, 15th Aug., 1872.

An Act to regulate Grants of Patents for Inventions in the colony of Western Australia.

Whereas it is expedient to make provision for granting Patents for Inventions in the colony of Western Australia: Be it therefore enacted by His Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Holder of Letters Patent issued under this Act entitled to same privileges in Western Australia as Patentees under Great Seal entitled to in England—5th & 6th Wm. IV. c. 83; 15th & 16th Vict. c. 83.

1. From and after the passing of this Act, any person to whom, as the originator or discoverer of any new invention or improvement in the arts or manufactures, His Excellency the Governor shall, according to the provisions hereinafter contained, grant Letters Patent, or an instrument in the nature of Letters Patent, shall have within the said colony of Western Australia, for a term of fourteen years next after the granting of such Letters Patent or instrument, the exclusive enjoyment and advantage in the said colony of such invention or improvement, and such and the same protection, and such and the same remedies at law and in equity against any person in

the colony infringing the said Letters Patent or instrument, and generally such and the same rights, powers, and privileges throughout the said colony, with respect to the invention for which such Letters Patent or instrument shall be granted, as any person to whom Letters Patent for a new invention have been granted under the Great Seal of England has by the law of England in and throughout the realm of England (save so far as such protection, remedies, rights, powers, and privileges may be inconsistent with the provisions of this Act): Provided that so much of the provisions contained in an Act of the United Parliament of Great Britain and Ireland passed in the session of the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the law touching Letters Patent for Inventions," as relates to the confirming of Letters Patent or granting new Letters Patent to a patentee acting under an erroneous belief that he was the first and original inventor, and for the prolongation of Letters Patent, and the several provisions contained in an Act of the United Parliament of Great Britain and Ireland passed in the session of the fifteenth and sixteenth years of the reign of Her present Majesty, intituled "An Act for amending the law for granting Patents for Inventions," shall not be deemed applicable to the colony of Western Australia: Provided further, that any of the penalties recoverable by any person holding Letters Patent under the Great Seal of England in any court of Great Britain, under the said first-mentioned Act, for any unauthorized person using or imitating the name of any such patentee, or using the word "patent," or the like words, or counterfeiting the mark of any such patentee, may be recoverable and recovered in similar courts in the said colony by any person to whom Letters Patent, or an instrument in the nature of Letters Patent, shall be granted under the provisions hereof, or by his assignee, for similar injuries to such last-mentioned patentee or his assignee in the said colony.

Mode of Application for Letters Patent.

2. Any person being the originator or discoverer of any new invention or improvement as aforesaid, for which no patent or instrument in the nature of Letters Patent has been issued in Western Australia or any other country, and being desirous of obtaining Letters Patent or an instrument as aforesaid under this Act, shall deposit with the Colonial Treasurer the sum of

twenty-five pounds, and leave in the office, or in the custody of such person as the Governor may appoint, a petition addressed to His Excellency, stating clearly and succinctly the object to be attained by his invention or discovery, setting forth that he has deposited the sum of twenty-five pounds as aforesaid, and praying that Letters Patent, or an instrument as aforesaid, may be granted to him for the exclusive use thereof in the said colony; and every such person shall also send with his said petition a written specification, signed by him, of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or scheme to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of any machine, a statement of the principle and of the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall in the said specification particularly specify and point out the part, improvement, or combination which he claims as his own invention and discovery: he shall also send a drawing and written references, where the nature of the case admits, of drawings or specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, when the invention or discovery is a composition of matter; and he shall moreover, if required by such person so appointed as aforesaid, furnish with the said petition a model of his invention, in all cases which admit of a representation by model, of a convenient size to exhibit advantageously its several parts; and he shall also send a solemn affirmation or declaration, made before some justice of the peace of the said colony (and which affirmation or declaration such justice is hereby authorized to take), that the petitioner is, as he believes, the first and true originator or discoverer of such new invention or improvement, and shall affirm or declare the object intended to be attained thereby.

Notice of Application to be published in Gazette.

3. The Governor in his discretion may thereupon cause notice of the said application to be inserted in the Government Gazette, and thereby require any person who may conceive that he would be prejudiced by the granting of such Letters

Patent or instrument, to send within two months of the said publication to the office or address of such person so appointed as aforesaid, a statement in writing setting forth the grounds of such objection, subscribed with his proper name and address.

Governor may refer Objection to Persons appointed who shall report to His Excellency.

4. It shall be lawful for the Governor, upon receipt within the time aforesaid of such objection, to refer the consideration thereof to one or more competent person or persons to be appointed by the said Governor, and also to direct the applicant for such Letters Patent or instrument, and the opponent of the grant or issue thereof, to attend before such person or persons so appointed, who shall investigate the said matter, and shall be at liberty to call to his or their aid such scientific or other witnesses as he or they may think fit, and to cause to be paid to such witnesses by the applicant such remuneration as he or they may direct; and such person or persons so appointed shall report to the Governor whether in his or their opinion such Letters Patent should be issued, and if any such objection shall be sustained, the said specification, drawings, and models shall be returned to the said applicant, and the said sum of twenty-five pounds shall be paid to Her Majesty as hereinafter mentioned.

Costs of Inquiry to be given.

5. It shall be lawful for such person or persons so appointed, to whom the consideration of any such objection as aforesaid is referred, if he or they see fit, by certificate under his or their hand, to determine the amount of the costs of any hearing or inquiry upon such objection, and to order by and to whom such costs shall be paid; and if any such costs so ordered to be paid be not paid within seven days after the date of such order, every such order may be made a rule of the Supreme Court of such colony.

If no Objection, Letters Patent may be issued.

6. In case no objection shall be made to the issuing of the said Letters Patent or instrument within the time aforesaid, or in case such person or persons so appointed shall report that such Letters Patent or instrument should be issued, the Governor may direct, by writing under his hand, that such

Letters Patent or instrument shall be issued by the Colonial Secretary or other proper officer, and shall thereupon cause such specifications, drawings, and models so sent as aforesaid, to be deposited with the Colonial Secretary of the said colony.

Amount to be paid for Letters Patent.

7. The person applying for such Letters Patent or instrument shall, within one month after the issuing of such direction, pay into the office of the Colonial Treasurer of the said colony and obtain a receipt for the sum of twenty-five pounds sterling, which sum and the said sum of twenty-five pounds, and all other monies received by the Colonial Treasurer under this Act, shall be paid to Her Majesty, her heirs and successors, for the use of the said colony and in support of the Government thereof.

Colonial Secretary to issue Letters Patent.

8. The Colonial Secretary or other proper officer, upon such directions as aforesaid, and production to him of the receipts of the Colonial Treasurer, shall forthwith cause Letters Patent to be prepared in the form in the schedule herunto annexed marked A, and the Governor shall sign his name and cause the seal of the said colony to be annexed to such Letters Patent, and deliver the same to the person to whom the same shall be granted, or to his agent or legal representative.

Letters Patent to be delivered to Colonial Secretary.

9. The person to whom such Letters Patent shall be issued shall thereupon deliver or cause to be delivered the said Letters Patent at the office of the said Colonial Secretary, and the said Letters Patent shall be operative from the time of such delivery.

More than Ten Persons may be interested in Letters Patent.

10. It shall be lawful for a larger number than ten persons to have a legal or beneficial interest in any such Letters Patent, or instrument in the nature of Letters Patent, issued under the provisions of this Act.

Assignment of a Patent and record thereof.

11. Every patent or instrument in the nature of Letters Patent granted under this Act shall be assignable in law either

as to the whole interest or any undivided part thereof by any instrument in writing, which assignment, and also every grant and conveyance of the exclusive right under any patent to make and use and to grant to others to make and use the thing patented within the said colony, shall be recorded in the office of the Colonial Secretary within three months from the execution thereof upon payment by the assignee or grantee to the Colonial Treasurer of the sum of ten pounds.

Injunction may be granted.

12. In any action in the Supreme Court of the said colony for the infringement of any Letters Patent, or instrument in the nature of Letters Patent, issued under the provisions of this Act, it shall be lawful for the Court, as well in its common law as equity jurisdiction, or if the Court be not sitting, then for a Judge of such Court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account, and the proceedings therein respectively, as to such Court or Judge shall seem fit.

Letters Patent may be repealed by Scire facias.

13. Any Letters Patent or instrument in the nature of Letters Patent granted by virtue of this Act shall be liable to be repealed by writ of *scire facias* for the same causes and in the same manner as any grants of the Crown are liable to be repealed.

Letters Patent and Specifications, &c., to be enrolled.

14. The said Colonial Secretary shall cause both the said Letters Patent and the said specification and description to be kept in his office, and shall also cause a book to be kept in his office containing an index to all such Letters Patent, or instruments which may be issued or assigned; the object to be attained by the invention to be protected thereby, the date thereof, the name of the person to whom the same is issued or assigned, and such description of the enrolment thereof as may be necessary to facilitate reference; and all persons whosever may have access to the said books, and may inspect the same, and may have copies thereof, or of such parts thereof as they may require,

certified by the Colonial Secretary, upon payment of reasonable expenses actually incurred in taking the same, and copies of, or extracts from the said Letters Patent, instrument, and specification certified by the said Colonial Secretary to be true copies or extracts shall be received as evidence of the contents of the said Letters Patent, instrument, and specification respectively in all proceedings whatsoever.

Specification may be corrected.

15. Whenever any patent or instrument in the nature of Letters Patent granted under the authority of this Act shall be inoperative or invalid by reason of a defective or insufficient description or specification, or by reason of the patentee claiming, as his own invention, more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for His Excellency the Governor, upon the surrender of such patent or instrument, and the payment to the Colonial Treasurer of the sum of ten pounds, to cause a new Patent or instrument as aforesaid to be issued to the said inventor for the same invention for the residue of the period then unexpired for which the original patent was granted in accordance with the patentee's corrected description and specification, and in case of his death or any assignment by him made of the original patent a similar right shall vest in his executors, administrators, or assigns; and the patent so re-issued, together with the corrected description and specification, shall have the same effect and operation in law on the trial of all actions hereafter commenced for causes subsequently accruing as though the same had been originally filed in such corrected form before the issuing out of the original patent: And whenever the original patentee or his assignee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery which shall have been originated or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of original applications, and on the further payment of twenty pounds in manner hereinbefore provided, have the same annexed to the original description and specification, and the Colonial Secretary shall certify on the margin of such annexed description and specification the time of its being annexed and recorded, and the same shall

thereafter have the same effect in law to all intents and purposes as though it had been embraced in the original description and specification.

Disclaimer may be entered.

16. Any person who shall obtain such Letters Patent or instrument, or his assignee, may, if he think fit, enter with the said Colonial Secretary (having first obtained the permission in writing of the Governor) a disclaimer of any part of either the title of the invention or of the specification, stating the reason for such disclaimer, or may, with such permission as aforesaid, enter a memorandum of any alteration in the said title or specification, not being such disclaimer or such alteration as shall extend the exclusive right granted by the said Letters Patent or instrument, and such disclaimer or memorandum of alteration being deposited with the said Colonial Secretary shall be deemed and taken as part of such Letters Patent or instrument, or such specification, and subject to the several incidents thereof, in all courts of justice in the said colony: Provided that no such disclaimer or alteration shall be receivable as evidence in any action or suit (save and except in any proceeding by *scire facias*) pending at the time when such disclaimer or alteration was enrolled, but in every such action or suit the original title and specification alone shall be deemed and taken to be the title and specification of the invention for which the Letters Patent have been or shall have been granted.

Punishment for false Entries or false Affirmations.

17. If any person shall wilfully make or cause to be made any false entry or alteration in any register or assignment of patents or instruments as aforesaid, or in any specification, or shall wilfully make or forge, or cause to be made or forged, any false writing purporting to be a copy of any entry in the said book, or of any such patents, instruments, or specifications, or shall produce or tender or cause to be produced or tendered in evidence any such writing, knowing the same to be false or forged, or shall wilfully make any false affirmation before any justice of the peace respecting any of the matters concerning which an affirmation is hereby required to be made as aforesaid, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment at the discretion of the court.

Holder or Assignee of Patents obtained in other countries may obtain Letters of Registration.

18. No person shall receive a patent or an instrument in the nature of Letters Patent under this Act for an invention or discovery which has been previously patented in Great Britain, or any other country, but it shall be lawful for the Governor, in his discretion, on the application of any person being the holder or assignee of any patent granted or issued in Great Britain, or any other country, for any new discovery or invention, and upon such proof as the Governor may deem sufficient that such person is the *bonâ fide* holder or assignee of the said patent, and that the same is in full force, and upon payment to the Colonial Treasurer of the sum of twenty-five pounds, to grant letters of registration under the seal of Western Australia to the holder of such patent as aforesaid, or his assignee, and such letters of registration shall be deposited in the office of the Colonial Secretary in the manner herein provided, and shall be deemed to be Letters Patent issued under this Act for such invention or improvement, and shall have the same force and effect as Letters Patent issued thereunder, and shall, unless repealed by writ of *scire facias* or otherwise, inure to the benefit of the holder during the continuance of the original patent in the country in which it was issued or granted, and no longer; and all the provisions of this Act shall apply to such letters of registration in the same way *mutatis mutandis* and as fully as to Letters Patent or an instrument in the nature of Letters Patent issued under this Act.

Interpretation Clause.

19. In the construction of this Act, the word "person" shall include bodies corporate and companies as well as individuals, unless the context be repugnant thereto.

Royal Prerogative saved.

20. Nothing in this Act contained shall be deemed to interfere with Her Majesty's Royal Prerogative in granting or issuing or withholding the grant or issue of any Letters Patent.

The SCHEDULE referred to in the foregoing Act.

A.

Form of Letters Patent, or Instrument in the nature of Letters Patent.

His Excellency the Governor of the Colony of Western Australia, &c., &c.

To all to whom these Presents shall come,

Greeting—

Whereas hath by his petition humbly represented unto me that he is in possession of an invention for , which the petitioner conceives will be of great public utility, that he is the true and first inventor thereof, and that the same is not in use by any other person or persons to the best of his knowledge and belief; the petitioner therefore humbly prayed that I would be pleased to grant unto him, his executors, administrators, and assigns, Letters Patent, or an instrument in the nature of Letters Patent, for the sole use, benefit, and advantage of his said invention within the Colony of Western Australia for the term of 14 years, pursuant to the Act of Council in that case made and provided: And whereas the said hath particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed, by an instrument in writing, and I have acceded to the petitioner's request: Know ye therefore that I, in pursuance of the powers conferred on me by an Act of the Governor and Legislative Council of the said Colony in that behalf made and provided, hath given and granted, and by these presents do give and grant unto the said his executors, administrators, and assigns, the sole privilege and especial license, full power and authority, that he the said his executors, administrators, and assigns, and every one of them by himself and themselves, or by his or their deputy or deputies, servants, or agents, or such others as he the said his executors, administrators, or assigns, shall at any time agree with, and no others, from time to time and at all times hereafter during the term of years herein expressed, shall and lawfully may make, use, and exercise, and vend the said invention within the said Colony of Western Australia, in such manner as to him the said his executors, administrators and assigns, or any of them, shall in his or their discretion seem meet, and that he the said his executors, administrators, and assigns, shall and may lawfully have and enjoy the whole profit, benefit, commodity, and advantage from time to time growing, accruing, and arising by reason of the said invention, for and during the term of years herein mentioned, to have, hold, exercise, and enjoy the said licences, powers, privileges, and advantages hereinbefore granted and mentioned, to be granted unto the said his executors, administrators, and assigns, for and during and unto the full end and term of 14 years from the date of these presents next and immediately ensuing, according to

the Act of Council in such case made and provided: And to the end that the said his executors, administrators, and assigns, and every of them, may have and enjoy the full benefit and the sole use and exercise of the said invention as hereinbefore declared. I do, by these presents, advise all and every person and persons, bodies politic and corporate, in the said Colony of Western Australia, of what estate, quality, degree, name, and condition soever they be within the said Colony, that neither they or any of them at any time during the continuance of the said term of 14 years hereby granted, either directly or indirectly do make, use, or put in practice the said invention or any part of the same so attained unto by the said as aforesaid, nor in anywise counterfeit, imitate, or resemble the same, nor shall make or cause to be made any addition thereunto or subtraction from the same, whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the consent, license, or agreement of the said his executors, administrators, or assigns, in writing under his or their hands and seals first had and obtained in that behalf, lest by so doing they may make themselves answerable to the said his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned.

Provided always, and these Letters Patent or instrument in the nature of Letters Patent are, and is, and shall be upon this condition, that if at any time during the said term hereby granted it shall be made appear to Her Majesty Queen Victoria, her heirs or successors, or to the Governor of the said Colony, that this grant is contrary to law, or prejudicial or inconvenient to her subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, or that the said is not the true and first inventor, these Letters Patent, or instrument in the nature of Letters Patent, shall forthwith cease, determine, and be utterly void to all intents and purposes; Provided also, that these Letters Patent or instrument as aforesaid, or anything herein contained, shall not extend or be construed to extend to give privilege unto the said his executors, administrators, or assigns, or any of them, to use or imitate any invention or work whatsoever which hath heretofore been found out or invented by any other person and publicly used or exercised, unto whom Letters Patent or privileges have been already granted for the sole use, exercise, and benefit thereof; Provided likewise, and these Letters Patent, or instrument in the nature of Letters Patent, are or is upon this express condition, that if the said has not particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed, by an instrument in writing under his hand deposited with the officer appointed by the Governor, and also if the said his executors, administrators, or assigns, shall not supply or cause to be supplied for the service of Her Majesty Queen Victoria, her heirs or successors, in the said Colony, all such articles of the said invention as he or they shall be required to supply by the officers or commissioners administering the department of her or their service for the use of which

the same shall be required in the said Colony, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled, for that purpose by the Governor of the said Colony, that then, and in any of the said cases, these Letters Patent, or instrument in the nature of Letters Patent, and all liberties and advantages whatsoever hereby granted, shall utterly cease, determine, and become void; And lastly, I do by these presents grant unto the said his executors, administrators, or assigns, that these Letters Patent, or instrument in the nature of Letters Patent, shall be in and by all things good, firm, valid, sufficient, and effectual in the law according to the true intent and meaning thereof, notwithstanding the not full and certain describing herein of the nature or quality of the said invention, or of the materials thereunto conducing and belonging. In witness whereof, I have hereunto subscribed my name and have caused these Letters Patent, or this instrument in the nature of Letters Patent, to be sealed with the seal of the Colony of Western Australia, this day of A.D. .

**INTERNATIONAL CONVENTION FOR
THE PROTECTION OF INDUSTRIAL
PROPERTY.**

Signed at Paris, March 20, 1883.

[Ratifications exchanged at Paris, June 6, 1884.]

ARTICLE I.

The Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, Holland, Portugal, Salvador, Servia, and Switzerland, constitute themselves into a Union for the protection of Industrial Property.

[NOTE.—*The following Governments have since adhered to the Convention in accordance with Art. XVI. : Great Britain, (Order in Council, under § 103 of the Patents Act, dated 26th June, 1884), Ecuador and Tunis.*]

ARTICLE II.

The subjects or citizens of each of the Contracting States shall, in all the other States of the Union, in matters concerning patents, industrial designs or models, trade and commercial marks and trade names, enjoy the advantages that their respective laws now grant, or shall hereafter grant, to natives.

Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of

their rights, subject to the fulfilment of the formalities and conditions imposed on natives by the internal legislation of each State.

ARTICLE III.

Subjects or citizens of States not forming part of the Union, who are domiciled or have industrial or commercial establishments in the territory of any of the States of the Union, shall be assimilated to the subjects or citizens of the Contracting States.

ARTICLE IV.

Any person who has duly lodged an application for a patent, an industrial design or model, or a trade or commercial mark in one of the Contracting States, shall enjoy, for lodging the application in the other States, and reserving the rights of third parties, a right of priority during the terms hereinafter stated.

Consequently, a subsequent application in any of the other States of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another application, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by the use of the mark.

The above-mentioned terms of priority shall be six months for patents, and three months for industrial designs and models and for trade and commercial marks. The terms will be increased by a month for countries beyond the sea.

ARTICLE V.

The introduction by the patentee into the country where the patent has been issued of objects manufactured in any of the States of the Union shall not entail forfeiture.

Nevertheless, the patentee shall remain subject to the obligation to work his patent in conformity with the laws of the country into which he introduces the patented objects.

ARTICLE VI.

Every trade or commercial mark duly deposited in the country of its origin shall be admitted for registration, and protected in like manner in all the other countries of the Union.

The country where the applicant has his chief establishment shall be deemed the country of origin.

If this chief establishment is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin.

The deposit may be refused if the object for which it is solicited is considered contrary to morality or public order.

ARTICLE VII.

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

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE XIX.

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

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 pro-

tection 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 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.

To determine the part which each State should contribute to this total of expenses, the Contracting States, and those which may afterwards join the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:—

| | | | | | | | |
|-----------|----|----|----|----|----|----|-----------|
| 1st class | .. | .. | .. | .. | .. | .. | 25 units. |
| 2nd class | .. | .. | .. | .. | .. | .. | 20 „ |
| 3rd class | .. | .. | .. | .. | .. | .. | 15 „ |
| 4th class | .. | .. | .. | .. | .. | .. | 10 „ |
| 5th class | .. | .. | .. | .. | .. | .. | 5 „ |
| 6th class | .. | .. | .. | .. | .. | .. | 3 „ |

These co-efficients will be multiplied by the number of States in each class, and the sum of the result thus obtained will supply the number of units by which the total expense has to be divided. The quotient will give the amount of the unit of expense.

The Contracting States are classed as follows, with regard to the division of expense:—

| | | | |
|-----------|----|----|---|
| 1st class | .. | .. | France, Italy. |
| 2nd class | .. | .. | Spain. |
| 3rd class | .. | .. | Belgium, Brazil, Portugal, Switzerland. |
| 4th class | .. | .. | Holland. |
| 5th class | .. | .. | Servia. |
| 6th class | .. | .. | Guatemala, Salvador. |

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 for separately.

The International Office shall at all times hold itself at the service of 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.

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