

within the jurisdiction of any of her Majesty's Courts in the United Kingdom, or Isle of Man, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connection with the manufacture or preparation of anything intended to be sold in or exported from the United Kingdom or Isle of Man. *ante*, p. 323.

(2.) But this section shall not extend to vessels of any foreign state of which the laws 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 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 or preparation of anything intended to be sold in or exported from the territories of such foreign state.

44. (1.) The inventor of any improvement in instruments or munitions of war, his executors, administrators, or assigns (who are in this section comprised in the expression the inventor) may (either for or without valuable consideration) assign to her Majesty's Principal Secretary of State for the War Department (hereinafter referred to as the Secretary of State), on behalf of her Majesty, all the benefit of the invention and of any patent obtained or to be obtained for the same; and the Secretary of State may be a party to the assignment. *Assignment to Secretary for War of certain inventions. ante*, p. 283,

(2.) The assignment shall effectually vest the benefit of the invention and patent in the Secretary of State for the time being on behalf of her Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced accordingly by the Secretary of State for the time being.

(3.) Where any such assignment has been made to the Secretary of State, he may at any time before the application for a patent for the invention, or before publication of the specification or specifications, certify to the comptroller his

opinion that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

(4.) If the Secretary of State so certifies, the application and specification or specifications with the drawings (if any), and any amendment of the specification or specifications, and any copies of such documents and drawings, shall, instead of being left in the ordinary manner at the patent office, be delivered to the comptroller in a packet sealed by authority of the Secretary of State.

(5.) Such packet shall until the expiration of the term or extended term during which a patent for the invention may be in force, be kept sealed by the comptroller, and shall not be opened save under the authority of an order of the Secretary of State, or of the law officers.

(6.) Such sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by writing under the hand of the Secretary of State to receive the same, and shall if returned to the comptroller be again kept sealed by him.

(7.) On the expiration of the term or extended term of the patent, such sealed packet shall be delivered to any person authorized by writing under the hand of the Secretary of State to receive it.

(8.) Where the Secretary of State certifies as aforesaid, after an application for a patent has been left at the patent office, but before the publication of the specification or specifications, the application, specification or specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the comptroller, and such packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State.

(9.) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which the Secretary of State has certified as aforesaid.

(10.) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open

to the inspection of the public, but save as in this section otherwise directed, the provisions of this part of this Act shall apply in respect of any such invention and patent as aforesaid.

(11.) The Secretary of State may, at any time by writing under his hand, waive the benefit of this section with respect to any particular invention, and the specifications, documents and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12.) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State, or to any person or persons authorized by him to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.

Existing Patents.

45. (1.) The provisions of this Act relating to applications for patents and proceedings thereon shall have effect in respect only of application made after the commencement of this Act. Provisions respecting existing patents.

(2.) Every patent granted before the commencement of this Act, or on an application then pending, shall remain unaffected by the provisions of this Act relating to patents binding the Crown, and to compulsory licenses.

(3.) In all other respects (including the amount and time of payment of fees) this Act shall extend to all patents granted before the commencement of this Act, or on applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

(4.) All instruments relating to patents granted before the commencement of this Act required to be left or filed in the Great Seal Patent Office shall be deemed to be so left or filed if left or filed before or after the commencement of this Act in the patent office.

Definitions.

Definitions
of patent,
patentee, and
invention.

46. In and for the purposes of this Act—

“Patent” means letters patent for an invention :

“Patentee” means the person for the time being entitled to the benefit of a patent :

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled “An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof”), and includes an alleged invention.

In Scotland “injunction” means “interdict.”

(*Parts III. and IV., secs. 47–81, relate to designs and trade marks.*)

PART V.

GENERAL.

Patent Office and Proceedings thereat.

Patent Office.

82. (1.) The Treasury may provide for the purposes of this Act an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2.) Until a new patent office is provided, the offices of the commissioners of patents for inventions and for the registration of designs and trade marks existing at the commencement of this Act shall be the patent office within the meaning of this Act.

(3.) The patent office shall be under the immediate control of an officer called the comptroller general of patents, designs, and trade marks, who shall act under the superintendence and direction of the Board of Trade.

(4.) Any act or thing directed to be done by or to the comptroller may, in his absence, be done by or to any officer for the time being in that behalf authorized by the Board of Trade.

83. (1.) The Board of Trade may at any time after the passing of this Act, and from time to time, subject to the approval of the Treasury, appoint the comptroller-general of patents, designs, and trade marks, and so many examiners and other officers and clerks with such designations and duties as the Board of Trade think fit, and may from time to time remove any of those officers and clerks.

Officers and clerks.

(2.) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by parliament.

84. There shall be a seal for the patent office, and impressions thereof shall be judicially noticed and admitted in evidence.

Seal of patent office.

85. There shall not be entered in any register kept under this Act, or be receivable by the comptroller, any notice of any trust expressed, implied or constructive.

Trust not to be entered in registers.

86. The comptroller may refuse to grant a patent for an invention, or to register a design or trade mark, of which the use would, in his opinion, be contrary to law or morality.

Refusal to grant patent, &c, in certain cases.

87. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade mark, the comptroller shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade mark, in the register of patents, designs, or trade marks, as the case may be. The person for the time being entered in the register of patents, designs, or trade marks, as proprietor of a patent, copyright in a design or trade mark as the case may be, shall, subject to the provisions of this Act and to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing. Provided that any equities in respect of such patent, design, or trade mark may

ante, p. 241.

Entry of assignments and transmissions in registers.

ante, p. 267.

Act 1888,
s. 21.

be enforced in like manner as in respect of any other personal property.

Inspection of
and extracts
from
registers.

Act 1888,
s. 22.

88. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the patent office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Sealed copies
to be received
in evidence.
post, p. 498.

89. Printed or written copies or extracts, purporting to be certified by the comptroller and sealed with the seal of the patent office, of or from patents, specifications, disclaimers, and other documents in the patent office, and of or from registers and other books kept there, shall be admitted in evidence in all Courts in her Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Rectification
of registers
by Court.

Act 1888,
s. 23.

ante, p. 268.

90. (1.) The Court may on the application of any person aggrieved by the omission without sufficient cause of the name of any person or of any other particulars from any register kept under this Act, or by any entry made without sufficient cause in any such register, make such order for making, expunging, or varying the entry, as the Court thinks fit; or the Court may refuse the application; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit.

(2.) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3.) Any order of the Court rectifying a register shall direct that due notice of the rectification be given to the comptroller.

Power for
comptroller to
correct
clerical errors.

91. The comptroller may, on request in writing accompanied by the prescribed fee,—

(a) Correct any clerical error in or in connexion with an application for a patent, or for registration of a design or trade mark; or

(b) Correct any clerical error in the name, style, or address of the registered proprietor of a patent, design, or trade mark;

(c) and (d) relate to trade marks.

92. Relates to trade marks.

Alteration of registered mark.

93. If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor.

Falsification of entries in registers.

94. Where any discretionary power is by this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a trade mark or design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent.

Exercise of discretionary power by comptroller.

95. The comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to either of the law officers for directions in the matter.

Power of comptroller to take directions of law officers.

96. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorized by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Certificate of comptroller to be evidence.

97. (1.) Any application, notice, or other document authorized or required to be left, made, or given at the Patent Office or to the comptroller, or to any other person under this Act, may be sent by a prepaid letter through the post; and if so sent shall be deemed to have been left, made or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

Applications and notices by post.

(2.) In proving such service or sending, it shall be

sufficient to prove that the letter was properly addressed and put into the post.

Provision as to days for leaving documents at office.

98. Whenever the last day fixed by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the Patent Office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday at the Bank of England, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days, if two or more of them occur consecutively.

Declaration by infant, lunatic, &c.

ante, p. 228.

99. If any person is, by reason of infancy, lunacy or other inability, incapable of making any declaration or doing anything required or permitted by this Act or by any rules made under the authority of this Act, then the guardian or committee (if any) of such incapable person, or if there be none, any person appointed by any Court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Act be as effectual as if done by the person for whom he is substituted.

Transmission of certified printed copies of specifications, &c.

100. Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after the same shall respectively have been accepted or allowed at the Patent Office; and certified copies of or extracts from any such documents shall be given to any person requiring the same on payment of the prescribed fee; and any such copy or

extract shall be admitted in evidence in all Courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

101. (1.) The Board of Trade may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act—

- (a) For regulating the practice of registration under this Act :
- (b) For classifying goods for the purposes of designs and trade marks :
- (c) For making or requiring duplicates of specifications, amendments, drawings, and other documents :
- (d) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, amendments and other documents :
- (e) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office : and providing for the inspection of indexes and abridgments and other documents :
- (f) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies and institutions at home and abroad :
- (g) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller, or of the Board of Trade.

(2.) Any of the forms in the First Schedule to this Act may be altered or amended by rules made by the Board as aforesaid.

(3.) General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judicially noticed.

Power for Board of Trade to make general rules for classifying goods and regulating business of Patent Office.

See Rules of 1890, 1892, post, p. 483.

See also sect. 102a, post, p. 468.

(4.) Any rules made in pursuance of this section shall be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament, and they shall also be advertised twice in the official journal to be issued by the comptroller.

(5.) If either House of Parliament, within the next forty days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

Annual
reports of
comptroller.

102. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

Proceedings
of Board of
Trade.

Act 1888,
s. 25.

“**102a.** (1.) All things required or authorized under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

(2.) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorized in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(3.) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

International and Colonial Arrangements.

103. (1.) If her Majesty is pleased to make any arrangement with the government or governments of any foreign state or states for mutual protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such state, shall be entitled to a patent for his invention or to registration of his design or trade mark (as the case may be) under this Act, in priority to other applicants; and such patent or registration shall have the same date as the [*date of the protection obtained*] date of the application in such foreign state.

International arrangements for protection of inventions, designs, and trade marks.

ante, p. 316.

Act, 1885,
s. 6.

Provided that his application is made, in the case of a patent within seven months, and in the case of a design or trade mark within four months, from his applying for protection in the foreign state with which the arrangement is in force.

Provided that nothing in this section contained shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification, or the actual registration of his design or trade mark in this country, as the case may be.

(2.) The publication in the United Kingdom, or the Isle of Man, during the respective periods aforesaid, of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade mark :

(3.) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act: provided that, in the

case of trade marks, any trade mark, the registration of which has been duly applied for in the country of origin, may be registered under this Act:

(4.) The provisions of this section shall apply only in the case of those foreign states with respect to which her Majesty shall from time to time by Order in Council declare them to be applicable, and so long only in the case of each state as the Order in Council shall continue in force with respect to that state.

Provision for
colonies and
India.
post, p. 474.

104. (1.) Where it is made to appear to her Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented or registered in this country, it shall be lawful for her Majesty from time to time by Order in Council to apply the provisions of the last preceding section, with such variations or additions, if any, as to her Majesty in Council may seem fit, to such British possession.

(2.) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the order, take effect as if its provisions had been contained in this Act; but it shall be lawful for her Majesty in Council to revoke any Order in Council made under this Act.

Offences.

Penalty on
falsely
representing
articles to be
patented.

105. (1.) Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, or describes any design or trade mark applied to any article sold by him as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

(2.) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented or a design or a trade mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

106. Any person who, without the authority of her Majesty, or any of the royal family, or of any government department, assumes or uses in connexion with any trade, business, calling, or profession, the royal arms, or arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority as aforesaid, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Penalty on unauthorized assumption of Royal arms.

Scotland, Ireland, &c.

107. In any action for infringement of a patent in Scotland the provisions of this Act, with respect to calling in the aid of an assessor, shall apply, and the action shall be tried without a jury, unless the Court shall otherwise direct, but otherwise nothing shall affect the jurisdiction and forms of process of the Courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those Courts.

Saving for Courts in Scotland.

For the purposes of this section "Court of Appeal" shall mean any Court to which such action is appealed.

108. In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the sheriff court.

Summary proceedings in Scotland.

109. (1.) Proceedings in Scotland for revocation of a patent shall be in the form of an action of reduction at the instance of the Lord Advocate, or at the instance of a party having interest with his concurrence, which concurrence may be given on just cause shewn only.

Proceedings for revocation of patent in Scotland.

(2.) Service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act.

110. All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only.

Reservation of remedies in Ireland.

111. (1.) The provisions of this Act conferring a special

General saving for

jurisdiction
of Courts.

jurisdiction on the Court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in any proceedings relating to patents or to designs or to trade marks; and with reference to any such proceedings in Scotland, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "the Court of Appeal" respectively mean the High Court of Justice in Ireland, and her Majesty's Court of Appeal in Ireland.

(2.) If any rectification of a register under this Act is required in pursuance of any proceeding in a Court in Scotland or Ireland, a copy of the order, decree, or other authority for the rectification, shall be served on the comptroller, and he shall rectify the register accordingly.

Isle of Man.

See ante, P. Act,
1883, sect. 16,
p. 448.

112. This Act shall extend to the Isle of Man, and—

- (1.) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man, in proceedings for infringement or in any action or proceeding respecting a patent, design, or trade mark competent to those Courts;
- (2.) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the Court;
- (3.) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Repeal, Transitional Provisions, Savings.

113. The enactments described in the Third Schedule to this Act are hereby repealed. But this repeal of enactments shall not—

Repeal and saving for past operation of repealed enactments, &c.

- (a) Affect the past operation of any of those enactments, or any patent or copyright or right to use a trade mark granted or acquired, or application pending, or appointment made, or compensation granted, or order or direction made or given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those enactments before or at the commencement of this Act; or
- (b) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof, and any such proceeding may be carried on as if this Act had not been passed; or
- (c) Take away or abridge any protection or benefit in relation to any such action or proceeding.

The principal Act shall, as from the commencement of this Act [i.e., Act of 1888], take effect subject to the additions, omissions, and substitutions required by this Act; but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

Construction of principal Act.
Act, 1888,
s. 27.

114. (1.) The registers of patents and of proprietors kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of patents kept under this Act.

Former registers to be deemed continued.

(2.) The registers of designs and of trade marks kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of designs and the register of trade marks kept under this Act.

115. All general rules made by the Lord Chancellor or by any other authority under any enactment repealed by this Act, and in force at the commencement of this Act, may at any time after the passing of this Act be repealed, altered,

Saving for existing rules.

or amended by the Board of Trade, as if they had been made by the Board under this Act, but so that no such repeal, alteration, or amendment shall take effect before the commencement of this Act; and, subject as aforesaid, such general rules shall, so far as they are consistent with and are not superseded by this Act, continue in force as if they had been made by the Board of Trade under this Act.

Saving for
prerogative.

116. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent, or to the withholding of a grant thereof.

General Definitions.

General
definitions.

117. (1.) In and for the purposes of this Act, unless the context otherwise requires,—

ante, p. 228.

“Person” includes a body corporate:

“The Court” means (subject to the provisions for Scotland, Ireland, and the Isle of Man) her Majesty’s High Court of Justice in England:

“Law officer” means her Majesty’s Attorney-General or Solicitor-General for England.

“The Treasury” means the Commissioners of her Majesty’s Treasury:

“Comptroller” means the Comptroller General of Patents, Designs, and Trade Marks:

“Prescribed” means prescribed by any of the Schedules to this Act, or by general rules under or within the meaning of this Act:

“British possession” means any territory or place situate within her Majesty’s dominions, and not being or forming part of the United Kingdom, or of the Channel Islands, or of the Isle of Man, and all territories and places under one legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act:

“Legislature” includes any person or persons who exercise legislative authority in the British possession; and where there are local legislatures as well as a central legislature, means the central legislature only.

In the application of this Act to Ireland; "summary conviction" means a conviction under the Summary Jurisdiction Acts, that is to say, with reference to the Dublin Metropolitan Police District, the Acts regulating the duties of justices of the peace and of the police for such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending it.

Here follow the schedules to the Act of 1883.

Schedule I. contains forms of applications and specifications A. B. C., which are now replaced by others under the Patent Rules, 1890. Then follows D., form of the grant, which has now been modified, see p. 159 of this book.

Schedule II. contains fees, which are now altered by the Rules of 1892. post, p. 505.

Schedule III. contains the enactments repealed.

PATENTS, DESIGNS, AND TRADE MARKS (AMENDMENT) ACT, 1885.

(48 & 49 Vict. c. 63.)

An Act to amend the Patents, Designs, and Trade Marks Act, 1883.

[14th August, 1885.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall be construed as one with the Patents, Designs, and Trade Marks Act, 1883 (in this Act referred to as the principal Act).

Construction
and short
title.

This Act may be cited as the Patents, Designs, and Trade Marks (Amendment) Act, 1885, and this Act and the principal Act may be cited together as the Patents, Designs, and Trade Marks Acts, 1883 and 1885.

Amendment
of sect. 5 of
46 & 47 Vict.
c. 57.

2. Whereas sub-section two of section five of the principal Act requires a declaration to be made by an applicant for a patent to the effect in that sub-section mentioned, and doubts have arisen as to the nature of that declaration, and it is expedient to remove such doubts: Be it therefore enacted that:

The declaration mentioned in sub-section two of section five of the principal Act may be either a statutory declaration under the Statutory Declarations Act, 1835, or not, as may be from time to time prescribed.

5 & 6 Will. 4,
c. 62.

Amendment
of sects. 8, 9,
and 12 of
46 & 47 Vict.
c. 57.

3. Whereas under the principal Act, a complete specification is required (by section eight) to be left within nine months, and (by section nine) to be accepted within twelve months, from the date of application, and a patent is required by section twelve to be sealed within fifteen months from the date of application, and it is expedient to empower the comptroller to extend in certain cases the said times: Be it therefore enacted as follows:

A complete specification may be left and accepted within such extended times, not exceeding one month and three months respectively after the said nine and twelve months respectively as the comptroller may on payment of the prescribed fee allow, and where such extension of time has been allowed, a further extension of four months after the said fifteen months shall be allowed for the sealing of the patent; and the principal Act shall have effect as if any time so allowed were added to the said periods specified in the principal Act.

Specifications,
&c. not to be
published
unless
application
accepted.

4. Where an application for a patent has been abandoned, or become void, the specification or specifications and drawings (if any) accompanying or left in connexion with such application, shall not at any time be open to public inspection or be published by the comptroller.

Power to
grant patents
to several
persons
jointly.

5. Whereas doubts have arisen whether under the principal Act a patent may lawfully be granted to several persons jointly, some or one of whom only are or is the true and first inventors or inventor; be it therefore enacted and declared that it has been and is lawful under the principal Act to grant such a patent.

6. In sub-section one of section one hundred and three of the principal Act, the words "date of the application" shall be substituted for the words "date of the protection obtained." Amendment of sect. 103 of 46 & 47 Vict. c. 57.

PATENTS ACT, 1886.

49 & 50 VICT. c. 37.

An Act to remove certain doubts respecting the construction of the Patents, Designs, and Trade Marks Act, 1883, so far as respects the drawings by which specifications are required to be accompanied, and as respects exhibitions.

[25th June, 1886.]

WHEREAS by section five of the Patents, Designs, and Trade Marks Act, 1883, specifications, whether provisional or complete, must be accompanied by drawings if required, and doubts have arisen as to whether it is sufficient that a complete specification refers to the drawings by which the provisional specification was accompanied, and it is expedient to remove such doubts: 46 & 47 Vict. c. 57.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Patents Act, 1886, and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 and 1885, and, together with those Acts, may be cited as the Patents, Designs, and Trade Marks Acts, 1883 to 1886. Short title and construction. 46 & 47 Vict. c. 57. 48 & 49 Vict. c. 63.

2. The requirement of sub-section four of section five of the Patents, Designs, and Trade Marks Act, 1883, as to drawings shall not be deemed to be insufficiently complied with by reason only that instead of being accompanied by drawings the complete specification refers to the drawings which accompanied the provisional specification. And no The same drawings may accompany both specifications.

patent heretofore sealed shall be invalid by reason only that the complete specification was not accompanied by drawings but referred to those which accompanied the provisional specification.

Protection of patents and designs exhibited at international exhibitions.

ante, pp. 467, 149.

3. Whereas by section thirty-nine of the Patents, Designs, and Trade Marks Act, 1883, as respects patents, and by section fifty-seven of the same Act as respects designs, provision is made that the exhibition of an invention or design at an industrial or international exhibition, certified as such by the Board of Trade, shall not prejudice the rights of the inventor or proprietor thereof, subject to the conditions therein mentioned, one of which is that the exhibitor must, before exhibiting the invention, design, or article, or publishing a description of the design, give the controller the pre-cribed notice of his intention to do so :

And whereas it is expedient to provide for the extension of the said sections to industrial and international exhibitions held out of the United Kingdom, be it therefore enacted as follows :

It shall be lawful for her Majesty, by Order in Council, from time to time to declare that sections thirty-nine and fifty-seven of the Patents, Designs, and Trade Marks Act, 1883, or either of those sections, shall apply to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified by the Board of Trade, and to provide that the exhibitor shall be relieved from the conditions, specified in the said sections, of giving notice to the controller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as to her Majesty in Council may seem fit.

PATENTS, DESIGNS, AND TRADE MARKS
ACT, 1888.

51 & 52 VICT. c. 50.

*An Act to amend the Patents, Designs, and Trade Marks Act,
1883. [24th December, 1888.]*

WHEREAS it is expedient to amend the Patents, Designs, and Trade Marks Act, 1883, hereinafter referred to as the principal Act: 46 & 47 Vict
c. 57.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1.) After the first day of July, one thousand eight hundred and eighty-nine, a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act. Register of
patent agents.
ante, p. 235.

(2.) The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time, make such general rules as are, in the opinion of the Board, required for giving effect to this section, and the provisions of section one hundred and one of the principal Act shall apply to all rules so made as if they were made in pursuance of that section. *post*, p. 533.

(3.) Provided that every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had been *bonâ fide* practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act.

(4.) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(5.) In this section "patent agent" means exclusively an agent for obtaining patents in the United Kingdom.

2. For section seven of the principal Act the following section shall be substituted, namely:—

"7.—(1.) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawing has not, or have not, been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the comptroller may refuse to accept the application, or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the comptroller so directs, bear date as from the time when the requirement is complied with.

"(2.) Where the comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the law officer.

"(3.) The law officer shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions (if any), the application shall be accepted.

"(4.) The comptroller shall, when an application has been accepted, give notice thereof to the applicant.

"(5.) If, after an application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made, accompanied by a specification bearing the same or a similar title, the comptroller, if he thinks fit, on the request of the second applicant, or of his legal representative, may, within two months of the grant of a patent on the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon."

3. In sub-section five of section nine of the principal Act the words "other than an appeal to the law officer under this Act" shall be omitted.

4. In sub-section one of section eleven of the principal Act the words from "or on the ground of an examiner" to "a previous application," both inclusive, shall be omitted,

Amendments
of 46 & 47
Vict. c. 57.

—
Sect. 7, as to
applications.

ante, p. 443.

Sect. 9, as to
disclosure of
reports of
examiners.

Sect. 11, as to
opposition to
grant of
patent.

and there shall be added in lieu thereof the following words, namely, "or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification."

5. For sub-section ten of section eighteen of the principal Act the following sub-section shall be substituted, namely:— Sect. 18, as to amended specifications.

"(10.) The foregoing provisions of this section do not apply when, and so long as any action for infringement or proceeding for revocation of a patent is pending."

(Sections 6-20 relate to trade marks.)

21. In section eighty-seven of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to." Sect. 87, as to entry of assignments, &c.

22. In section eighty-eight of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to." Sect. 88, as to inspection.

23. In section ninety of the principal Act, after the words "of the name of any person," shall be added the words "or of any other particulars." Sect. 90, as to rectification of register.

24. To section ninety-one of the principal Act the following sub-section shall be added; namely, Sect. 91, as to correction of errors.

"(d) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or classes of goods in connexion with which he has desired the design or trade mark to be registered."

25. After section one hundred and two of the principal Act the following section shall be added and numbered 102A; Proceedings of Board of Trade.
namely,

"(1) All things required or authorized under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

"(2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of

the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorized in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

“(3) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.”

26. After section one hundred and twelve of the principal Act the following section shall be added and numbered 112A; namely,—

“The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks the registration whereof is applied for in the Manchester Office, have the like jurisdiction under this Act as Her Majesty’s High Court of Justice in England, and the expression ‘the Court’ in this Act shall be construed and have effect accordingly.

“Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases.”

27. The principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and substitutions required by this Act, but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

28. This Act shall, except so far as is by this Act otherwise specially provided, commence and come into operation on the first day of January one thousand eight hundred and eighty-nine.

29. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1888, and this Act and the Patents, Designs, and Trade Marks Acts, 1883 to 1886, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

Jurisdiction of Lancashire Palatine Court.

The Court of the County Palatine has now by 52 & 53 Vict. c. 47, the full powers of a Court of Chancery.

Construction of principal Act.

Commencement of Act.

Short title.

PATENTS RULES, 1890.

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules :—

sect. 101.

ante, p. 467.

SHORT TITLE.

1. These Rules may be cited as the Patents Rules, 1890. Short title.

COMMENCEMENT.

2. These Rules shall come into operation from and immediately after the 31st day of March, 1890. Commencement.

INTERPRETATION.

3. In the construction of these Rules, any words herein used defined by the said Acts shall have the meanings thereby assigned to them respectively. Interpretation.

FEEES.

4. The fees to be paid under the above-mentioned Acts shall be those specified in the list of fees in the First Schedule to these Rules. Fees.
ante, p. 270.
post, p. 505.

FORMS.

5. The Forms A, B, and C in the First Schedule to the Act of 1883 shall be altered or amended by the substitution therefor of the Forms A, A1, A2, B, and C in the Second Schedule to these Rules. Forms Alterations.
post, pp. 508-532.

6. (1.) An application for a patent containing the declaration mentioned in sub-section 2 of section 5 of the Act of 1883 and section 2 of the Act of 1885 shall be made either in the Form A or the Form A1, or the Form A2, set forth in the Second Schedule to these Rules as the case may be. Application.

(2.) The Form B in such Schedule of provisional specification and the Form C of complete specification shall respectively be used. Specification.

(3.) The remaining forms other than A, A1, A2, B, and C. Other forms.

set forth in the Second Schedule to these Rules, may, as far as they are applicable, be used in any proceedings under these Rules.

GENERAL.

Hours of
business.

7. The Patent Office shall be open to the public every weekday between the hours of ten and four, except on the days and times following :—

Christmas Day.

Good Friday.

The day observed as Her Majesty's birthday.

The days observed as days of public fast or thanksgiving, or as holidays at the Bank of England.

Agency.

8. An application for a patent must be signed by the applicant, but all other communications between the applicant and the Comptroller and all attendances by the applicant upon the Comptroller may be made by or through an agent duly authorised to the satisfaction of the Comptroller, and if he so require resident in the United Kingdom.

Statement of
address.

9. The application shall be accompanied by a statement of an address to which all notices, requisitions, and communications of every kind may be made by the Comptroller or by the Board of Trade, and such statement shall thereafter be binding upon the applicant unless and until a substituted statement of address shall be furnished by him to the Comptroller. He may in any particular case require that the address mentioned in this rule be in the United Kingdom.

Size, &c., of
documents.

10. All documents and copies of documents, except Statutory Declarations and Affidavits, sent to or left at the Patent Office or otherwise furnished to the Comptroller or to the Board of Trade shall be written or printed in large and legible characters, and unless otherwise directed, in the English language, upon strong wide ruled paper (on one side only), of a size of 13 inches by 8 inches, leaving a margin of two inches on the left hand part thereof, and the signature of the applicants or agents thereto must be written in a large and legible hand. Duplicate documents shall at any time be left, if required by the Comptroller.

11. Before exercising any discretionary power given to the Comptroller by the said Acts adversely to the applicant for a patent or for amendment of a specification, the Comptroller shall give ten days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent before the Comptroller. Statutory Declarations and Affidavits shall be in the form for the time being in use in the High Court of Justice.

Exercise of discretionary power by Comptroller.
Notice of hearing.

12. Within five days from the date when such notice would be delivered in the ordinary course of post, or such longer time as the Comptroller may appoint in such notice, the applicant shall notify in writing to the Comptroller whether or not he intends to be heard upon the matter.

Notice by applicant.

13. Whether the applicant desires to be heard or not, the Comptroller may at any time require him to submit a statement in writing within a time to be notified by the Comptroller, or to attend before him and make oral explanations with respect to such matters as the Comptroller may require.

Comptroller may require statement, &c.

14. The decision or determination of the Comptroller in the exercise of any such discretionary power as aforesaid shall be notified by him to the applicant, and any other person affected thereby.

Decision to be notified to parties.

15. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held, shall, after the Board of Trade have issued a certificate that the exhibition is an industrial or international one, give to the Comptroller notice, in writing, of his intention to exhibit, publish, or use the invention, as the case may be.

Industrial or international exhibitions.
ante, p. 149.

For the purpose of identifying the invention in the event of an application for a patent being subsequently made the applicant shall furnish to the Comptroller a brief description of his invention, accompanied, if necessary, by drawings, and such other information as the Comptroller may in each case require.

Power of amendment, &c.

16. Any document for the amending of which no special provision is made by the said Acts may be amended, and any irregularity in procedure, which in the opinion of the Comptroller may be obviated without detriment to the interests of any person, may be corrected, if and on such terms as the Comptroller may think fit.

16A. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office, or to the Comptroller, or to any other person under these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

Manner in which, and persons before whom, declaration is to be taken.

17. The statutory declarations required by the said Acts and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:—

- (a.) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;
- (b.) In any other part of Her Majesty's dominions, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (c.) If made out of Her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a notary public, or before a judge or magistrate.

17A. Statutory declarations and affidavits shall be headed in the matter or matters to which they relate. They shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject.

APPLICATION WITH PROVISIONAL OR COMPLETE SPECIFICATION.

18. Applications for patents sent through the post shall, as far as may be practicable, be opened and numbered in the order in which the letters containing the same have been respectively delivered in the ordinary course of post.

Order of recording applications.

Applications left at the Patent Office otherwise than through the post shall be in like manner numbered in the order of their receipt at the Patent Office.

19. Where a person making application for a patent includes therein by mistake, inadvertence, or otherwise, more than one invention, he may, after the refusal of the Comptroller to accept such application, amend the same so as to apply to one invention only, and may make application for separate patents for each such invention accordingly.

Application for separate patents by way of amendment.

ante, p. 506.

Every such application shall, if the applicant notify his desire to that effect to the Comptroller, bear the date of the first application, and shall, together therewith, be proceeded with in the manner prescribed by the said Acts and by these Rules, as if every such application had been originally made on that date.

20. An application for a patent by the legal representative of a person who has died possessed of an invention shall be accompanied by an official copy of or extract from his will, or the letters of administration granted of his estate and effects in proof of the applicant's title as such legal representative, and must be supported by such further evidence as the Comptroller may require.

Application by representative of deceased inventor.

21. On the acceptance of a provisional or complete specification the Comptroller shall give notice thereof to the applicant, and shall advertise such acceptance in the official journal of the Patent Office.

Notice and advertisement of acceptance.

22. Upon the publication of such advertisement of acceptance in the case of a complete specification, the application and specification or specifications with the drawings (if any) may be inspected at the Patent Office upon payment of the prescribed fee.

Inspection on acceptance of complete specification.

APPLICATION ON COMMUNICATION FROM ABROAD.

ante, p. 232.

Communica-
tion from
abroad.

post, p. 510.

23. An application for a patent for an invention communicated from abroad shall be made in the form A 1 set forth in the Second Schedule to these Rules.

INTERNATIONAL AND COLONIAL ARRANGEMENTS.

ante, p. 432.

24. The term "foreign application" shall mean an application by any person for protection of his invention in a Foreign State or British Possession to which by any Order of Her Majesty in Council for the time being in force the provisions of section 103 of the Patents, Designs, and Trade Marks Act, 1883, have been declared applicable.

25. An application in the United Kingdom for a patent for any invention in respect of which a foreign application has been made shall contain a declaration that such foreign application has been made and shall specify all the Foreign States or British Possessions in which foreign applications have been made and the official date or dates thereof respectively. The application must be made within 7 months from the date of the first foreign application, and must be signed by the person or persons by whom such first foreign application was made. If such person, or any of such persons, be dead, the application must be signed by the legal personal representative of such dead person, as well as by the other applicants, if any.

26. The application in the United Kingdom shall be made in the Form A² in the Second Schedule to these Rules, and in addition to the specification, provisional or complete, left with such application must be accompanied by

- (1.) A copy or copies of the specification, and drawings or documents corresponding thereto, filed or deposited by the applicant in the Patent Office of the Foreign State or British Possession in respect of the first foreign application duly certified by the official chief or head of the Patent Office of such Foreign State or British Possessions as aforesaid, or otherwise verified to the satisfaction of the Comptroller ;

(2.) A statutory declaration as to the identity of the invention in respect of which the application is made with the invention in respect of which the said first foreign application was made, and if the specification or document corresponding thereto be in a foreign language, a translation thereof shall be annexed to and verified by such statutory declaration.

27. On receipt of such application, together with the prescribed specification and the other document or documents accompanying the same, required by the last preceding rule, and with such other proof (if any) as the Comptroller may require of or relating to such foreign application or of the official date thereof, the Comptroller shall make an entry of the applications in both countries and of the official dates of such applications respectively.

28. All further proceedings in connection with such application shall be taken within the times and in the manner prescribed by the Acts or Rules for ordinary applications.

29. The patent shall be entered in the Register of Patents as dated of the date on which the first foreign application was made, and the payment of renewal fees, and the expiration of the patent, shall be reckoned as from the date of the first foreign application.

SIZES AND METHODS OF PREPARING DRAWINGS ACCOMPANYING *ante*, p. 201.
PROVISIONAL OR COMPLETE SPECIFICATIONS.

30. The provisional or complete specification need not be accompanied by drawings if the specification sufficiently describes the invention without them, but if drawings are furnished, they should accompany the provisional or complete specification to which they refer, except in the case provided for by Rule 33. No drawing or sketch such as requires a special engraving for letter-press should appear in the specification itself.

Drawings for specifications.
see also *post*,
p. 544.

31. Drawings (if any) must be delivered at the Patent Office either in a flat state or on rollers, so as to be free from folds, breaks, or creases.

Requirements
as to paper,
&c.,

They must be made on pure white, hot-pressed, rolled, or calendered drawing paper of smooth surface and good quality, and where possible without colour or Indian-ink washes.

Size of
drawings.

They must be on sheets of one of the two following sizes (the smaller being preferable), 13 inches at the sides by 8 inches at the top and bottom, or 13 inches at the sides by 16 inches at the top and bottom, including margin, which must be $\frac{1}{2}$ an inch wide. If there are more figures than can be shewn on one of the smaller-sized sheets two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large drawing is required, it should be *continued* on subsequent sheets. There is no limit to the number of sheets that may be sent in.

Quality of ink.

To ensure their satisfactory reproduction, the drawings must be executed with *absolutely black Indian ink; the same strength and colour of fine and shade lines to be maintained throughout.* Section lines, and lines for effect, or shading lines, must not be closely drawn. A specimen drawing is inserted in illustration of this requirement. Reference figures and letters must be bold, distinct, not less than $\frac{1}{8}$ of an inch in height; and the same letters should be used in different views of the same parts. In cases of complicated drawings, the reference letters must be shewn outside the figure, and connected with the part referred to by a fine line.

Scale of
drawings.

The scale adopted should be large enough to shew clearly wherein the invention consists, and only so much of the apparatus, machine, &c. need be shewn as effects this purpose. When the scale is shewn on the drawing it should be denoted, *not* by words, but by a drawn scale, as illustrated in the specimen.

Drawings to
bear name of
applicant, &c.

Drawings must bear the name of the applicant (and in the case of drawings left with a complete specification after a provisional specification, the number and year of the application) in the *left-hand top corner*; the number of sheets of drawings sent, and the number of each sheet in the *right-hand top corner*; and the signature of the applicant or his agent in the *right-hand bottom corner*.

No written description of the invention should appear on the drawings.

Wood engravings, or representations of the invention, other than the drawings prepared as above described, will not be received, unless of such a character as to be suitable for reproduction by the process of photo-lithography. Restrictions as to wood engravings.

32. A *facsimile* of the original drawings, but *without* colour or Indian-ink washes, and prepared strictly in accordance with the regulations prescribed in Rule 31, must accompany the originals, and be marked "true copy." Copies of drawings.

33. If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings for his complete specification, he should refer to them as those "left with the provisional specification." Provisional drawings used for complete specification.

(A specimen drawing can be obtained from the Patent Office together with a copy of these rules, price sixpence.)

OPPOSITION TO GRANTS OF PATENTS.

ante, p. 246.

34. A notice of opposition to the grant of a patent shall be on Form D, and shall state the ground or grounds on which the person giving such notice (hereinafter in Rules 37, 38, 41 and 43 called the opponent) intends to oppose the grant, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy. Notice of opposition.

35. On receipt of such notice the copy thereof shall be transmitted by the Comptroller to the applicant. Copy for applicant.

36. Where the ground or one of the grounds of opposition is that the invention has been patented in this country on an application of prior date, the number and date of such prior application shall be specified in the notice. Particulars of prior patent.

37. Within 14 days after the expiration of two months from the date of the advertisement of the acceptance of a complete specification, the opponent may leave at the Patent Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant a list thereof. Opponent's evidence.

Applicant's
evidence.

38. Within 14 days from the delivery of such list the applicant may leave at the Patent Office statutory declarations in answer, and on so leaving shall deliver to the opponent a list thereof, and within 14 days from such delivery the opponent may leave at the Patent Office his statutory declarations in reply, and on so leaving shall deliver to the applicant a list thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

Evidence in
reply.

Copies of the declarations mentioned in this and the last preceding Rule may be obtained either from the Patent Office or from the opposite party.

Closing of
evidence.

39. No further evidence shall be left on either side except by leave of the Comptroller upon the written consent of the parties duly notified to him, or by special leave of the Comptroller on application in writing made to him for that purpose.

40. Either party making such application shall give notice thereof to the opposite party, who shall be entitled to oppose the application.

Notice of
hearing.

41. On completion of the evidence, or at such other time as he may see fit, the Comptroller shall appoint a time for the hearing of the case, and shall give the parties 10 days' notice at the least of such appointment. If the applicant or opponent desires to be heard he must forthwith send the Comptroller an application on Form E. The Comptroller may refuse to hear either party who has not sent such application for hearing. If neither party applies to be heard the Comptroller shall decide the case and notify his decision to the parties.

Disallowance
of opposition
in certain
cases.

42. On the hearing of the case no opposition shall be allowed in respect of any ground not stated in the notice of opposition, and where the ground or one of the grounds is that the invention has been patented in this country on an application of prior date, the opposition shall not be allowed upon such ground unless the number and date of such prior application shall have been duly specified in the notice of opposition.

43. Where the ground of an opposition is that the appli-

cant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, unless evidence in support of such allegation be left at the Patent Office within the time prescribed by these rules, the opposition shall be deemed to be abandoned, and a patent shall be sealed forthwith.

44. The decision of the Comptroller, after hearing any party who applies under Rule 41, shall be notified by him to the parties.

Decision to be notified to parties.

CERTIFICATES OF PAYMENT OR RENEWAL.

Rules 45, 46 and 47 are repealed by the Patent Rules, 1892.

PATENT RULE 4, 1892.

Payment of Annual Fees for continuance of Patent.

ante, p. 270.

4. If a Patentee intends, at the expiration of the fourth year from the date of his Patent, to keep the same in force, he shall, before the expiration of the fourth and each succeeding year during the term of the Patent, pay the prescribed fee. The Patentee may pay the whole or any portion of the aggregate of such prescribed annual fees in advance.

post, p. 505.

The form J in the Second Schedule, duly stamped, should be used for the purpose of this payment.

48. On due compliance with these Rules, and as soon as may be after such respective periods as aforesaid, or any enlargement thereof respectively duly granted, the Comptroller shall issue a certificate that the prescribed payment has been duly made.

Certificate of payment.

ENLARGEMENT OF TIME.

49. An application for an enlargement of the time for making a prescribed payment shall state in detail the circumstances in which the patentee by accident, mistake or inadvertence has failed to make such payment, and the Comptroller may require the patentee to substantiate by such proof as he may think necessary the allegations contained in the application for enlargement.

Enlargement of time for payments.

Extension of time for leaving and accepting complete specification.

50. An application for enlargement of time for leaving or accepting a complete specification shall state in detail in what circumstances and upon what grounds such extension is applied for, and the Comptroller may require the applicant to substantiate such allegations by such proof as the Comptroller may think necessary.

In other cases.

51. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Comptroller if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

ante, pp. 215, 448.

AMENDMENT OF SPECIFICATION.

Request for leave to amend.

52. A request for leave to amend a specification must be signed by the applicant or patentee (hereinafter in Rules 54, 55 and 58 called the applicant) and accompanied by a duly certified printed copy of the original specification and drawings, shewing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may in each case direct.

Advertisement.

Notice of opposition.

53. A notice of opposition to the amendment shall state the ground or grounds on which the person giving such notice (hereinafter called the opponent) intends to oppose the amendment, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy.

Copy for the applicant.

54. On receipt of such notice the copy thereof shall be transmitted by the Comptroller to the applicant.

Opponent's evidence.

55. Within 14 days after the expiration of one month from the first advertisement of the application for leave to amend, the opponent may leave at the Patent Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant a list thereof.

Further proceedings.

56. Upon such declarations being left, and such list being delivered, the provisions of Rules 38, 39, 40, 41, and 44 shall

apply to the case, and the further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated.

57. Where leave to amend is given the applicant shall, if the Comptroller so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings as amended, to be prepared in accordance with Rules 10, 30, and 31.

Requirements thereon.

58. Where a request for leave to amend is made by or in pursuance of an order of the Court or a judge, an official or verified copy of the order shall be left with the request at the Patent Office.

Leave by Order of Court.

59. Every amendment of a specification shall be forthwith advertised by the Comptroller in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may direct.

Advertisement of amendment.

COMPULSORY LICENSES.

ante, p. 290.

60. A petition to the Board of Trade for an order upon a patentee to grant a license shall shew clearly the nature of the petitioner's interest, and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order.

Petition for compulsory grant of licenses.

61. The petition and an examined copy thereof shall be left at the Patent Office, accompanied by the affidavits, or statutory declarations, and other documentary evidence (if any) tendered by the petitioner in proof of the alleged default of the patentee.

To be left with evidence at Patent Office.

62. Upon perusing the petition and evidence, unless the Board of Trade shall be of opinion that the order should be at once refused, they may require the petitioner to attend before the Comptroller, or other person or persons appointed by them, to receive his or their directions as to further proceedings upon the petition.

Directions as to further proceedings unless petition refused.

63. If and when a *prima facie* case for relief has been

Procedure.

Petitioner's evidence. made out to the satisfaction of the Board of Trade, the petitioner shall, upon their requisition, and on or before a day to be named by them, deliver to the patentee copies of the petition and of the affidavits or statutory declarations and other documentary evidence (if any) tendered in support thereof.

Patentee's evidence. 64. Within 14 days after the day of such delivery the patentee shall leave at the Patent Office his affidavits or statutory declarations in opposition to the petition, and deliver copies thereof to the petitioner.

Evidence in reply. 65. The petitioner within 14 days from such delivery shall leave at the Patent Office his affidavits, or statutory declarations in reply, and deliver copies thereof to the patentee; such last-mentioned affidavits or declarations shall be confined to matters strictly in reply.

Further proceedings. 66. Subject to any further directions which the Board of Trade may give the parties shall then be heard at such time, before such person or persons, in such manner, and in accordance with such procedure as the Board of Trade may, in the circumstances of the case, direct, but so that full opportunity shall be given to the patentee to shew cause against the petition.

ante, p. 267.

REGISTER OF PATENTS.

Entry of grant. 67. Upon the sealing of a patent the Comptroller shall cause to be entered in the Register of Patents the name, address, and description of the patentee as the grantee thereof, and the title of the invention.

Request for entry of subsequent proprietorship. 68. Where a person becomes entitled to a patent or to any share or interest therein, by assignment either throughout the United Kingdom and the Isle of Man, or for any place or places therein, or by transmission or other operation of law, a request for the entry of his name in the register as such complete or partial proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the Comptroller, and left at the Patent Office.

Signature of request. 69. Such request shall in the case of individuals be made and signed by the person requiring to be registered as pro-

prietor, or by his agent duly authorised to the satisfaction of the Comptroller, and in the case of a body corporate by their agent, authorised in like manner.

70. Every such request shall state the name, address, and description of the person claiming to be entitled to the patent, or to any share or interest therein, as the case may be (hereinafter called the claimant), and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the register as proprietor, so as to shew the manner in which, and the person or persons to whom, the patent, or such share or interest therein as aforesaid, has been assigned or transmitted.

Particulars to be stated in request.

71. Every assignment and every other document containing, giving effect to, or being evidence of, the transmission of a patent or affecting the proprietorship thereof as claimed by such request, except such documents as are matters of record, shall be produced to the Comptroller, together with the request above prescribed, and such other proof of title as he may require for his satisfaction.

Production of documents of title and other proof.

As to a document which is a matter of record, an official or certified copy thereof shall in like manner be produced to the Comptroller.

72. There shall also be left with the request an attested copy of the assignment or other document above required to be produced.

Copies for Patent Office.

As to a document which is a matter of record, an official or certified copy shall be left with the request in lieu of an attested copy.

73. A body corporate may be registered as proprietor by its corporate name.

Body corporate. *ante*, p. 228.

74. Where an order has been made by Her Majesty in Council for the extension of a patent for a further term or for the grant of a new patent, or where an order has been made by the Court for the revocation of a patent or the rectification of the register under section 90 of the Act of 1883, or otherwise affecting the validity or proprietorship of the patent, the person in whose favour such order has been made

Entry of Orders of the Privy Council or of the Court. *ante*, p. 348.

shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified or the purport of such order shall otherwise be duly entered in the register, as the case may be.

Entry of
payment of
fees on issue
of certificate.

75. Upon the issue of a certificate of payment under Rule 48, the Comptroller shall cause to be entered in the Register of Patents a record of the amount and date of payment of the fee on such certificate.

Entry of
failure to pay
fees.

76. If a patentee fails to make any prescribed payment within the prescribed time or any enlargement thereof duly granted, such failure shall be duly entered in the register.

Entry of
licenses.

77. An attested copy of every license granted under a patent shall be left at the Patent Office by the licensee, with a request that a notification thereof may be entered in the register. The licensee shall cause the accuracy of such copy to be certified as the Comptroller may direct, and the original license shall at the same time be produced and left at the Patent Office if required for further verification.

Hours of
inspection of
register.

78. The register of patents shall be open to the inspection of the public on every week day between the hours of ten and four, except on the days and the times following:—

- (a) Christmas Day, Good Friday, the day observed as Her Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays at the Bank of England; or
- (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office;
- (c) Times when the register is required for any purpose of official use.

Certified
copies of
documents.
ante, p. 464.

79. Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, statutory declarations, and other public documents in the Patent Office, or of or from registers and other books kept there, may be furnished by the Comptroller on payment of the prescribed fee.

POWER TO DISPENSE WITH EVIDENCE, &c.

80. Where, under these Rules, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Comptroller, or at the Patent Office, and it is shewn to the satisfaction of the Comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Comptroller, with the sanction of the Board of Trade, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration, or evidence.

REPEAL.

81. All general rules heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1888, and in force on the 31st day of March, 1890, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such rules, or to any application then pending.

Dated the 31st day of March, 1890.

M. E. HICKS-BEACH,

President of the Board of Trade.

The First Schedule of fees is now repealed and a new scale is provided by the rules of 1892. The Second Schedule contains the official forms hereinafter set out.

**RULES REGULATING THE PRACTICE AND PRO-
CEDURE ON APPEALS TO THE LAW OFFICERS.**

(MADE BY VIRTUE OF SECT. 38 PATENTS ACT, 1883.)

ante, p. 456.

ante, p. 255.

I. When any person intends to appeal to the law officer from a decision of the Comptroller in any case in which such appeal is given by the Acts, he shall within 14 days from the date of the decision appealed against file in the Patent Office a notice of such his intention.

II. Such notice shall state the nature of the decision appealed against, and whether the appeal is from the whole, or part only, and if so, what part of such decision.

III. A copy of such notice of intention to appeal shall be sent by the party so intending to appeal to the law officers' clerk, at room 549, Royal Courts of Justice, London; and when there has been an opposition before the Comptroller, to the opponent or opponents; and when the Comptroller has refused to seal a patent on the ground that a previous application for a patent for the same invention is pending, to the prior applicant.

IV. Upon notice of appeal being filed, the Comptroller shall forthwith transmit to the law officers' clerk all the papers relating to the matter of the application in respect of which such appeal is made.

V. No appeal shall be entertained of which notice is not given within 14 days from the date of the decision appealed against, or such further time as the Comptroller may allow, except by special leave upon application to the law officer.

VI. Seven days' notice, at least, of the time and place appointed for the hearing of any appeal shall be given by the law officers' clerk, unless special leave be given by the law officer that any shorter notice be given.

VII. Such notice shall in all cases be given to the Comptroller and the appellant; and, when there has been an opposition before the Comptroller, to the opponent or opponents; and, when the Comptroller has refused to seal a patent on the ground that an application for a patent for the same invention is pending, to the prior applicant.

VIII. The evidence used on appeal to the law officer shall be the same as that used at the hearing before the Comptroller; and no further evidence shall be given, save as to matters which have occurred or come to the knowledge of either party, after the date of the decision appealed against, except with the leave of the law officer upon application for that purpose: *Re Thwaite*, 1892, 9 R. P. C. 515.

IX. The law officer shall, at the request of either party, order the attendance at the hearing on appeal, for the purpose of being cross-examined, of any person, who has made a declaration, in the matter to which the appeal relates, unless in the opinion of the law officer there is good ground for not making such order.

X. Any person requiring the attendance of a witness for cross-examination shall tender to the witness whose attendance is required a reasonable sum for conduct money.

XI. Where the law officer orders that costs shall be paid by any party to another, he may fix the amount of such costs, and if he shall not think fit to fix the amount thereof, he shall direct by whom and in what manner the amount of such costs shall be ascertained.

XII. If any costs so ordered to be paid be not paid within fourteen days after the amount thereof has been so fixed or ascertained, or such shorter period as shall be directed by the law officer, the party to whom such costs are to be paid may apply to the law officer for an order for payment under the provisions of Section 38 of the Act.

XIII. All documentary evidence required, or allowed by the law officer to be filed, shall be subject to the same regulations, in all respects, as apply to the procedure before the Comptroller, and shall be filed in the Patent Office, unless the law officer shall order to the contrary.

XIV. Any notice or other document required to be given to the law officers' clerk, under these rules, may be sent by a prepaid letter through the post.

HENRY JAMES, A.G.

FARRER HERSCHELL, S.G.

THE PATENTS RULES, 1892 (*First Set*).

By virtue of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules:—

As to powers to make, *ante*, p. 466.

1. These Rules may be cited as the Patents Rules, 1892.
2. These Rules shall come into operation from and immediately after the 1st of March, 1892.

FEEs.

3. To the Fees specified in the First Schedule to the Patents Rules, 1890, shall be added the Fee specified in the First Schedule hereto.

FORMS.

4. To the Forms specified in the Second Schedule to the Patents Rules, 1890, shall be added the Form specified in the Second Schedule hereto.

(Signed) M. E. HICKS-BEACH,
President of the Board of Trade.

19th day of February, 1892.

FIRST SCHEDULE.

FEE.

33a On Postal Request for printed copy Specification . £0 0 8

(Signed) M. E. HICKS-BEACH,
President of the Board of Trade.

(Signed) W. H. WALBOND,
HERBERT EUSTACE MAXWELL,

Lords Commissioners of Her Majesty's Treasury.

19th February, 1892.

SECOND SCHEDULE.

FORM.

(Obverse.)	<p>PATENTS FORM C¹.</p> <p><i>To the Comptroller-General.</i></p> <p>Please send one copy of Specification, No. _____ Year _____</p> <p>to</p> <p style="text-align: center;">(Name in full) _____</p> <p style="text-align: center;">(Address) _____</p>
	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>PATENTS, 7½d.</p> </div>
(Reverse.)	<div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: auto;"> <p>½d.</p> </div> <p><i>The Comptroller-General,</i></p> <p><i>Patent Office,</i></p> <p><i>25, Southampton Buildings,</i></p> <p><i>London, W.C.</i></p>
	<p>(Signed) M. E. HICKS-BEACH,</p> <p><i>President of the Board of Trade.</i></p>

PATENTS RULES, 1892 (Second Set).

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules:—

Short Title.

1. These Rules may be cited as the Patents Rules, 1892, (Second Set).

Commencement.

2. These Rules shall come into operation from and immediately after the 30th day of September, 1892.

Certificates of Payment or Renewal.

3. Rules 45, 46, and 47 of the Patents Rules, 1890, are hereby repealed.

Payment of Annual Fees for Continuance of Patent.

ante, pp. 270, 451, 493.

4. If a patentee intends at the expiration of the fourth year from the date of his patent to keep the same in force, he shall, before the expiration of the fourth and each succeeding year during the term of the patent, pay the prescribed fee. The patentee may pay the whole or any portion of the aggregate of such prescribed annual fees in advance.

The form J in the Second Schedule, duly stamped, should be used for the purpose of this payment.

Fees.

5. For the Fees specified in the 'First Schedule to the Patents Rules, 1890, shall be substituted the Fees specified in the Schedule hereto.

SCHEDULE.

List of fees payable on and in connexion with Letters Patent.

Up to Sealing.

	£	s.	d.	£	s.	d.
1. On application for provisional protection	1	0	0			
2. On filing complete specification.	3	0	0			
	—————			4	0	0
or						
3. On filing complete specification with first application				4	0	0
4. On appeal from Comptroller to Law Officer. By appellant.				3	0	0
5. On notice of opposition to grant of patent. By opponent.				0	10	0

N.B.—A fuller list of fees is given in the P. O. Circular, *post*, p. 546.

6. On hearing by Comptroller. By applicant and by opponent respectively	£ s. d. 1 0 0
On application to amend specification :—	
7. Up to sealing. By applicant	1 10 0
8. After sealing. By patentee	3 0 0
9. On notice of opposition to amendment. By opponent	0 10 0
10. On hearing by Comptroller. By applicant and by opponent respectively	1 0 0
11. On application to amend specification during action or proceeding. By patentee	3 0 0
12. On application to the Board of Trade for a compulsory license. By person applying	5 0 0
13. On opposition to grant of compulsory license. By patentee	5 0 0

On Certificate of Renewal.

14. Before the expiration of the 4th year from the date of the patent, and in respect of the 5th year	5 0 0
15. Before the expiration of the 5th year from the date of the patent, and in respect of the 6th year	6 0 0
16. Before the expiration of the 6th year from the date of the patent, and in respect of the 7th year	7 0 0
17. Before the expiration of the 7th year from the date of the patent, and in respect of the 8th year	8 0 0
18. Before the expiration of the 8th year from the date of the patent, and in respect of the 9th year	9 0 0
19. Before the expiration of the 9th year from the date of the patent, and in respect of the 10th year	10 0 0
20. Before the expiration of the 10th year from the date of the patent, and in respect of the 11th year	11 0 0
21. Before the expiration of the 11th year from the date of the patent, and in respect of the 12th year	12 0 0
22. Before the expiration of the 12th year from the date of the patent, and in respect of the 13th year	13 0 0
23. Before the expiration of the 13th year from the date of the patent, and in respect of the 14th year	14 0 0

On Enlargement of Time for Payment of Renewal Fees.

24. Not exceeding 1 month	1 0 0
25. „ „ 2 months	3 0 0
26. „ „ 3 months	5 0 0
27. For every entry of an assignment, transmission, agree- ment, license, or extension of patent	0 10 0
28. For duplicate of Letters Patent each	2 0 0

SCHEDULE OF FEES.

507

	£	s.	d.
29. On notice to Comptroller of intended exhibition of a patent under Section 39	0	10	0
30. Search or inspection fee each	0	1	0
31. For office copies every 100 words (but never less than one shilling.)	0	0	4
32. For office copies of drawings. Cost according to agreement			
33. For certifying office copies, MSS. or printed* each	0	1	0
34. On request to Comptroller to correct a clerical error			
} up to sealing	0	5	0
} after sealing	1	0	0
35. For certificate of Comptroller under Section 96	0	5	0
36. For altering address in Register	0	5	0
37. For enlargement of time for filing complete specification. Not exceeding one month.	2	0	0
38. For enlargement of time for acceptance of complete specification :—			
Not exceeding 1 month	2	0	0
" 2 months.	4	0	0
" 3 months.	6	0	0

M. E. HICKS-BEACH,
President of the Board of Trade.

4th July, 1892.

(Approved) SIDNEY HERBERT,
HERBERT EUSTACE MAXWELL,
Lords Commissioners of Her Majesty's Treasury.

* Notice inserted in Patents Journal, Feb. 24, 1892.

NOTICE.

Certified copies of Registers kept in the Patent Office and of Statutory Declarations, Assignments, and other stamped legal documents filed in the Patent Office will in future be required to bear a Stamp Duty of One Shilling under the Stamp Act, in addition to the Office Fee of One Shilling under the Patents, &c., Act.

Stamped forms for this purpose will be obtainable at the Patent Office.

H. READER LACK,
Comptroller.



OFFICIAL FORMS UNDER THE PATENTS
RULES, 1890.

(For index to Forms see TABLE OF CONTENTS.
As to purchase of them, see *post* p. 546.)

SECOND SCHEDULE.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

ante, p. 239.

Form A. (Rule 5.)

To be accompanied by two copies of Form B
or of Form C.

APPLICATION FOR PATENT.

(a) Here insert
name and full
address and call-
ing of applicant
or applicants.

(a) _____

(b) Here insert
title of invention.

_____ do hereby
declare that _____ in possession of an invention the title of
which is (b) _____

(c) In the case
of more than one
applicant, state
whether all, or if
not, who is or are
the inventor or
inventors.

that (c) _____
_____ the true and first inventor _____ thereof; and that
the same is not in use by any other person or persons to the best
of _____ knowledge and belief; and _____ humbly pray that a
Patent may be granted to _____ for the said invention.

Dated _____ day of _____ 18____

(d) To be signed
by applicant or
applicants.

In the case of
a Firm, each
member of the
Firm must sign.

(d) _____

NOTE.—Where application is made through an Agent (Rule 8), the authorization on the back (if used) should be signed by the applicant or applicants.

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

For the convenience of applicants, suggested forms of authorization to an Agent and statement of address respectively are printed below.

(1.) *Where application is made through an Agent (Rule 8).*

_____ hereby appoint _____
of _____
to act as _____ Agent in respect of the within application for a Patent, and request that all notices, requisitions, and communications relating thereto may be sent to such agent at the above address.

_____ day of _____ 18____

• _____

* To be signed by applicant or applicants.

(2.) *Where application is made without an Agent (Rule 9).*

_____ hereby request that all notices, requisitions, and communications in respect of the within application may be sent to _____ at _____

_____ day of _____ 18____

† _____

† To be signed by applicant or applicants.



**PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.**

Form **A 1.** (Rule 5.)

To be accompanied by two copies of Form B
or of Form C.

ante, pp. 232,
488.

**APPLICATION FOR PATENT FOR INVENTIONS
COMMUNICATED FROM ABROAD.**

(a) Here insert
name and full
address and call-
ing of applicant.

I (a) _____
of _____ in the
county of _____ do hereby declare that I

(b) Here insert
title of invention.

am in possession of an invention the title of which is (b) _____

(c) Here insert
name, address,
and calling of
communicant.

which invention has been communicated to me by (c) _____

that I claim to be the true and first inventor thereof; and that the
same is not in use within the United Kingdom of Great Britain and
Ireland and the Isle of Man by any other person or persons to the best
of my knowledge and belief; and I humbly pray that a Patent may
be granted to me for the said invention.

Dated _____ day of _____ 18__

(d) To be signed
by applicant or
applicants.

(d) _____

ante, p. 484.

NOTE.—Where application is made through an Agent (Rule 8) the
authorization on the back (if used) should be signed by the applicant
or applicants.

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

For the convenience of applicants, suggested forms of authorization to an agent and statement of address respectively are printed below.

(1.) *Where application is made through an Agent (Rule 8).*

_____ hereby appoint _____
of _____
to act as _____ Agent in respect of the within application for a Patent, and request that all notices, requisitions, and communications relating thereto may be sent to such Agent at the above address.

_____ day of _____ 18____

• _____

* To be signed by applicant or applicants.

(2.) *Where application is made without an Agent (Rule 9).*

_____ hereby request that all notices, requisitions, and communications in respect of the within application may be sent to _____ at _____

_____ day of _____ 18____

† _____

† To be signed by applicant or applicants.



ante, pp. 432,
469, 488.

**PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 TO 1888.**

Form **A 2** (Rule 26.)

**APPLICATION FOR PATENT UNDER INTERNATIONAL
AND COLONIAL ARRANGEMENTS.**

(a) Here insert name and full address and calling of applicant, or of each of the applicants.

(a)

do hereby declare that I (or we) have made foreign applications for protection of my (or our) invention of (b)

(b) Here insert title of invention.

in the following Foreign States and on the following official dates, viz: (c)

(c) Here insert the names of each Foreign State followed by the official date of the application in each respectively.

and in the following British Possessions and on the following official dates, viz: (d)

(d) Here insert the names of each British Possession followed by the official date of the application in each respectively.

That the said invention was not in use within the United Kingdom of Great Britain and Ireland and the Isle of Man by any other person or persons before the (e)

(e) Here insert the official date of the earliest foreign application.

to the best of _____ knowledge, information, and belief, and _____
humbly pray that a Patent may be granted to _____ for the said inven-
tion in priority to other applicants, and that such Patent shall have
the date (f)

(f) Here insert
the official date
of the earliest
foreign applica-
tion.

(g) Signature
of applicant or
of each of appli-
cants.

(g) _____

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

To be issued with Form A, A1 or A2.

**PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.**

[No stamp
needed.]

Form B. (Rule 5.)

ante, pp. 166-
177.

**PROVISIONAL SPECIFICATION.
(To be furnished in Duplicate.)**

(a) Here insert
title as in declara-
tion.

(a) _____

(b) Here insert
name and full
address and call-
ing of applicant
or applicants as
in declaration.

(b) _____

(c) Here insert
short description
of invention.

do hereby declare the nature of this invention to be as follows:—(c)

NOTE.—No stamp is required on this document, which must form the commencement of the Provisional Specification; the continuation to be upon wide-ruled foolscap paper (but on one side only) with a margin of two inches on left hand of paper. The Provisional Specification and the “Duplicate” thereof must be signed by the applicant, or his agent, on the last sheet, the date being first inserted as follows:

“Dated this _____ day of _____ 18—.”

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

PATENT
£3.

Where Provisional Specifi-
cation has been left, quote
No. and date.
No. _____
Date. _____

Form C. (Rule 5.)

ante, pp. 178-194.

COMPLETE SPECIFICATION.
(To be furnished in Duplicate—one unstamped.)

(a) Here insert
title as in declara-
tion.

(a) _____

(b) Here insert
name and full
address and call-
ing of applicant
or applicants as
in declaration.

(b) _____

(c) Here insert
full description
of invention,
which must end
with a distinct
statement of
claim or claims,
in the following
form:—

do hereby declare the nature of this invention and in what manner
the same is to be performed, to be particularly described and ascer-
tained in and by the following statement:

(c) _____

“Having now
particularly de-
scribed and
ascertained the
nature of my
said invention,
and in what
manner the same
is to be per-
formed, I declare
that what I claim
is

- Here 1.
- state 2.
- distinctly 3.
- the features
of novelty
claimed.

NOTE.—This document must form the commencement of the Complete Specification; the continuation to be upon wide-ruled foolscap paper (but on one side only) with a margin of two inches on left hand of paper. The Complete Specification and the "Duplicate" thereof must be signed by the applicant, or his agent, on the last sheet, the date being first inserted as follows:

"Dated this _____ day of _____ 18__."

To the Comptroller,

*Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*



**PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.**

Form D.

**FORM OF OPPOSITION TO GRANT OF PATENT.
(Rule 34, *et seq.*)**

(To be accompanied by an unstamped copy.)

* Here state name and full address.

* I _____

hereby give notice of my intention to oppose the grant of Letters Patent upon application No. _____ of _____, applied for by _____

† Here state upon which of the grounds of opposition permitted by section 11 of the Act the grant is opposed.

upon the ground † _____

‡ Here insert signature of opponent.

(Signed) ‡ _____

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*



**PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.**

Form E. (Rule 12.)

**FORM OF APPLICATION FOR HEARING BY THE
COMPTROLLER.**

ante, p. 465.

**IN CASES OF REFUSAL TO ACCEPT, OPPOSITION, OR APPLICATIONS
FOR AMENDMENTS, &c.**

SIR, _____ of (a) _____

(a) Here insert address.

hereby apply to be heard in reference to

and request that I may receive due notice of the day fixed for the hearing.

Sir,

Your obedient Servant,

To the Comptroller,

*Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

**PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.**

Form **F.** (Rule 52, *et seq.*)

**FORM OF APPLICATION FOR AMENDMENT OF
SPECIFICATION OR DRAWINGS.**

<p>PATENT £1 10s. £3.</p>

The fee stamp is £1 10s. by an applicant and £3 by a patentee.

ante, p. 215.

* Here state name and full address of applicant or patentee.

seek leave to amend the specification of Letters Patent No. _____
of 188 , as shown in red ink in the copy of the original specification
hereunto annexed _____

† Here state reasons for seeking amendment; and where the applicant is not the patentee, state what interest he possesses in the letters patent.

My reasons for making this amendment are as follows† _____

(Signed) † _____

† To be signed by applicant.

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*



**PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.**

Form G. (Rule 53.)

**FORM OF OPPOSITION TO AMENDMENT OF
SPECIFICATION OR DRAWINGS.**

(To be accompanied by an unstamped copy.)

* Here state name and full address of opponent.

* _____

hereby give notice of objection to the proposed amendment of the specification or drawings of Letters Patent No. _____ of 188__ for the following reason :† _____

† Here state reason of opposition.

(Signed) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.



ante, p. 290.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form H. (Rule 60.)

FORM OF APPLICATION FOR COMPULSORY GRANT
OF LICENSE.

(To be accompanied by an unstamped copy.)

* Here state name and full address of applicant.

* _____

hereby request you to bring to the notice of the Board of Trade the accompanying petition for the grant of a license to me by† _____

† Here state name and address of patentee, and number and date of his patent.

(Signed) _____

NOTE.—The petition must clearly set forth the facts of the case and be accompanied by an examined copy thereof. See form below.

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form H 1. (Rule 60.)

FORM OF PETITION FOR COMPULSORY GRANT
OF LICENSES.

ante, p. 290.

To the LORDS of the COMMITTEE of PRIVY COUNCIL for TRADE.

(a) Here insert name, full address, and description.

(b) Here insert title of invention.

(c) Here state fully the nature of petitioner's interest.

(d) Here state in detail the circumstances of the case under section 22 of the said Act, and show that it arises by reason of the default of the patentee to grant licenses on reasonable terms. The statement of the case should also show as far as possible that the terms of the proposed order are just and reasonable. The paragraphs should be numbered consecutively.

(e) Here state the ground or grounds on which relief is claimed in the language of section 22 subsections (a), (b), (c), as the case may be.

THE PETITION of (a) of _____, being a person in the county of _____, interested in the matter of this petition as hereinafter described:—

SHEWETH as follows:—

1. A patent dated _____ No. _____ was duly granted to _____ for an invention of (b)
2. The nature of my interest in the matter of this petition is as follows:—(c)
3. (d)

Having regard to the circumstances above stated, the petitioner alleges that by reason of the aforesaid default of the patentee to grant licenses on reasonable terms (e)

Your petitioner therefore prays that an order may be made by the Board of Trade (f)

or that the petitioner may have such other relief in the premises as the Board of Trade may deem just.

(f) Here state the purport and effect of the proposed order and the terms as to the amount of royalties security for payment, or otherwise, upon which the petitioner claims to be entitled to the relief in question.



ante, p. 290

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form I. (Rule 64.)

FORM OF OPPOSITION TO COMPULSORY GRANT
OF LICENSE.

* Here state name and full address.

hereby give notice of objection to the application of _____

for the compulsory grant of a License under Patent No. _____
of 188 .

(Signed) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form J. (Rule 48.)

APPLICATION FOR CERTIFICATE OF PAYMENT
OR RENEWAL.

ante, pp. 451, 493,
505.

* Here insert
name of patentee.

_____ hereby transmit the fee prescribed for the continuation in
force of * _____ Patent No. _____, of 18____ for a
further period of _____.

† Here insert
name and full
address.

Name † _____

Address _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane London, W.C.

(This part of the Form to be filled in at the Patent Office.)

CERTIFICATE OF PAYMENT OR RENEWAL.

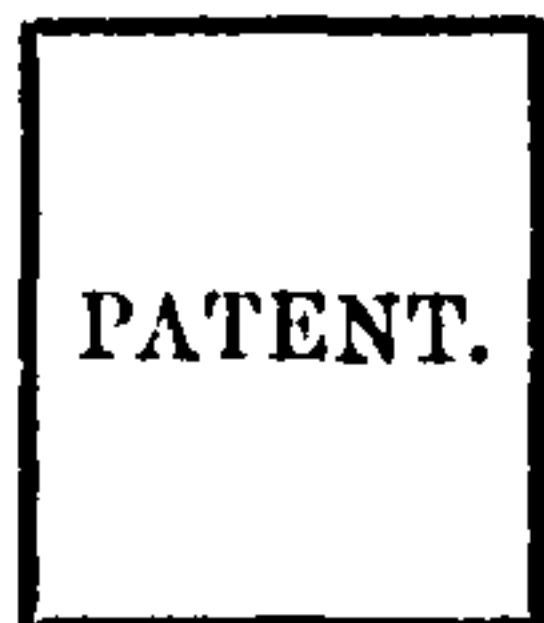
Letters Patent No. _____ of 188____.
_____ 18____.

This is to certify that _____ did this _____
day of _____ 18____, make the prescribed payment of £ _____
in respect of a period of _____ from _____ and that
by virtue of such payment the rights of the patentee remain in
force.*

* See section 17
of the Patents,
Designs, and
Trade Marks
Act, 1883.



Patent Office, London.





PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form K. (Rule 50.)

FORM OF APPLICATION FOR ENLARGEMENT OF TIME
FOR PAYMENT OF RENEWAL FEE.

The stamp here is dependent on the length of enlargement asked for

ante, p. 270.

SIR,

I HEREBY apply for an enlargement of time for _____ month in which to make the _____ payment of £ _____ upon my Patent, No. _____ of 188 .

The circumstances in which the payment was omitted are as follows (a):—

I am,
Sir,
Your obedient Servant,

(b) Here insert full address to which receipt is to be sent.

(b) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.



PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form L. (Rule 68.)

FORM OF REQUEST TO ENTER NAME UPON THE
REGISTER OF PATENTS.

ante, p. 262.

(a) Or We, here insert name, full address, and description.

I (a) _____

(b) My or our.
(c) Or names.

hereby request that you will enter (b) _____ name (c) in the Register of Patents:—

(d) I or we.
(e) Here insert the nature of the claim.

(d) _____ claim to be entitled (e) _____

(f) Here give name and address, &c., of Patentee or Patentees.

of the Patent, No. _____ of 188 , granted to (f) _____

(g) Here insert title of the invention.

for (g) _____

(h) Here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated.

by virtue of (h) _____

(i) Here insert the nature of the document.

And in proof whereof I transmit the accompanying (i) _____ with an attested copy

(j) Where any document which is a matter of record is required to be left, a certified or official copy in lieu of an attested copy must be left.

thereof (j)

I am,
Sir,
Your obedient Servant,

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form M. (Rule 77.)

FORM OF REQUEST TO ENTER NOTIFICATION OF
LICENSE IN THE REGISTER OF PATENTS.

SIR,

I HEREBY transmit an attested copy of a license granted to me by _____



ante, p. 267.

under Patent, No. _____ of 188 , as well as the original license for verification, and I have to request that a notification thereof may be entered in the Register.

I am,
Sir,
Your obedient Servant,

(a) Here insert full address.

(a) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.



ante, p. 266.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form N.

APPLICATION FOR DUPLICATE OF PATENT.

Date

SIR,

I REGRET to have to inform you that the Letters Patent
No.

[* Here insert date, No., name, and full address of Patentee.]

dated*

granted to

[† Here insert title of invention.]

for an invention of †

[‡ Here insert the word "destroyed" or "lost," as the case may be.]

have been ‡

I beg therefore to apply for the issue of a duplicate of such Letters Patent. §

[§ Here state interest possessed by applicant in the Letters Patent]

[Signature of Applicant.]

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.



PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 TO 1888.

Form O. (Rule 15.)

NOTICE OF INTENDED EXHIBITION OF AN
UNPATENTED INVENTION.

ante, p. 119.

* Here state name and full address of applicant.

* _____

hereby give notice of my intention to exhibit a _____
of _____ at the _____

† State "opened" or "is to open."

Exhibition, which † _____ of _____ 18____, under the provisions of the Patents, Designs, and Trade Marks Act of 1883.

‡ Insert brief description of invention, with drawings if necessary.

‡ _____ herewith enclose _____

(Signed) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.



PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form P.

FORM OF REQUEST FOR CORRECTION OF
CLERICAL ERROR.

Before the patent is sealed the stamp is 5s., afterwards £1.

SIR,

I HEREBY request that the following clerical error (a)

(a) or errors.

ante, p. 226.

(b) Here state whether in application, specification, or register.

in the (b) _____
No. _____ of 18____, may be corrected in the manner shown in red ink in the certified copy of the original (b) _____

hereunto annexed.

Signature _____

Full Address _____

To the Comptroller,

*Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*



PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form Q. (Rules 77, 79.)

CERTIFICATE OF COMPTROLLER-GENERAL.

ante, pp. 498,
507.

Patent Office,
London,

18

I, _____, Comptroller-General of Patents,
Designs, and Trade Marks, hereby certify

* Here insert name and full address of person requiring the information.

To * _____



PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form R.

FORM OF NOTICE FOR ALTERATION OF AN ADDRESS
IN REGISTER.

ante, pp. 267,
496.

SIR,

(a) _____

(a) Here state name or names and full address of applicant or applicants.

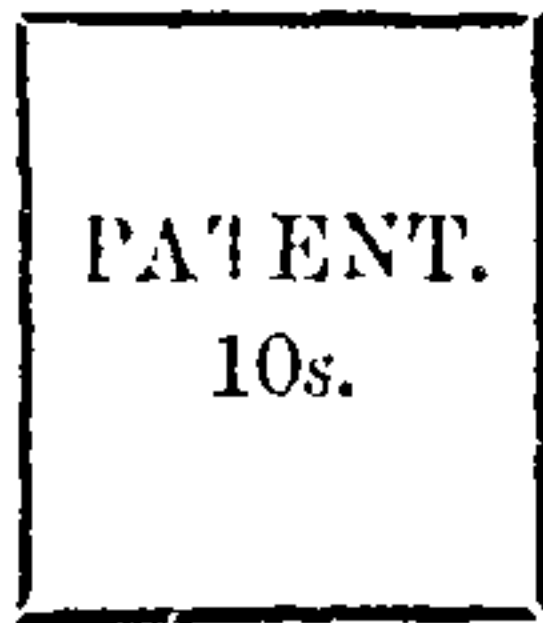
hereby request that _____ address now upon the Register may be altered as follows :—

(b) Here insert full address.

(b) _____

Sir,
Your obedient Servant,

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.



ante, p. 348.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 TO 1888.

Form S. (Rule 74.)

FORM OF APPLICATION FOR ENTRY OF ORDER OF
PRIVY COUNCIL IN REGISTER.

(a) Here state name and full address of applicant.

(a) _____

(b) Here state the purport of the order.

hereby transmit an office copy of an Order in Council with reference to (b)

Sir,
Your obedient Servant,

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*



PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 TO 1888.

Form T. (Law Officers' Rules 1.)

FORM OF APPEAL TO LAW OFFICER.

(a) Here insert name and full address of appellant.

I, (a) _____ of (a) _____

(b) Here insert "the decision" or "that part of the decision," as the case may be.

hereby give notice of my intention to appeal to the Law Officer from (b) _____

(c) Here insert "refused [or allowed] application for Patent," or "refused [or allowed] application for leave to amend Patent," or otherwise, as the case may be.

of the Comptroller of the _____ day of _____
18__ , whereby he (c) _____

(d) Insert number and year.

No. (d) _____ of the year 18__ (d)_____.

Signature _____

Date _____

N.B.—This notice has to be sent to the Comptroller-General at the Patent Office, London, W.C., and a copy of the same to the Law Officers' Clerk at Room 549, Royal Courts of Justice, London.



ante, p. 444. and p. 507.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 TO 1888.

Form U. (Rule 50.)

FORM OF APPLICATION FOR EXTENSION OF TIME FOR LEAVING A COMPLETE SPECIFICATION.

SIR,

_____ hereby apply for extension of time for one month in which to leave a Complete Specification upon application.

_____ dated _____.

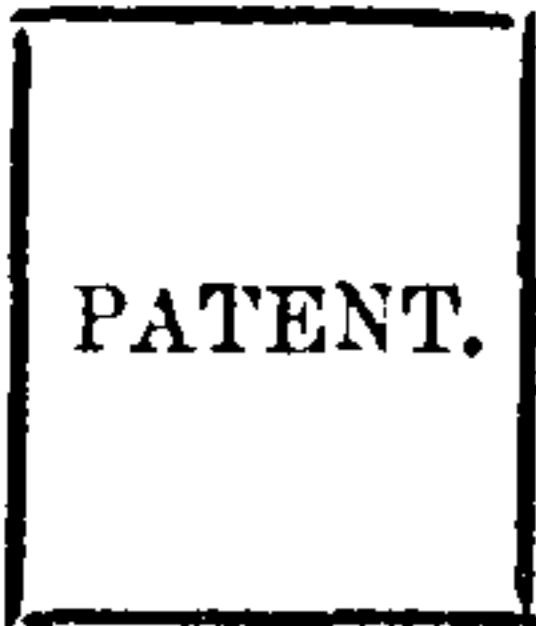
The circumstances in and grounds upon which this extension is applied for are as follows (a):—

Multiple horizontal lines for providing details of circumstances and grounds.

(b) To be signed by applicant or applicants or his or their agent.

Sir,
Your obedient Servant,
(b) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.



PATENTS, DESIGNS, AND TRADE MARKS ACTS,
1883 to 1888.

Form V. (Rule 50.)

FORM OF APPLICATION FOR EXTENSION OF TIME FOR
ACCEPTANCE OF A COMPLETE SPECIFICATION.

The stamp is dependent on the enlargement asked for; *ante*, p. 507.

SIR,

_____ hereby apply for extension of time for _____* month
for the acceptance of the Complete Specification upon application
No. _____ dated _____.

The circumstances in and grounds upon which this extension is
applied for are as follows (a) :— _____

(a) See Rule 50.

* not exceeding 3 months, *ante*, p. 445.

Sir,
Your obedient Servant,

(b) _____

(b) To be signed by applicant or applicants or his or their agent.

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

M. E. HICKS-BEACH,
President of the Board of Trade.

31st March, 1890.

PATENT AGENTS' RULES, 1889.

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1888.

REGISTER OF PATENT AGENTS' RULES, 1889.

After the formation of the Chartered Institute of Patent Agents, a set of rules, dated 1891, was promulgated by the Board of Trade, making these rules applicable to the Chartered Institute, see p. 613.

For the purpose of giving effect to the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of patent agents, the Board of Trade, by virtue of the provisions of the said Act, hereby make the following Rules:— *ante*, p. 235. *ante*, pp. 479, 484.

1. A Register shall be kept by the Institute of Patent Agents, subject to the provisions of these Rules and to the Orders of the Board of Trade, for the registration of patent agents in pursuance of the Act.

2. The Register shall contain in one list all patent agents who are registered under the Act and these Rules.

Such list shall be made out alphabetically, according to the surnames of the registered persons, and shall also contain the full name of each registered person, with his address, the date of registration, and a mention of any honours, memberships, or other additions to the name of the registered person which the Council of the Institute may consider worthy of mention in the Register. The Register shall be in the Form 1 in Appendix A, with such variations as may be required.

3. The Institute shall cause a correct copy of the Register to be, once every year, printed, under their direction, and published and placed on sale. Such correct copy shall, in the year 1889, be printed and published at as early a date as is possible, and in every year subsequent to the year 1889, shall be printed and published on the 31st day of January.* A copy of the Register for the time being pur-

* Altered to February, and at such other times as the Chartered Institute may think desirable. R. P. A. R., 1891 (*post*, p. 613).

porting to be so printed and published shall be admissible as evidence of all matters stated therein, and the absence of the name of any person from the Register shall be evidence, until the contrary is made to appear, that such person is not registered in pursuance of the Act.

4. The Institute shall appoint a Registrar, who shall keep the Register in accordance with the provisions of the Act and these Rules, and, subject thereto, shall act under the directions of the Institute and the Board of Trade.

5. A person who is desirous of being registered in pursuance of the Act, on the ground that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, shall produce or transmit to the Board of Trade a statutory declaration in the Form 2 in Appendix A; provided that the Board of Trade may in any case in which they shall think fit, require further or other proof that the person had prior to the passing of the Act been *bonâ fide* practising as a patent agent. Upon the receipt of such statutory declaration or of such further or other proof to their satisfaction as the case may be, the Board of Trade shall transmit to the Registrar a certificate that the person therein named is entitled to be registered in pursuance of the Act, and the Registrar shall on the receipt of such certificate cause the name of such person to be entered in the Register.

6. Subject to the provisions of the Act in favour of every person who proves to the satisfaction of the Board of Trade that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, no person shall be entitled to be registered as a patent agent unless he has passed, and produces or transmits to the Registrar a certificate under the seal of the Institute that he has passed, such final examination as to his knowledge of patent law and practice and of the duties of a patent agent as the Institute shall from time to time prescribe.

7. Any person who has been for at least seven consecutive years continuously engaged as a pupil or assistant to one or more registered patent agents, and any person for the time being entitled to practise as a solicitor of the Supreme Court

of Judicature in England or Ireland, or as a law agent before the Court of Session in Scotland, shall be entitled to be registered without passing any examination other than the final examination provided for in the last preceding Rule. The Registrar shall before registering the name of any such person as a patent agent (in addition to the final examination certificate) require proof satisfactory to the Registrar that such person has been for at least seven consecutive years continuously engaged as such pupil or assistant, or is entitled to practise as such solicitor or law agent.

8. Any person who is not qualified under Rule 7 must, in order to be entitled to present himself for the final qualifying examination, be—

A person who has passed one of the preliminary examinations mentioned in Appendix B, or such other examination as the Institute shall, with the approval of the Board of Trade, by regulation prescribe.

Appendix B is cancelled and now replaced by Appendix B to the rule of 1891, *post*, p. 683.

9. The Institute shall hold at least once in the year commencing with the first day of July, 1889, and in every other succeeding year, a final qualifying examination, which shall be the final qualifying examination required under Rules 6 and 7; and the Institute shall, subject to these Rules, have the entire management and control of all such examinations, and may from time to time make regulations with respect to all or any of the following matters, that is to say:—

- (a.) The subjects for and the mode of conducting the examination of candidates;
- (b.) The times and places of the examinations, and the notices to be given of examinations;
- (c.) The certificates to be given to persons of their having passed the examinations;
- (d.) The appointment and removal of examiners, and the remuneration, by fees or otherwise, of the examiners so appointed; and
- (e.) Any other matter or thing as to which the Institute may think it necessary to make regulations for the purpose of carrying out this Rule.

10. The Registrar shall from time to time insert in the

Register any alteration which may come to his knowledge in the name or address of any person registered.

11. The Registrar shall erase from the Register the name of any registered person who is dead.

12. The Registrar may erase from the Register the name of any registered person who has ceased to practise as a patent agent, but not (save as hereinafter provided) without the consent of that person. For the purposes of this Rule the Registrar may send by post to a registered person to his registered address a notice inquiring whether or not he has ceased to practise or has changed his residence, and if the Registrar does not within three months after sending the notice receive an answer thereto from the said person, he may, within fourteen days after the expiration of the three months, send him by post to his registered address another notice referring to the first notice, and stating that no answer has been received by the Registrar; and if the Registrar either before the second notice is sent receives the first notice back from the Dead Letter Office of the Postmaster-General, or receives the second notice back from that office, or does not within three months after sending the second notice receive any answer thereto from the said person, that person shall, for the purposes of this Rule, be deemed to have ceased to practise, and his name may be erased accordingly.

13. If any registered person shall not, within one month from the day on which his annual registration fee becomes payable, pay such fee, the Registrar may send to such registered person to his registered address a notice requiring him, on or before a day to be named in the notice, to pay his annual registration fee; and if such registered patent agent shall not within one month from the day named in such notice pay the registration fee so due from him, the Registrar may erase his name from the Register: Provided that the name of a person erased from the Register under this Rule may be restored to the Register by direction of the Institute or the Board of Trade on payment by such person of the fee or fees due from him, together with such further sum of money, not exceeding in amount the annual registration fee,

as the Institute or the Board of Trade (as the case may be) may in each particular case direct.

14. In the execution of his duties the Registrar shall, subject to these Rules, in each case act on such evidence as appears to him sufficient.

15. The Board of Trade may order the Registrar to erase from the Register any entry therein which is proved to their satisfaction to have been incorrectly or fraudulently inserted.

16. If any registered person shall be convicted in Her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony or misdemeanour, or after due inquiry is proved to the satisfaction of the Board of Trade to have been guilty of disgraceful professional conduct, or having been entitled to practise as a solicitor or law agent shall have ceased to be so entitled, the Board of Trade may order the Registrar to erase from the Register the name of such person. Provided that no person shall be adjudged by the Board of Trade to have been guilty of disgraceful professional conduct unless such person has received notice of, and had an opportunity of defending himself from, any charge brought against him.

17. (1.) Where the Board of Trade direct the erasure from the Register of a name of any person, or of any other entry, the name of the person or the entry shall not be again entered in the Register, except by order of the Board of Trade.

(2.) The Board of Trade may in any case in which they think fit restore to the Register any name or entry erased therefrom either without fee, or on payment of such fee, not exceeding the registration fee, as the Board of Trade may from time to time fix, and the Registrar shall restore the name accordingly.

(3.) The name of any person erased from the Register at the request or with the consent of such person shall, unless it might, if not so erased, have been erased by order of the Board of Trade, be restored to the Register by the Registrar on his application and on payment of such fee, not exceeding the registration fee, as the Institute shall from time to time fix.

18. For the purpose of exercising in any case the powers of erasing from and of restoring to the Register the name of a person, or an entry, the Board of Trade may appoint a committee consisting of such persons as they shall think fit. Every application to the Board of Trade for the erasure from, or restoration to, the Register of the name of any patent agent shall be referred for hearing and inquiry to the committee, who shall report thereon to the Board of Trade, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the Board of Trade.

19. Any person aggrieved by any order, direction, or refusal of the Institute or Registrar may appeal to the Board of Trade.

20. A person who intends to appeal to the Board of Trade under these Rules (in these Rules referred to as the appellant) shall, within fourteen days from the date of the making or giving of the order, direction, or refusal complained of, leave at the office of the Institute a notice in writing signed by him of such his intention.

21. The notice of intention to appeal shall be accompanied by a statement in writing of the grounds of the appeal, and of the case of the appellant in support thereof.

22. The appellant shall also immediately after leaving his notice of appeal at the Institute send by post a copy thereof with a copy of the appellant's case in support thereof addressed to the Secretary of the Board of Trade, 7, Whitehall Gardens, London.

23. The Board of Trade may thereupon give such directions (if any) as they may think fit for the purpose of the hearing of the appeal.

24. Seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing of the appeal shall be given to the appellant and the Institute and the Registrar.

25. The appeal may be heard by the President, a Secretary, or an Assistant Secretary of the Board of Trade, and the

decision and order thereon of the President, Secretary, or Assistant Secretary, as the case may be, shall be the decision of the Board of Trade on such appeal. On the appeal such decision may be given or order made in reference to the subject-matter of the appeal as the case may require.

26. The fees set forth in Appendix C to these Rules shall be paid in respect of the several matters, and at the times and in the manner therein mentioned. The Board of Trade may from time to time, by orders signed by the Secretary of the Board of Trade, alter any of, or add to, the fees payable under these Rules.

27. Any regulation made by the Institute under these Rules may be altered or revoked by a subsequent regulation. Copies of all regulations made by the Institute under these Rules shall, within twenty-eight days of the date of their being made, be transmitted to the Board of Trade, and if within twenty-eight days after a copy of any regulation has been so transmitted, the Board of Trade by an order signify their disapproval thereof, such regulation shall be of no force or effect; and if, after any regulation under these Rules has come into force, the Board of Trade signify in manner aforesaid their disapproval thereof, such regulation shall immediately cease to be of any force or effect.

28. The Institute shall once every year in the month of December transmit to the Board of Trade a report stating the number of applications for registration which have been made in the preceding year, the nature and results of the final examinations which have been held, and the amount of fees received by the Institute under these Rules, and such other matters in relation to the provisions of these Rules, as the Board of Trade may from time to time, by notice signed by the Secretary of the Board of Trade and addressed to the Institute, require.

29. In these Rules, unless the context otherwise requires—

“The Act” means the Patents, Designs, and Trade Marks Act, 1888.

“The Institute” means the Institute of Patent Agents, acting through the Council for the time being.

“The Registrar” means the Registrar appointed under these Rules.

“Registered patent agent” means any agent for obtaining patents in the United Kingdom whose name is registered under the Act and these Rules.

30. These Rules shall commence and come into operation on the 12th day of June, 1889, but at any time after the making thereof any appointment or regulations may be made and things done for the purpose of bringing these Rules into operation on the said day.

31. These Rules may be cited as the Register of Patent Agents' Rules, 1889.

By the Board of Trade,

COURTENAY BOYLE,

Assistant Secretary, Railway Department.

The 11th day of June, 1889.

INSTITUTE OF PATENT AGENTS.

Notice is hereby given that, in accordance with Rule 3 of the above-named Rules, the Register of Patent Agents for the year 1889 has been printed under the direction of the Institute of Patent Agents, and published and placed on sale at the Offices of the Institute, 19, Southampton Buildings, London, W.C. Price *One Shilling*.

H. HOWGRAVE GRAHAM,

Secretary.

December 13th, 1889.

CHARTERED INSTITUTE OF PATENT AGENTS.

Her Majesty has been graciously pleased to cause Letters Patent to be issued, granting a Charter for the incorporation of the Institute of Patent Agents, under the style of “The Chartered Institute of Patent Agents.”

The objects of the Chartered Institute are similar to those for which the Institute of Patent Agents was formed in 1882, namely, the promotion of the education, status, and training

of Patent Agents, and the maintenance of a high standard of professional conduct on the part of the Members of the Institute.

The said Charter provides that Fellows of the Institute may use, after their names, the designation "Chartered Patent Agent," or the initials "C. P. A.," being an abbreviation of the same.

H. READER LACK,
Comptroller.

August 26th, 1891.

CIRCULAR OF INFORMATION OF THE PATENT OFFICE.

The following circular is kept in print at the Patent Office and supplied to those about to take out patents. It has not the force of the Patent Office Rules, and is only used for the information of those about to take out patents:—

CIRCULAR.

1. *Mode of proceeding to obtain Patents for Inventions in the* *antc*, p. 237.

United Kingdom.—(i.) All applications and communications must be made in English. No models are required.

(ii.) Any person, whether a British subject or not, may make an application for a patent, either by direct communication with the office or through the intervention of an agent. (See page 553, paragraph 16.)

Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly. In every case the true and first inventor (or inventors) must be a party (or parties) to the application.

A company may apply for a patent as joint applicant with the inventor, but not as sole applicant, unless the application is made in respect of an invention communicated from abroad (Form A¹), or under the International and

Colonial arrangements (Form A²). The application should be signed by the secretary or other principal officer, who should add after his signature the words "For the Company."

A firm as such cannot apply for a patent, but a joint application may be made by all the individual members of the firm.

The declaration on Form A (or A¹ or A²) must be signed by the applicant or applicants; but all other communications may be made by or through agents duly authorised to the satisfaction of the Comptroller. For applications under the International and Colonial arrangement (see page 555, paragraph 22).

(iii.) Applications may be left at the Patent Office by hand, or sent by post, addressed to the Comptroller, Patent Office, 25, Southampton Buildings, Chancery Lane, London, W.C.

(iv.) Every application must be accompanied by a statement of an address to which all communications from the Patent Office may be sent.

(v.) Application for a patent may be made in one of two ways:—(a) The applicant may apply in the first instance for provisional protection, and at any later period within nine months may leave his complete specification, or (b) the applicant may leave his complete specification at the time of making his application, in which case a provisional specification will be unnecessary.

Application accompanied by Provisional Specification.

(vi.) An application for provisional protection consists of—

(a.) The Application Form A or (for inventions communicated from abroad) A¹, or (for applications under the International and Colonial arrangements) A², stamped 1*l.*, duly filled in as directed by the marginal notes on the form, and signed by the applicant or applicants.

- (b.) The provisional specification, Form B, in duplicate. Form B does not require to be stamped.
- (vii.) The provisional specification must fairly describe the nature of the invention and be accompanied by drawings if required. See (xii.) below for regulations as to drawings. The applicant should in this document give a clear description of the invention, but he need not enter into all the minute details as to the manner in which the invention is to be carried out.
- (viii.) Unless a complete specification is left within nine months from the date of application (or with extension fee (Form U), ten months), the application is deemed to be abandoned. The complete specification should be prepared as stated at (x.) below. It should refer to the number and date of the provisional specification, and should contain a full and detailed description of the invention, independent of the description given in the provisional specification. Drawings which may have been filed with the provisional specification may be used again with the complete specification, if they are considered suitable. Where this is done the drawings should be referred to in the complete specification as those "filed with my provisional specification."

Application accompanied by Complete Specification.

- (ix.) An application accompanied by complete specification consists of—
- (a.) The Application Form A or (for inventions communicated from abroad) A¹, or (for applications under the International and Colonial arrangements) A², stamped 1*l.*, duly filled in, as directed by the marginal notes on the form, and signed by the applicant or applicants.
- (b.) The complete specification, Form C, stamped 3*l.*, and unstamped duplicate.

- (x.) The complete specification must be begun upon Form C (bearing a 3*l.* stamp) and continued, if necessary, on foolscap paper. The duplicate must be an exact copy, but unstamped. The specification should contain a full and detailed description of the invention, of such a nature that the invention could be carried into practical effect by a competent workman from the directions of the document alone.

ante, p. 195.

It is necessary to make a distinct and proper statement of claims in the complete specification, and inventors should be careful that their claims include neither more nor less than they desire to protect by their patent.

Claims are not intended to be made for the efficiency or advantages of the invention.

In the statement of claims only the actual processes or apparatus (or improvements therein) should be stated which are considered by the inventor to be new.

See (xii.) below for regulations as to drawings.

Specifications and other Documents.

- (xi.) The specifications and all other documents must be written or printed in large and legible characters upon strong wide-ruled foolscap paper measuring 13 by 8 inches (on one side only), leaving a margin of two inches on the left-hand; and the signatures of the applicants or agents thereto must be written in a large and legible hand, and the several sheets should be fastened together at the top left-hand corner.

Drawings.

ante, p. 201.

- (xii.) The provisional or complete specification need not be accompanied by drawings if the specification sufficiently describes the invention without them, but if furnished, they should accompany the provisional or complete specification to which they refer. No drawing or sketch such as requires a

special engraving for letterpress should appear in the specification itself.

Where drawings accompany the specification, they must be delivered at the Patent Office either in a flat state or on rollers so as to be free from folds, breaks, or creases.

They must be made on pure white, hot-pressed, rolled, or calendered drawing-paper of smooth surface and good quality, and where possible without colour or Indian-ink washes.

They must be on sheets of one of the two following sizes (the smaller being preferable), 13 inches at the sides by 8 inches at the top and bottom, or 13 inches at the sides by 16 inches at the top and bottom, including margin, which must be half an inch wide. If there are more figures than can be shown on one of the smaller-sized sheets two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large drawing is required, it should be *continued* on subsequent sheets. There is no limit to the number of sheets that may be sent in.

To ensure their satisfactory reproduction, the drawings must be executed with *absolutely black Indian ink*; the same strength and colour of fine and shade lines to be maintained throughout. Section lines and lines for effect, or shading lines, must not be closely drawn. Reference figures and letters must be bold, distinct, and not less than one-eighth of an inch in height; and the same letters should be used in different views of the same parts. In cases of complicated drawings, the reference letters must be shown outside the figure, and connected with the part referred to by a fine line.

The scale adopted should be large enough to show clearly wherein the invention consists, and only so much of the apparatus, machine, &c., need be shown as effects this purpose. When the scale is shown on the drawing it should be denoted, *not* by words, but by a drawn scale.

Drawings must bear the name of the applicant (and in the case of drawings left with a complete specification after a provisional specification, the number and year of the application) in the *left-hand top corner*; the number of sheets of

drawings sent, and the number of each sheet in the *right-hand top corner*; and the signature of the applicant or his agent in the *right-hand bottom corner*.

No written description of the invention should appear on the drawings.

Wood engravings, or representations of the invention, other than the drawings prepared as above described, will not be received, unless of such a character as to be suitable for reproduction by the process of photo-lithography.

A *facsimile* of the original drawings, but *without* colour or Indian-ink washes, and prepared strictly in accordance with the regulations prescribed above, must accompany the originals, and be marked "true copy."

If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings for his complete specification, he should refer to them as those "left with the provisional specification."

ante, p. 508.

2. *Forms of Application and other Patent Forms.*—(i.) Forms are not supplied by the Patent Office, but can be purchased at the Inland Revenue Office, Royal Courts of Justice (Room No. 6), or they can be obtained at a few days' notice through any Money Order Office in the United Kingdom upon prepayment of the value of the stamp.

Neither the Inland Revenue Department nor the Post Office being authorised to furnish Patent Forms upon written application, persons resident abroad should order such forms as they require through a correspondent in England.

	£	s.	d.
Form A. Application for patent	1	0	0
„ A ¹ . „ „ for invention communi- cated from abroad	1	0	0
„ A ² . Application for patent under International and Colonial arrangements	1	0	0
„ B. Provisional specification	No fee.		
„ C. Complete specification	3	0	0
„ C ¹ . On postal request for printed copy of specifi- cation	0	0	8
„ D. On notice of opposition to grant of patent. By opponent.	0	10	0

	£	s.	d.
Form E. On hearing by Comptroller. By applicant and by opponent respectively	1	0	0
„ F. On application to amend specification. Up to sealing	1	10	0
On application to amend specification. After sealing	3	0	0
„ G. On notice of opposition to amendment. By opponent.	0	10	0
„ H. On application to the Board of Trade for a compulsory license.	5	0	0
„ I. On opposition to grant of compulsory license	5	0	0
* „ J. On certificate of payment of renewal fee :—			
Before the expiration of the 4th year from date of patent, and in respect of the 5th year.	5	0	0
Before the expiration of the 5th year from date of patent, and in respect of the 6th year.	6	0	0
Before the expiration of the 6th year from date of patent, and in respect of the 7th year.	7	0	0
Before the expiration of the 7th year from date of patent, and in respect of the 8th year.	8	0	0
Before the expiration of the 8th year from date of patent, and in respect of the 9th year.	9	0	0
Before the expiration of the 9th year from date of patent, and in respect of the 10th year	10	0	0
Before the expiration of the 10th year from date of patent, and in respect of the 11th year	11	0	0
Before the expiration of the 11th year from date of patent, and in respect of the 12th year	12	0	0
Before the expiration of the 12th year from date of patent, and in respect of the 13th year	13	0	0
Before the expiration of the 13th year from date of patent, and in respect of the 14th year	14	0	0
* Form K. On enlargement of time for payment of renewal fees. Not exceeding 1 month	1	0	0
On enlargement of time for payment of renewal fees. Not exceeding 2 months	3	0	0
On enlargement of time for payment of renewal fees. Not exceeding 3 months	5	0	0
„ L. For every entry of an assignment, transmission, or agreement	0	10	0
„ M. For every entry of a license	0	10	0
„ S. For every entry of an extension of patent	0	10	0

* The scale of fees given above applies only in those cases where payment falls due on or after October 1st, 1892.

	£	s.	.
Form N. For duplicate of Letters Patent	2	0	0
„ O. On notice to Comptroller of intended exhibition of unpatented invention	0	10	0
„ P. On request to Comptroller to correct a clerical error. Up to sealing	0	5	0
On request to Comptroller to correct a clerical error. After sealing	1	0	0
„ Q. For certificate of Comptroller	0	5	0
„ R. For altering address in register	0	5	0
„ T. On appeal from Comptroller to Law Officer	3	0	0
„ U. On enlargement of time for filing complete specification. Not exceeding 1 month	2	0	0
„ V. On enlargement of time for acceptance of com- plete specification after 12 months. Not exceeding 1 month	2	0	0
On enlargement of time for acceptance of complete specification after 12 months. Not exceeding 2 months	4	0	0
On enlargement of time for acceptance of complete specification after 12 months. Not exceeding 3 months.	6	0	0

(ii.) Forms A, B, C, and C¹ are, however, *usually kept on sale* at the undermentioned places:—

The Inland Revenue Office, Royal Courts of Justice (Room No. 6).

The following Post Offices:—

London General Post Office, E.C.

Post Office, 226, Commercial Road, E.

„ 9, Blackman Street, Borough, S.E.

„ Charing Cross, W.C.

„ Lombard Street, E.C.

„ 28, Eversholt Street, Camden Town, N.W.

„ 12, Parliament Street, S.W., and at the following Chief Post Offices:—

IN ENGLAND AND WALES.	Barnsley.	Blackburn.	Burslem.
	Barrow - in - Fur-	Bolton.	Burton-on-Trent
	Bath. [ness.	Bradford.	Bury.
	Bedford.	Brighton.	Cambridge.
	Beverley.	Bristol.	Cardiff.
	Birkenhead.	Bromsgrove.	Carlisle.
Birmingham.	Burnley.	Chatham.	

Chester.	Lancaster.	Rochdale.	Woolwich.
Clitheroe.	Leamington.	Rotherham.	Worcester.
Congleton.	Leeds.	Rugby.	York.
Coventry.	Leicester.	Salford.	
Crewe.	Lichfield.	St. Helens.	IN SCOTLAND
Croydon.	Lincoln.	Scarborough.	Aberdeen.
Darlaston.	Liverpool.	Sedgeley.	Dumbarton.
Derby.	Macclesfield.	Sheffield.	Dundee.
Dewsbury.	Manchester.	Southampton.	Edinburgh.
Doncaster.	Middlesborough.	Stafford.	Glasgow.
Dorchester.	Nantwich.	Stalybridge.	Greenock.
Driffield.	Newcastle.	Stockport.	Inverness.
Droitwich.	Newport (Mon.)	Stoke-on-Trent.	Lanark.
Dudley.	Northallerton.	Stourbridge.	Leith.
Durham.	Northampton.	Stourport.	Paisley.
Exeter.	Nottingham.	Sunderland.	Perth.
Gateshead.	Nuneaton.	Swansea.	Renfrew.
Goole.	Oldbury.	Tamworth.	
Greenwich.	Oldham.	Truro.	IN IRELAND.
Guildford.	Pattingham.	Tunstall.	Belfast.
Halifax.	Plymouth.	Wakefield.	Cork.
Hartlepool.	Pontefract.	Walsall.	Dublin.
Huddersfield.	Portsmouth.	Warrington.	Dundalk.
Hull.	Prescot.	Wednesbury.	Galway.
Ipswich.	Preston.	West Bromwich.	Limerick.
Keighley.	Reading.	Whitby.	Londonderry.
Kendal.	Redditch.	Widnes.	Waterford.
Kidderminster.	R i c h m o n d	Wigan.	Wexford.
Knaresbro'.	(Yorks.).	Wolverhampton.	
Knutsford.	Ripon.	Wolverton.	

3. *Opposition to the Grant of a Patent.*—Under Section 11 of *ante*, p. 246. the Act of 1883, opposition may be made to the grant of a patent at any time within two months from the advertisement in the Illustrated Official Journal of the acceptance of the complete specification, by any person; on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative; or on the ground that the invention has been patented in this country on an application of prior date; or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification; *but on no other ground.* (See Par. 2, Form D.)

4. *Amendment of Specification.*—Under Section 18 of the *ante*, p. 215.

ante, p. 216.

Act, a complete specification may be amended by way of disclaimer, correction, or explanation, but no amendment will be allowed that would make the specification as amended claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment. A request for leave to amend must be made, and signed, by the applicant, or the registered proprietor of the patent, and must be accompanied by a certified printed copy of the specification shewing clearly in red ink the proposed amendments. A printed copy of any published specification may be obtained from the Patent Office Sale Office, 38, Cursitor Street, Chancery Lane, price 8*d.*, including inland postage. (See Par. 25.) The fee for certifying the printed copy is 1*s.* Care should be taken to indicate clearly what part of the printed description it is proposed to omit, and at what point interlineations are to be inserted. Additional description which cannot be written upon the printed copy should be written upon a separate sheet and attached to the print. (See Par. 2, Forms F and P.)

Note.—Persons proposing to amend their specifications should remember that the proposed amendments are made public and advertised whether the same are allowable or not. This publication might be a bar to the valid patenting of matter disallowed by way of amendment. No amendment of a provisional specification, after acceptance of the same, is allowed under Section 18; but clerical errors therein may be corrected.

5. *Payment of Renewal Fees for Continuance of Patent.*—Every patent is granted for the term of fourteen years from the date of application, subject to the payment, before the expiration of the fourth and each succeeding year during the term of the patent, of the prescribed fee. The patentee may pay the whole or any portion of the aggregate of such prescribed annual fees in advance.

Payments must be made by way of Form J duly stamped, which must be sent to the Patent Office for entry of the payment in the Register. The production of Letters Patent

at the Patent Office on payment of these fees is not required. (See Par. 2, Form J.)

As the payment of these renewal fees is regulated by Act of Parliament, a fee cannot be received a *single day* after it is due; but if by accident, mistake, or inadvertence the payment has been omitted, application may be made to the Comptroller, on Patent Form "K," for an extension of time to make such payment, specifying the reason for such omission, but no extension can be allowed beyond three months. (See Par. 2, Form K.)

Note.—The scale of fees given above applies only in those cases where payment falls due on or after October 1st, 1892.

6. *Enlargement of Time.*—Applications for enlargement of time must state in what circumstances and upon what grounds the enlargement is applied for. (See Par. 2, Forms K, U, and V.)

7. *Assignments, Licenses, &c.*—Deeds of assignment of patents, and other documents affecting the proprietorship of patents, licenses to manufacture or use patented inventions, are required by Section 23 of the Act to be entered in the Register at the Patent Office. No document can, however, be recorded until the patent affected has been actually sealed. *ante*, p. 267. Every deed sent for registration must be duly stamped in accordance with the provisions of the Stamp Act, 1891, and must be accompanied by an attested copy written upon foolscap paper (on one side only) and bearing a 1s. impressed stamp, and by the stamped Form of Request. (See Par. 2, Form L and Form M.)

8. *Exhibitions of Unpatented Inventions.*—Any person may exhibit an unpatented invention at an exhibition certified by the Board of Trade as industrial or international, without prejudice to his subsequent patent rights, provided (a) that he gives the prescribed notice to the Comptroller of his intention so to exhibit it, and (b) that the application for a patent be made within six months from the date of the opening of the exhibition. (See Par. 2, Form O.) In the case of exhibitions held out of the United Kingdom (Sec. 3 of

Patents, &c., Act, 1886) no notice of intention to exhibit is required to be given to the Comptroller.

9. *Comptroller's Certificate.*—Any one wishing to be informed as soon as a complete specification is accepted, or an application for amendment is entered, should forward a copy of Form Q with a request for such information. (See Par. 2, Form Q.)

10. *Provisional Protection.*—Provisional protection entitles an applicant to use and publish his invention without thereby prejudicing his patent rights, but it does not protect him from infringement. The right to sue for infringement does not arise until a patent is sealed, and then only in respect of such infringements as have been committed after the acceptance and publication of the complete specification.

11. *Searches, Office Copies, &c.*—Searches cannot be undertaken by the Patent Office, but must be made by the person requiring information, or by his solicitor or agent. (See Par. 25.)

The following fees are charged:—

	£	s.	d.
For inspection of original documents . . . each	0	1	0
For office copies, every 100 words (but never less than 1s.)	0	0	4
For certifying office copies, MS. or printed . . . each	0	1	0

An additional stamp duty of one shilling is also charged under the Stamp Act upon certified copies of Registers, or of stamped legal documents.

For office copies of drawings, cost according to size and character of drawings.

12. *Information by Post.*—Any person wishing to know whether a particular patent is still in force, or any similar details, may obtain a copy of, or an extract from, the Register of Patents, upon stating the number and year of the patent, and forwarding the fee of 1s.

13. *Date of Printing Specification and Sealing Patent.*—Specifications are printed three weeks after the complete specification has been accepted. The patent is usually sealed about ten weeks after the acceptance of the complete specification.

14. *Documents not open to Inspection.*—The provisional

specification (if any) and the complete specification are not open to public inspection, for searches or for copying, until after the acceptance of the complete specification. The specifications of abandoned or void applications are not printed or open to inspection.

15. *Use of the word "Patent."*—Any person who represents ante. p. 430. that any article sold by him is a patented article when no patent has been granted for the same shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

16. *Advice on Patent Matters, Opinions as to the Merit or Novelty of Inventions, the Infringement or Fraudulent Appropriation of Inventions, &c.*—The Patent Office does not undertake to give legal advice or opinions on any subject connected with Patent Law, which, like other laws, is left to the interpretation of professional men; nor does the Patent Office examine specifications or other documents before they are filed. Any solicitor will be able to point out to his client an agent qualified to give advice in patent matters, to make searches for patents or examinations, to determine questions of novelty, to draw up specifications, and to conduct other business relating to grants of patents.

It is left to every person to protect his rights by opposition or otherwise. (See Par. 3.) A patent is granted upon an application, whether the invention be novel or not, which passes the prescribed stages and is unopposed.

The Patent Office cannot recommend any particular patent agent for employment by applicants, but a list of Registered Patent Agents may be obtained from Messrs. Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C., and 32, Abingdon Street, Westminster, S.W., or through any bookseller. Price (including postage) 1s. 1d.

17. *Application for Assistance, Reduction of Fees, &c.*—It is not within the power of the Comptroller to comply with any of the following requests:—

For pecuniary assistance to obtain Patents.

„ reduction or remission of any of the fees required by the Patent Law.

For purchase or acquirement of any interest in patented or other inventions.

„ recommendation of any invention for purchase or use by a Government Department or by the public.

18. *Mechanical Inventions not protected by Registration.*—As many inventors imagine that mechanical inventions can be protected by registration as designs, it may be stated that improvements in the construction, arrangement, or application of machinery can only be protected by a patent.

19. *Patent Medicines.*—Communications with respect to the preparation and supply of Medicine Stamps appropriated to a particular medicine, or as to the liability to Stamp Duty of so-called “Patent Medicines,” should be addressed to the Secretary (Stamps and Taxes), Inland Revenue, Somerset House, W.C.

The use of Medicine Stamps does not have the effect of Letters Patent.

20. *Full-size Copies of Drawings.*—Full size copies of drawings printed by photo-lithography may be obtained at the undermentioned rates:—

No. of Copies.	Whole sheets Imperial.		Half sheets Imperial.		Foolscap Size.		Half-foolscap Size.	
	s.	d.	s.	d.	s.	d.	s.	d.
Single Copies	25	0	15	0	15	0	10	0
Not exceeding 6 copies .	28	0	18	0	17	0	12	0
„ 12 „ .	30	0	20	0	18	6	13	6
„ 25 „ .	32	0	22	0	20	0	15	0

If a satisfactory photograph cannot be obtained from the original drawing, an extra charge will be made to cover the expense of taking a tracing.

When the original drawings are coloured there will also be an extra charge for colouring the copies.

21. *Patents in the British Colonies and Foreign States.*—Applications for Colonial or Foreign patents must be made to the Government of the Colony or Foreign State in which protection is desired. Most of the Colonial and Foreign patent laws may be seen in the Free Library of the Patent Office.

22. *International and Colonial Arrangements.*—An International Convention for the protection of industrial property exists between the following States :— *ante*, p. 432.

Belgium.	Guatemala.	Santo Domingo.
Brazil.	Italy.	Servia.
Curacoa and Surinam.	Netherlands.	Spain.
East Indian Colonies of the Netherlands.	New Zealand.	Sweden.
France.	Norway.	Switzerland.
Great Britain.	Portugal.	Tunis.
	Queensland.	United States.

A copy of the Text of the Convention may be purchased for 2*d.* through any bookseller.

post, p. 558.

Under this Convention, an applicant for a patent in any one of the contracting States may obtain six or seven months priority in any of the other States.

Similar arrangements, for the mutual protection of inventions, designs, and trade marks, have been made between Great Britain on the one side, and each of the following States on the other :—

Mexico. Paraguay. Roumania (Designs and Trade Marks only).
Uruguay.

An application in the United Kingdom for a patent having priority of date under the International and Colonial arrangements must be made within seven months from the date of the *first* foreign application, and must be signed by the person or persons by whom such first foreign application was made. It must be made upon Form A² (stamped 1*l.* and obtainable, upon prepayment of the value of the stamp, through any Money Order Office), and in addition to the specification, provisional or complete, must be accompanied by—

- (1.) A copy or copies of the specification and drawings as filed in the Patent Office of the Foreign State or British Possession in respect of the first foreign application duly certified by the official chief of such Patent Office, or otherwise verified to the satisfaction of the Comptroller ;
- (2.) A statutory declaration as to the identity of the invention in respect of which the application is made

with the invention in respect of which the said first foreign application was made, and if the specification be in a foreign language, a translation thereof shall be annexed to and verified by such statutory declaration.

An International Office, in connection with the Convention, has been established at Berne, Switzerland, which publishes a monthly periodical, entitled "La Propriété Industrielle." The yearly subscription (including postage) for all countries within the Postal Union is 5 francs 60 centimes, and should be forwarded by money order to MM. Jent & Reinert, Imprimeurs, Berne.

23. *Patent Museum, South Kensington.*—This museum was in 1883 placed under the management of the Department of Science and Art. It no longer forms a separate section, but has been incorporated with the general Science Collections of the South Kensington Museum. All communications relating thereto should be addressed to the Secretary, Science and Art Department, South Kensington, London, S.W. The Science Collections are open to the public *free* daily, from 10 a.m. to 4, 5, or 6 p.m., according to the season. Entrance—Exhibition Road.

24. *Patent Office Library.*—The Reading Rooms of the Free Public Library, in the Patent Office, are open daily, from 10 a.m. till 10 p.m., except on Sundays, Good Friday, and Christmas Day.

In addition to the Printed Specifications, Indexes, and other publications of the Patent Office, the Library contains a collection of the leading British and Foreign Scientific Journals, Transactions of Learned Societies, and text-books of Science and Art.

25. *Patent Office Publications.*—These may be consulted daily at the Free Public Library in the Patent Office; at the Science and Art Department, South Kensington; and at the Free Libraries, &c. (a list is given in the original Document). They are also on sale at the Patent Office Sale Branch, 38, Cursitor Street, Chancery Lane, E.C.

Specifications and other publications will be forwarded by

post on receipt of the price and of the postage when such is charged. *Sums amounting to 1s. or more must be remitted by Postal or Post Office Order payable to Sir Reader Lack.* Postage stamps sent in payment of any amount exceeding 11d. will be returned. Cheques will not be accepted.

In ordering specifications the name of the patentee, the number of patent, and year in which applied for must be given. These particulars can be obtained by searching the Indexes of Patents and (for recent specifications) the Illustrated Official Journal. The Indexes (see page 13) and the Journals can be referred to at the places named in the List "A" following, and at the Patent Office Library. (See Par. 24.) The price of each specification is 8d., which includes postage in the United Kingdom.

Printed specifications or other publications cannot be returned by the purchasers, unless a wrong number has been supplied through an error on the part of the Patent Office.

26. *Specifications of Foreign Patents.*—Specifications of foreign patents are not sold by the Patent Office. Applications for these should be made to the Patent Office of the country in which the patent was granted.

LISTS OF PLACES RECEIVING DONATIONS OF PATENT OFFICE
WORKS.

A.—Places in the United Kingdom receiving a complete set of the publications of the Patent Office, including the Specifications, on condition that they shall be daily accessible to the public, for reference or for copying, free of all charge.

Here follows a list of towns.

The document concludes with a list of Patent Office publications, including reprints of scarce pamphlets, and 103 volumes of abridgments of specifications from the earliest times up to recent years, all of which are on sale.

The Reading Rooms at Chancery Lane are open from 10 a.m. till 10 p.m. every day except Sundays, Good Friday, and Christmas Day.

ante, p. 432.

I.—INTERNATIONAL CONVENTION FOR THE
PROTECTION OF INDUSTRIAL PROPERTY.

Signed at Paris, March 20th, 1883.

(*Translation.*)

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.

ARTICLE II.

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

Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens 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 applied for a patent, industrial design or model, or trade-mark in one of the Contracting States, shall enjoy, as regards registration in the other States, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

Consequently, subsequent registration in any of the other States of the Union before expiry of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, 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 use of the trade-mark.

The above-mentioned terms of priority shall be six months for patents, and three months for industrial designs and models and trade-marks. A month longer is allowed for countries beyond sea.

ARTICLE V.

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

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

ARTICLE VI.

Every trade-mark duly registered in the country of origin shall be admitted for registration, and protected in the form originally registered in all the other countries of the Union.

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business 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.

Registration 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-mark is to be used can, in no case, be an obstacle to the registration of the trade-mark.

ARTICLE VIII.

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

ARTICLE IX.

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

The seizure shall be effected at the request of either the proper Public Department 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 the place of origin, when such indication is associated with a trade name of a fictitious character or assumed with a fraudulent intention.

Any manufacturer of, or trader, in 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-marks, for articles exhibited at official or officially recognized International Exhibitions.

ARTICLE XII.

Each of the High Contracting Parties agrees to establish a special Government Department for industrial property, and a central office for communication to the public of patents, industrial designs or models, and trade-marks.

ARTICLE XIII.

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

Propriété Industrielle" (International Office of the Union for the Protection of Industrial Property).

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, as 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 expiry 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.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Paris the 20th March, 1883.

II.—FINAL PROTOCOL.

(Translation.)

On proceeding to the signature of the Convention concluded this day between the Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, the Netherlands, Portugal, Salvador, Servia, and Switzerland, for the protection of industrial property, the undersigned Plenipotentiaries have agreed as follows:—

1. The words "Industrial Property" are to be understood in their broadest sense; they are not to apply simply to industrial products, properly so called, but also to agricultural products (wines, 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 recognised by the legislation of each of the Contracting States, such as importation patents, improvement patents, &c.

3. The last paragraph of Article II. 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-mark shall be excluded from protection in any State of the Union, from the fact alone that it does not satisfy, in regard to the signs composing it, the conditions of the legislation of that State; provided that on this point it comply with the legislation of the country of origin, and that it had been properly registered in said country of origin. With this exception, which relates only to the form of the mark, and under reserve of 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 for a single year a total sum representing an average of 2,000 francs 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 „	.	.	.	.	.	20 „
3rd „	.	.	.	.	.	15 „
4th „	.	.	.	.	.	10 „
5th „	.	.	.	.	.	5 „
6th „	.	.	.	.	.	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 „	.	.	.	.	Spain.
3rd „	.	.	.	.	Belgium, Brazil, Portugal, Switzerland.
4th „	.	.	.	.	Holland.
5th „	.	.	.	.	Servia.
6th „	.	.	.	.	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 preparations 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.

In witness whereof the undersigned Plenipotentiaries have drawn up the present Protocol.

(Then follow the signatures.)

PRIVY COUNCIL RULES IN PATENT CASES BEFORE THE JUDICIAL COMMITTEE.

RULES TO BE OBSERVED IN PROCEEDINGS before the RIGHT HONOURABLE the LORDS of the JUDICIAL COMMITTEE OF THE PRIVY COUNCIL under the Act of the 5th and 6th William IV., intituled "An Act to amend the Law touching letters patent for inventions," cap. 83. *a. l. p.* 326, 329.

No rules have yet been made under sect. 25, sub-s. 6 of the Act of 1883, and these Rules, which were made to regulate procedure under the statute 5 & 6 Will. IV. c. 83, are still in force.

RULE I.—A party intending to apply by petition, under sect. 2 of the said Act, shall give public notice by advertising in the *London Gazette* three times, and in three London papers, and three times in some country paper published in the town where or near to which he carries on any manufacture of anything made according to his specification, or Petition for confirmation.

near to or in which he resides, in case he carries on no such manufacture, or published in the county where he carries on such manufacture, or where he lives, in case there shall not be any paper published in such town, that he intends to petition His Majesty under the said section, and shall in such advertisements state the object of such petition, and give notice of the day on which he intends to apply for a time to be fixed for hearing the matter of his petition (which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*), and that on or before such day, notice must be given of any opposition intended to be made to the petition; and any person intending to oppose the said application shall lodge notice to that effect at the council office, on or before such day so named in the said advertisements, and having lodged such notice shall be entitled to have from the petitioner four weeks' notice of the time appointed for the hearing.

Petition for
prolongation.

RULE II.—A party intending to apply by petition, under sect. 4 of the said Act, shall in the advertisements directed to be published by the said section, give notice of the day on which he intends to apply for a time to be fixed for hearing the matter of his petition (which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*), and that on or before such day caveats must be entered; and any person intending to enter a caveat shall enter the same at the council office, on or before such day so named in the said advertisements; and having entered such caveat, shall be entitled to have from the petitioner four weeks' notice of the time appointed for the hearing.

Petitions.
When peti-
tion must be
presented.

RULE III.—Petitions under sects. 2 and 4 of the said Act must be presented within one week from the insertion of the last of the advertisements required to be published in the *London Gazette*.

Affidavits of
advertisements.

RULE IV.—All petitions must be accompanied with affidavits of advertisements having been inserted according

to the provisions of sect. 4 of the said Act, and the 1st and 2nd of these rules and the matters in such affidavits may be disputed by the parties opposing upon the hearing of the petitions.

RULE V.—All persons entering caveats under sect. 4 of the said Act, and all parties to any former suit or action touching letters patent, in respect of which petitions shall have been presented under sect. 2 of the said Act, and all persons lodging notices of opposition under the 1st of these rules, shall respectively be entitled to be served with copies of petitions presented under the said sections, and no application to fix a time for hearing shall be made without affidavit of such service. **Caveats.**

RULE VI.—All parties served with petitions shall lodge at the council office, within a fortnight after such service, notice of the grounds of their objections to the granting of the prayers of such petitions. **Grounds of objection.**

RULE VII.—Parties may have copies of all papers lodged in respect of any application under the said Act, at their own expense. **Copies.**

RULE VIII.—The registrar of the privy council, or other officer to whom it may be referred to tax the costs incurred in the matter of any petition presented under the said Act, shall allow or disallow in his discretion all payments made to persons of science or skill examined as witnesses to matters of opinion chiefly. **Costs.**

RULE IX.—A party applying for an extension of a patent, under sect. 4 of the said Act, must lodge at the council office six printed copies of the specification, and also four copies of the balance sheet of expenditure and receipts relating to the patent in question, which accounts are to be proved on oath before the Lords of the Committee at the hearing. In the event of the applicant's specification not having been printed, and if the expense of making six copies of any drawing therein contained or referred to would be **Document to be lodged at Council Office.**

considerable, the lodging of two copies only of such specification and drawing will be deemed sufficient.

All copies mentioned in this rule must be lodged not less than one week before the day fixed for hearing the application.

The Crown.

The Judicial Committee will hear the Attorney-General, or other Counsel, on behalf of the Crown, against granting any application made under either the 2nd or 4th section of the said Act, in case it shall be thought fit to oppose the same on such behalf.

COUNCIL OFFICE FEES.

On Petitions to the Queen in Council.

	£	s.	d.
Entering	1	1	0
Setting down Petition	0	10	0
Summons	0	10	0
Committee Report	1	10	0
Order of Her Majesty in Council	3	2	6
Committee Order.	1	12	6
Lodging Affidavit	1	1	0
„ Petition.	1	1	0
Searching Books for Information for Parties	0	10	0
Committee References	2	2	0
Lodging Caveat	1	1	0
Subpcena to Witnesses	0	10	0
Fee for Taxation (Petitions)	1	1	0

FORMS.

Form of Notice of Opposition to Grant of a Patent.

See *ante*, pp. 246-257.

See *Pitt's patent*, 1888, 5 R. P. C. 344. *Hill's application*, 1888, 5 R. P. C. 599. *Anderson's patent*, 1890, 7 R. P. C. 323.

Form of Indorsement on Writ in an Action for Infringement.

1. 'The plaintiff's claim is for an injunction restraining the defendant, his servants, workmen and agents from manufacturing, selling, exposing for sale, or using articles made according to, or in colourable imitation of, the articles described in the plaintiff's patent, dated — 18—, No. —, or from otherwise infringing the said patent.

2. Damages ; or, at the option of the plaintiff, an account of the proceeds of sale of all such articles manufactured or sold as aforesaid by the defendant in infringement of the plaintiff's said patent.

3. Delivery up to the plaintiff, or destruction of all articles in the defendant's possession made in infringement of the plaintiff's patent.

4. Costs.

Notice of Motion for Interlocutory Injunction.

Take notice that this Honourable Court will be moved before his lordship, Mr. Justice —, on the — - day of —, 18—, or so soon thereafter as counsel can be heard, by

Mr. — of counsel on behalf of the above-named plaintiff, that the defendant, his servants and agents, may be restrained until the trial of this action or until further order during the continuance of the letters patent bearing date the — day of —, 18—, and numbered —, from making, selling, supplying, using or putting in practice any— [*here describe articles, &c., which are the subject of the patent*] made according to or in the manner described in the specification of the invention for which the said letters patent were granted, or according to or in any manner only colourably differing from the same and from in any manner infringing the said letters patent, and that such further order may be made as to this Honourable Court shall seem meet.

Order for an Interlocutory Injunction.

Upon motion this day made unto this Court, and upon hearing counsel for the plaintiff and for the defendant, and upon reading the plaintiff's statement of claim and particulars of breaches, and the following affidavits it is ordered that the defendants be restrained until the trial of this action or until further order during the continuance of the said letters patent to —, dated the — day of —, 18—, No. —, from making, selling, using or supplying any (.) made according to or in the manner described in the specification filed in pursuance of the same, or according to or in any manner only colourably differing therefrom, and from in any manner infringing the said letters patent, No. —, dated the — day of —, 18—.

Interlocutory Injunction Refused upon the Defendants Undertaking to Keep an Account.

Upon motion this day made unto this Court by counsel for the plaintiffs that the defendants might be restrained, etc. [*here set out the terms of the notice of motion*], and upon reading the plaintiff's statement of claim and particulars of

breaches, and the following affidavits . . . and the defendants undertaking by their counsel until the trial of this action, or until the further order of this Court (not to buy, make, use, or sell any (—) such as those complained of and) to keep an account of all (—) alleged to be an infringement of the plaintiff's patent. This Court doth not think fit to make any order on the said motion other than that the costs thereof be costs in the action.

Statement of Claim.

In the High Court of Justice.

— Division.

18—. B. No. —.

Writ issued,

Between A. B. — *Plaintiff*.
and C. D. — *Defendant*.

Statement of Claim.

1. The plaintiff is the owner of certain letters patent granted to him, and dated the — day of — 18—, and numbered —, for [*here set out the title*]. (The said letters patent were amended the — day of — 18—, pursuant to the order of —, dated —.)

1a. The plaintiff is the registered legal owner of certain letters patent granted to X. Y., and dated the — day of — 18—, and numbered —, for [*here set out the title*]. The said letters patent were duly assigned to the plaintiff by an assignment dated the — day of — 18—, which said assignment was on the — day of — 18— duly registered in the Patent Office on the — day of — 18—, since which time the plaintiff has remained the sole registered owner of the said letters patent. [The above form must of course be varied in the case of actions by administrators or executors to suit the nature of the case.]

2. Since the said — day of — 18—, and prior to the issue of the writ herein, the defendants have infringed the

said letters patent, and have made, sold, supplied, let on hire and used (—) manufactured according to the invention in respect of which the said letters patent were granted, and they have since continued and threaten and intend to continue so to do, unless restrained by the order of this Honourable Court.

The plaintiffs claim :—

Injunction.

1. That the defendants, their servants, agents, and workmen, may be restrained by injunction during the continuance of the said letters patent from manufacturing, selling, letting on hire, supplying, or using any (—) manufactured according to or in the manner described in the specifications filed in pursuance of such letters patent, or according to or in any manner only colourably differing from the same, and generally from infringing the rights of the plaintiffs in respect of such letters patent.

Infringing articles.

2. That the defendants may be ordered to deliver up to the plaintiffs all such (—) as aforesaid as are in the possession or power of the defendants.

Account.

3. That an account may be taken of all gains and profits made by the defendants by the manufacture, sale, letting on hire, supply, or user of such (—) manufactured, sold, let on hire, supplied, or used by the defendants, or by any person or persons by the order or for the use of the defendants, and that the defendants may be ordered to pay the amount of such gains and profits to the plaintiffs.

Damages.

4. That the defendants may be ordered to pay damages to the plaintiffs for the infringement of their said patent rights.

Costs.

5. That the defendants may be ordered to pay the costs of this action.

Costs as between solicitor and client.

6. The plaintiffs claim their full costs, charges, and expenses as between solicitor and client. In an action brought by the plaintiffs (and others) against — 18—, B. No. —, for infringements of the said letters patent, Mr. Justice — certified that the

validity of the said respective letters patent came in question.

7. Such further or other relief as the nature of the case may require.

(Signed) —

Delivered the — day of — 18— by — of — in the —, solicitors for the plaintiffs.

See *Useful Patents Co. v. Rylands*, 1885, 2 R. P. C. 257; *Hocking v. Fraser*, 1885, 3 R. P. C. 5.

Particulars of Breaches.

“ In the High Court of Justice.
— Division.

18—. B. No. —.

Writ issued,

Between A. B. — Plaintiff.
and C. D. — Defendant.

The following are particulars of the breaches complained of in this action.

Delivered the — day of — 18— by — defendant's solicitor.

The object of particulars of breaches is to inform the defendant, first, of what he is alleged to have done; secondly, what parts of the plaintiff's patent he is alleged to have infringed, and also, when necessary, how his acts constitute infringement. See *ante*, p. 362, and cases there cited. In the case of a very simple patent the following form has been held sufficient.

“ That the defendants have at divers times during the years 1887 and 1888 infringed the patent of the plaintiff in the statement of claim mentioned by the manufacture and sale at the defendant's works at Hyde, in the county of Chester, or elsewhere in Great Britain, of felt hats, caps, and other head coverings made or manufactured in accordance, or substantially

in accordance, with the invention forming the subject of the plaintiff's patent and described in the specification filed under the said letters patent and claimed in the first five claims therein: Such felt hats, caps, and other head coverings having a veneering material consisting of wool or fur cut, ground, or otherwise reduced to a short staple, applied to the forms or bodies thereof: (*Cheetham v. Oldham*, 1888, 5 R. P. C. 625).

But, as a general rule, more particulars of the dates and places of sale would be required, thus:

“ In particular the plaintiffs complain of the sale [*here set out time, place, and articles of the sales or manufactures complained of. There may also be added*] Save as aforesaid the precise date and number of the defendant's infringements are not at present known to the plaintiffs; but the plaintiffs will seek to recover from the defendants full compensation in respect of the same.

When the infringement amounts only to a colourable imitation, it is sometimes essential to describe more in detail what the defendant has done. See for example: *Haslam v. Hall*, 1887, 4 R. P. C. 204, in which case an order was made that the claims alleged to have been infringed should be particularised. If an article complained of has been made an exhibit in some affidavit, the simplest way in describing the infringing article is to refer to it. In addition to the cases cited, *ante*, p. 363, see *Fairburn v. Household*, 1886, 3 R. P. C. 265; *Ehrlich v. Ihlee*, 1888, 5 R. P. C. 200; *Miller v. Scarle, Barker & Co.*, 1893, 10 R. P. C. 109; *Casella v. Levinstein*, 1891, 8 R. P. C. 474.

Form of Application for Further and Better Particulars of Breaches.

This will be in the usual form of a summons, specifying what further particulars are required, asking that the further particulars shall be delivered within a named time,

and that the defendant have a certain number of days after their delivery to deliver his defence; and for costs, see *Walter Church Engineering Co. v. Wilson*, 1886, 3 R. P. C. 126, and *Tilghman's Patent Sand Blast Co. v. Wright*, 1884, 1 R. P. C. 104.

Form of Order for Further and Better Particulars of Breaches.

“(Upon the application of the defendants for directions, under Order 30, Rule 1 of the Rules of the Supreme Court, 1883, which, upon hearing the solicitors for the applicants and for the plaintiffs, and upon reading the writ of summons issued the — the statement of claim and particulars hereinafter mentioned delivered the — and an affirmation of — was adjourned to be heard accordingly) upon hearing counsel for the applicants and for the plaintiffs, and upon reading the said affirmation, an order dated — made in an action entitled — an affidavit of — in the last-mentioned action, and the particulars in writing of the breaches alleged to have been committed by the defendants delivered by the plaintiffs on the — with their statement of claim; this Court being of opinion that such particulars are insufficient doth order that the plaintiffs do within — days deliver to the defendant further and better particulars in writing of the breaches alleged to have been committed by the defendant on which the plaintiff intends to rely at the time of the trial of this action, specifying by reference to the pages and lines the parts of the plaintiff's specification in respect of which such alleged breaches have been committed, and the names of the persons to whom infringing goods have been sold as alleged in the particulars of breaches, together with the dates of the breaches alleged. And it is ordered that the defendant do have — days after the delivery of such particulars to amend (deliver) his statement of defence. And it is ordered that the costs of the said application (in chambers, and occasioned by the adjournment thereof into Court) be costs in the action.

Form of Statement of Defence.

(Heading as usual.)

1. The defendant has not infringed the said letters patent.
2. The plaintiff is not the registered legal owner of the said letters patent, nor were the same assigned to him as alleged or at all.

Other pleas are usually added, as, that the patent is bad for want of novelty or utility. They should be in the most general form, the details being supplied in the particulars of objections.

Form of particulars of Objections.

General remarks upon particulars of objections will be found *ante*, p. 267. They sometimes include what might be more properly given under the defence, *e.g.* denial of infringement. This perhaps is due to the somewhat vague form of the statute, *ante*, p. 455. The sufficiency of particulars is a matter for the discretion of the court. The use of them is to prevent surprises, and each case must naturally stand on its own merits. When fraud is alleged, particulars of it should always be given. For general examples of forms of particulars the following cases may be consulted: *Germ Milling Co. v. Robinson*, 1886, 3 R. P. C. 256; *American Braided Wire Co. v. Thompson*, 1887, 4 R. P. C. 318; *Goulard & Gibbs' Patent*, 1888, 5 R. P. C. 530, 6 R. P. C. 218; *Morgan v. Windover*, 1890, 7 R. P. C. 446; *Baker v. Kinnell*, 1893, 10 R. P. C. 443.

The general form of particulars of objections will be as follows:—

‘In the High Court of Justice.

— Division.

18—. B. No. —.

Between A. B. — Plaintiff.

and C. D. — Defendant.

The following are the particulars of objections to the said letters patent in the statement of claim set forth

upon which the defendant intends to rely at the trial of this action.

Declared the — day of — 18—, by — defendant's solicitor.

Particulars of objections may be grouped under the following heads:—

1. That the plaintiff is not the true and first inventor.
2. That the patent is bad as being
 - (a) For a bare principle;
 - (b) *Contra bonos mores*.
3. That the patent is bad for want of utility.
4. That the patent is bad for want of novelty, being for a matter of public general knowledge at the time it was applied for.
5. That the patent had been anticipated by prior publications, *e.g.*, prior specifications, books, articles, exhibitions, etc.
6. That the patent had been anticipated by prior public user.
7. That the specification is bad on the ground
 - (a) of disconformity;
 - (b) the new not sufficiently distinguished from the old;
 - (c) that the specifications are ambiguous and unintelligible;
 - (d) that the specifications are misleading;
 - (e) that the specifications contain false suggestions;
 - (f) that the specification does not contain sufficient information to enable the invention to be used;
 - (g) that the invention did not disclose the most beneficial method with which he was acquainted.
8. That the plaintiff's patent is bad as being in derogation of a prior grant. This objection is dealt with on p. 363.

These objections are treated in order.

1.—*The plaintiff not the first and true inventor.*

“That the plaintiff was not the true and first inventor of the alleged invention in respect of which the letters *ante*, p. 368.

patent in the statement of claim mentioned are alleged to have been granted.

This objection is commonly used, but is somewhat vague: *see ante*, p. 368. If it is meant that the plaintiff fraudulently got the invention from some one else, then greater detail ought to be given, *e.g.*

“That the plaintiff obtained his patent by misrepresentation, in falsely alleging that he was the first and true inventor. [Details should here be given.] (In *Oddy v. Smith*, 1888, 5 R. P. C. 506, no further details were given, but the objection was not insisted on at the trial. The necessity for further detail appears from the following cases: *Haddans' Patent*, 1885, 2 R. P. C. 219; *Thomson v. Macdonald & Co.*, 1890, 8 R. P. C. 8; *Siddell v. Vickers*, 1887, 5 R. P. C. 85.)

2.—*Patent bad as being for a principle or contra bonos mores.*

“That the said alleged invention was not the proper subject-matter for a patent, in that — [Here should be set out the reason, as that such and such parts, or all of the invention were for a principle and not for a manufacture, or that the subject-matter was against the law, or public morality.]

ante, p. 45.

ante, p. 63.

3.—*That the patent is bad for want of utility.*

“That the said alleged invention [or some specific part thereof] was not useful at the date of the said alleged letters patent for the same. (No details are required.)

ante, pp. 65,
369.

4.—*Want of novelty in regard to general public knowledge at the time.*

“That the said alleged invention, in so far as it consists [Here describe the parts objected to, *Baker v. Kinnell* 1893, 10 R. P. C. 443], was not new or the proper

subject of letters patent, having regard to the common and public knowledge at the date thereof.

ante, p. 259.

See *Siemens v. Karo*, 1891, 8 R. P. C. 377; *Holliday v. Heppenstall*, 1889, 6 R. P. C. 326; *Nettlefolds v. Reynolds*, 1892, 9 R. P. C. 377, and *ante*, p. 370. The use of this objection is to introduce evidence of general public knowledge, but under it no special books or specifications could be introduced (unless the plaintiff chose to cross-examine to them). It somewhat resembles the general evidence of character given in criminal cases. See also *Automatic Weighing Machine Co. v. Knight*, 1889, 6 R. P. C. 302; *Boyd v. Horrocks*, 1886, 3 R. P. C. 281; *Solvo Laundry Co. v. Mackie*, 1893, 10 R. P. C. 68. This objection sometimes takes the following form :

“That the said alleged invention was a mere application to (——) of means previously well known to engineers for the purpose of ——

See *Gadd v. Mayor of Manchester*, 1892, 9 R. P. C. 251; *Deutsche Nähmaschinen Fabrik v. Pfaff*, 1890, 7 R. P. C. 252; *Moseley v. Victoria Rubber Co.*, 1886, 4 R. P. C. 245; *Goulard & Gibbs' Patent*, 1890, 7 R. P. C. 371; *Delta Metal Co. v. Maxim Nordenfelt*, 1891, 8 R. P. C. 170.

The objection sometimes takes a hypothetical form, thus :

“That if the specification of the plaintiff's patent is construed so as to include (the spindles and bobbins) of which complaint is made in this action, the plaintiff's alleged invention was not the proper subject-matter of letters patent, having regard to the state of public general knowledge at the date of the granting of the said letters patent: *Sidebottom v. Fielden*, 1891, 8 R. P. C. 267.

5.—Objection on the ground of prior publication.

Objections on the ground of want of novelty, under which special publications or uses are intended to be given in evidence, take a more precise and special form.

ante, p. 259.

“ That the said invention [as to so much of it as—*Here set out the parts complained of*; *Law v. Ashworth*, 1890, 7 R. P. C. 86], was not new at the date of the said letters patent, but was published within the realm before the date thereof, in manner following, that is to say :

This serves as a general heading to cover objections of prior publication or user. In what is to follow reasonable particularity should be given as to the part of the plaintiff's patent alleged to be old, as to the user and publications, and, if needful, as to the mode in which they constitute anticipations. See *Blakey v. Latham*, 1889, 6 R. P. C. 31; *Tucker v. Kaye*, 1891, 8 R. P. C. 231; *Ehrlich v. Ihles*, 1888, 5 R. P. C. 440; *Boyd v. Horrocks*, 1888, 5 R. P. C. 561; *Morgan v. Windover*, 1890, 7 R. P. C. 446, and consult the cases cited, *ante*, p. 371. Sometimes the anticipating books or patent specifications are put into a tabular form so as readily to catch the eye: *Fairfax v. Lyons*, 1891, 8 R. P. C. 405. The above given form may then proceed.

ante, p. 371.

“ By the complete (or provisional) specifications of letters patent granted to — and dated — day of — 18—, No. — page — line — to page — line —.

The necessity of giving the pages where practicable is discussed, *ante*, p. 372.

“ By the publication of an article in — dated — day of — 18—, page — column — lines —.

This form may be varied as necessary to suit translations, publication of drawings, exhibition of models, for example.

By the exhibition and description of (—) on the — day of — 18—, at —. [*Here should follow the exhibition, lecture hall, or other place where the publication took place*]. *Nettlefolds v. Reynolds*, 1892, 9 R. P. C. 277.

Objections on the ground of prior specific publication may sometimes also take a hypothetical form, thus :

“That if the specification of the plaintiff’s patent is construed so as to include the (spindles and bobbins), of which complaint is made in this action, the plaintiff’s alleged invention was not new at the date of the said letters patent, but had been published within this realm before the date in and by [*Here follow the specific instances of prior publication —*] *Sidebottom v. Fielden*, 1891, 8 R. P. C. 267; *Hocking v. Hocking*, 1886, 3 R. P. C. 291, *ante*, p. 371.

6.—*Objection on the ground of prior public user.*

Particulars of objections founded on prior user take almost the same form as those given above in the cases of prior publications, thus :

“By the use, manufacture, sale, exposure for sale, or letting for hire, of [*Here describe the anticipating articles, and the places at, persons by, and dates when they were used*].

The instances of prior user should be given in fairly full detail, so as to enable enquiry to be made: *Smith v. Lang*, 1890, 7 R. P. C. 150, and the cases cited, *ante*, p. 372. This objection is also sometimes put in a hypothetical form as raised only in case such a construction is given to the patent as causes the defendant’s acts to be infringements: *Ashworth v. Law*, 1890, 7 R. P. C. 232; *Boyd v. Farrar*, 1887, 5 R. P. C. 33.

7.—*Objection that the specification is imperfect.*

“That the complete specification of the said letters patent purporting to have been sent in and accepted prior to the grant thereof is imperfect, and misleading on the following grounds—

This objection constitutes an attack on the form and *ante*, p. 373. substance of the specification, and, as a general rule it will always be needful to specify what parts are attacked, and the grounds of objection. These, as a rule, are, disconformity,

insufficient description, ambiguity, or failure to reveal the best method known to the patentee. In all these cases specific details of the objection are needful.

(a) *Disconformity.*

ante, pp. 170,
373.

“That the alleged invention described in the complete specification is a different invention from that described in the provisional specification (and title), in that — [Here specify the disconformity]. *Goulard and Gibbs's Patent*, 1890, 7 R. P. C. 371; see *ante*, p. 373.

The objection of disconformity by amendment is treated, *ante*, p. 222.

“That the alleged invention described in the complete specification as amended is a different invention from that described in the provisional specification and in the title, and in the complete specification as originally sent, in that — [Here specify the disconformity]. *Moser v. Marsden*, 1893, 10 R. P. C. 207].

The objection of disconformity is sometimes put into a hypothetical form, thus :

“That if the complete specification be so construed as to include the alleged infringements of the defendants, it claims an invention different from that described in the provisional specification [Here specify the objection]. *Nuttall v. Hargreaves*, 1891, 8 R. P. C. 274, 451.

(b) *What is new not sufficiently distinguished from what is old.*

ante, p. 183.

“That the specification of the alleged invention is insufficient in that the parts which are claimed to be new, are not sufficiently distinguished from those which are old — [Here specify the parts complained of]. *Baker v. Kinnell*, 1893, 10 R. P. C. 443; *Delta Metal Co. v. Mazim Nordenfelt*, 1893, 8 R. P. C. 170;

Thomson v. Batty, 1888, 6 R. P. C. 88; *Fisher v. Dewick*, 1838, 1 W. P. C. 551, n.

(c) *Specification ambiguous and unintelligible.*

“That the specification of the alleged inventions are vague and ambiguous and do not intelligibly or sufficiently describe the said invention or how it is to be performed — [Here specify the parts complained of, and the objection].” *ante*, p. 185

(d) *Specification misleading.*

“That the specifications of the said alleged invention are ambiguous and calculated to mislead in that — [Here specify the parts complained of, and the objections to them]. (*Goulard and Gibbs's Patent*, 1890, 7 R. P. C. 371.)

This objection is sometimes put into a hypothetical form, for example:

“If the specification be construed so as to comprise [compass cards] as made by the defendants, then the defendants will object that such specification is ambiguous, insufficient and misleading, inasmuch as it does not sufficiently ascertain what the plaintiff claimed to have invented, and by what means such invention was to be performed. (*Thomson v. Batty*, 1888, 6 R. P. C. 89.)

(e) *That the specification contains false suggestions.*

“That the said alleged letters patent contain false suggestions, to wit, that (such and such parts —) are described as useful and necessary, whereas the said — is not of any utility: *Nettlefolds v. Reynolds*, 1892, 9 R. P. C. 276.

ante, p. 188.

(*f*) *That the specification does not contain sufficient information to enable the invention to be practised.*

“That the specification of the said alleged invention is insufficient in that it does not contain sufficient description to enable a workman skilled in — trade to — [Here details should be given]. (*Nettlefolds v. Reynolds*, 1892, 9 R. P. C. 276; *Crompton v. Anglo-American Brush Co.*, 1887, 4 R. P. C. 197.)

ante, p. 191.

(*g*) *That the inventor did not disclose the best method with which he was acquainted.*

“That the inventor in his complete specification did not state the most beneficial method with which he was then acquainted of practising his said invention — [Here specify the objection]. (*Ante*, p. 374.)

Summons for (or to be allowed to give) further and better Particulars of Objections.

The form of this will be the usual form (*see* Summons for further and better Particulars of Breaches). It should specify the further particulars asked for or proposed. *Boyd v. Horrocks*, 1886, 3 R. P. C. 287. The application may be made by either party: *ante*, p. 375.

Order for further and better Particulars of Objections.

See ante, p. 375.

The application of the plaintiff, which, upon hearing, &c. in Chambers, was adjourned to be heard in Court, coming on this day to be heard accordingly, and upon hearing counsel for the plaintiff and defendant, and upon reading the particulars of objections delivered by the defendant with his statement of defence, this Court doth order that the de-

defendant do on or before the — day of — 18— deliver to the plaintiff or his solicitors further and better particulars of objections.

1. As to paragraph — of the said particulars delivered by giving the times and places of prior users which will be relied on under this paragraph, and by stating with reference to each of such prior users which parts of plaintiff's invention by reference to claiming clauses of the specification are alleged to be anticipated thereby.
2. As to paragraph — of the said particulars delivered, by giving particulars of the alleged untruth and misrepresentations.
3. As to paragraphs — and —, by stating in what respects the invention described in the plaintiff's specification is alleged to differ from that disclosed in or described by the provisional specification.
4. As to paragraphs — and —, by giving such particulars of each of the articles relied upon as will suffice to identify specifically each of such alleged prior users.
5. As to paragraph —, by stating with reference to each specification relied upon which parts of plaintiff's invention, by reference to claiming clauses of the plaintiff's specification, are alleged to be anticipated thereby. And the plaintiff's costs of this application, so far as it relates to the said paragraphs —, —, —, and — of the said particulars, and as it relates to paragraphs — and —, except as hereinafter mentioned, are to be their costs in any event, and the defendant's costs of this application, so far as it relates to paragraphs — and —, and so much of paragraphs — and — of the said particulars as is not varied by this order, are to be their costs in any event.

Form used in Boyd v. Farrar, 1887, 5 R. P. C. 33.

Upon the application of the plaintiffs, and hearing the solicitors, and also counsel for the said plaintiffs, and for the defendants, and upon reading the particulars of the defen-

dants' objections, delivered on the 3rd February, 1887, it is ordered that the defendants do within seven days deliver to the plaintiffs further and better particulars in writing of paragraph 5 of the defendants' particulars of objections, shewing how and in what respect the specification filed in pursuance of the letters patent does not sufficiently describe and ascertain the nature of the alleged invention, and in what manner the same is to be performed by reference when necessary to the subject-matter of the said specification. And it is ordered that the plaintiffs' costs of and consequent upon the said application, be their costs in any event.

Form used in Crompton v. Anglo-American Brush Corporation, 1887, 4 R. P. C. 197.

When a defendant obtains leave to amend his particulars of objections after the cause is in the list for trial, it is not unusual to add a clause giving the plaintiff leave to discontinue; and that the defendants should pay his costs as from the time of the delivery of the first set of objections: *ante*, p. 375.

Form of Interrogatories.

Interrogatories may be delivered by either party: *ante*, p. 382. If infringement is denied, those by the plaintiff usually go through the whole patent; asking the defendant whether he uses such and such parts of the plaintiff's invention. An example will be found in *Benno Jaffe v. Richardson*, 1893, 10 R. P. C. 137. Or again, if the defendant has pleaded that the invention is not new, by reason of general public knowledge, he may be interrogated as to any facts he knows relating to such general knowledge. *Pascall v. Toope*, 1890, 7 R. P. C. 126; 8 R. P. C. 1.

A Form of Interrogatory by defendants to the plaintiffs with a view to shewing that plaintiffs' patent is not useful, will be found in *Rylands v. Ashley*, 1890, 7 R. P. C. 176. Interrogatories by defendant with a view of shewing that the plaintiff's patent is not novel, were put in *Ehrlich v. Ihlee*, but most of them considered too fishing and disallowed: 1888, 5 R. P. C. 38

Application for Leave to Amend Specification during Action, and Order thereon.

See *Bray v. Gardner*, 1887, 4 R. P. C. 40.

Singer v. Stassen, 1884, 1 R. P. C. 122

Cropper v. Smith, 1884, 1 R. P. C. 254.

Allen v. Doullton, 1887, 4 R. P. C. 378.

The application may be made at Chambers: *ante*, p. 217.

Upon motion this day made unto this Court by counsel for the plaintiffs, and upon hearing counsel for the defendants, and upon reading the pleadings in this action, an affidavit, &c. It is ordered that the plaintiffs be at liberty to apply at the Patent Office for leave to further amend the specifications of their patent, No — 18 —, by striking out the second claim thereof, and by making such other alterations (if any) as will be rendered necessary thereby. And it is ordered that after such amendment has been made the plaintiffs be at liberty within fourteen days to amend their statement of claim, so as to limit this action to the amended specification of the said patent, and in default thereof it is ordered that this action do stand dismissed out of this Court with costs to be taxed by the taxing master, and paid by the plaintiffs to the defendants. And it is ordered that the costs of the defendants, of this application, and of and occasioned by such last-mentioned amendment, be their costs in any event, and be borne by the said plaintiffs. And it is ordered that (in the event of this action proceeding) all other costs be reserved. Used in *Haslam v. Goodfellow*, 1887, 5 R. P. C. 28.

In pursuance of this order, an application to amend may be made: see form, p. 518.

Notice of Opposition to Amendment.

ante, p. 218.

This will be in form on p. 520. The following is an example of the grounds of an opposition:

- (1) That the invention claimed by the patentee was not novel.
- (2) That the first and second claims in the said specifications were purposely prepared, so as to include matters now sought to be disclaimed (although at the time the said claims were prepared, and the final specification was filed, the invention so claimed was known to the patentee not to be new), in order that the patent might be used for the purpose of threatening litigation against persons manufacturing reservoir penholders, according to methods known at the date of the said letters patent.
- (3) That if the specification was prepared in good faith (which the opponents deny), the same specification was not prepared with reasonable knowledge and skill in that behalf. *Re Hearson's Patent*, 1884 1 R. P. C. 214.
- (1) — That by the proposed amendment, the applicant sought to extend the right granted in and by the patent, and to insert in the specification matter other than by way of disclaiming [*correction or explanation*] — And also on the grounds that the addition of drawings is not by way of disclaimer, correction or explanation — and that an action by the opponent was pending to restrain the patentee and his partners from continuing threats of legal proceedings in respect of alleged infringements of the patent — and on the ground that the opponents were licensees of the said patent, and that the proposed amendment would limit and curtail the rights granted to the licensees. *Lang's Patent*, 1890, 7 R. P. C. 470.

It is to be noticed that when an action is pending, the powers of amendment are narrow, being limited to disclaimer only. Whereas when no action is pending they may be made by way of disclaimer, correction or explanations (*ante*, p. 216). For this reason, as also from the fact that conditions

are frequently imposed by the Court in giving leave to apply to amend (*ante*, p. 220), it is very frequently better, and even less costly, for a plaintiff to discontinue and pay the costs, to amend, and then bring a fresh action.

**Form of Order for Inspection of Plaintiff's Premises, *ante*, p. 379.
with a View of seeing how Plaintiff's Process is
worked.**

See *Germ Milling Co. v. Robinson*, 1885, 3 R. P. C. 14.

**Form of Order for Inspection of Defendant's *ante*, p. 380.
Premises.**

Upon motion, &c., and upon reading the writ issued in this action, affidavits, &c., of — filed in the action of *G. v. The H. F. E. Co., Ltd.*, 1887, G. 573, namely, affidavits, &c. And the plaintiffs by their counsel undertaking during the inspection hereinafter directed or until further order not to threaten the defendants, Messieurs G. and M., or their customers, or any other person or persons by circulars, advertisements, or otherwise, with any legal proceedings or liability in respect of the manufacture, use, sale, or purchase of refrigerating engines or machines by the said defendants, or the use, sale, or purchase of such engines or machines sold by or offered for sale by any purchaser from the said defendants. This Court doth order that the plaintiffs be at liberty on giving four days' notice by — [*experts*] and solicitor to inspect refrigerating machines manufactured and in course of manufacture by the defendants, Messrs. G. and M., for the other defendants or one of them which are referred to in the said affidavit of R. M. in the said action of *G. v. The H. F. E. Co., Ltd.*, 1887, G. 573. And it is ordered that the costs of this application be costs in the action. See *Haslam v. Goodfellow*, 1887, 5 R. P. C. 28. An order was also made in *Plating Co. v. Farquharson*, 1883, Griff. P. C. 187.

ante. pp. 380,
386.

Order for Experiments to be Conducted by an Independent Expert Selected by the Court.

The Court being desirous of obtaining the opinion of Professor Roscoe upon the questions set forth or referred to in the schedule hereto, doth order that such questions be referred to the said Professor for inquiry and report, and that a specification of the patent dated 25th February, 1878, No. 786, be supplied to the said Professor.

SCHEDULE.

A question has arisen in the trial of this action between the owners of the patent and the parties who are alleged to have infringed it, as to the sufficiency of the specification as regards the first process described in it. For the information of the Court, Professor Roscoe is requested to perform the experiments which may be necessary to answer the questions hereafter stated, following exactly the directions contained in the example given [*in the specification—here follows the description in the specification*].

Professor Roscoe is requested to state to the Court whether he obtained any and what results from the experiments so made——. If Professor Roscoe has any difficulty in understanding the instructions, he is requested to see the Judge personally, who will give him such instructions as are necessary. He is requested to test carefully all the materials he employs, and to see that he has no communication at all with the parties in the action or any of their agents or advisers while making the experiments, but one chemist representing either party is permitted to be present; and the costs to be costs in the cause. See *Badische Anilin Fabrik v. Levinstein*, 1885, 2 R. P. C. 77.

**Order Directing Issue of Infringement to be Tried
before Trial of the Other Issues.**

Made under R. S. C., Ord. XXXVI. r. 8. *United Telephone Co. v. Mottishead*, 1886, 3 R. P. C. 213. See *ante*, p. 386.

Forms of Final Judgment.

ante, p. 397.

A form will be found set out at length in *Westinghouse v. Lancashire Railway Co.*, 1884, 1 R. P. C. 252, together with the amendments on appeal. For a form of judgment in default of defence, see *Wenham v. Carpenter*, 1887, 5 R. P. C. 69; and a consent judgment, *Spencer v. Ancoats Vale Co.*, 1888, 6 R. P. C. 48.

**Form of Special Case stated for the Opinion
of the Court.**

See *Harris v. Rothwell*, 1887, 4 R. P. C. 226.

Order for Inquiry as to Damages.

See *American Braided Wire Co. v. Thompson*, 1888, 5 R. P. C. 538. *ante*, p. 400.

Report as to Damages by Official Referee.

See *ibid.*, 7 R. P. C. 48, 153.

Discovery in Aid of Execution.

ante, p. 405.

Upon, &c. And upon reading the judgment dated the — an order of the Court of Appeal dated the — an order dated the — and an affidavit of the defendants — this Court doth order that the defendants T. & Co. do within seven days after the service of this order at all reasonable times upon reasonable notice produce at — for the inspection of the plaintiffs all such parts of the documents as are set out in the second part of the first schedule to the affidavit of the defendants filed the — as disclose the names

of the customers of the firm of T. & Co. to whom any articles made in infringement of the plaintiffs' letters patent in the order of the Court of Appeal of the — mentioned have been sold by the defendants, and also the prices for which any such articles were respectively sold. And the applicants, their solicitors and agents, are to be at liberty to inspect and peruse the parts of the documents so produced, and to take copies thereof and abstracts thereof, and extracts therefrom, as the applicants shall be advised at their expense. And it is ordered that the defendants do produce the same in this cause as the plaintiffs shall require, and the plaintiffs are to be at liberty to make such further application as to all or any of the documents mentioned in such affidavit as they may be advised. And it is ordered that the defendants T. & Co. do pay to the plaintiffs — their costs of the application in chambers and occasioned by the adjournment thereof into Court, such costs to be taxed by the taxing master. See *American Braided Wire Co. v. Thompson*, 1888, 5 R. P. C. 697; and *Siddell v. Vickers*, 1892, 9 R. P. C. 153. *Ante*, p. 405.

ante, p. 426.

Form of Motion for a New Trial.

The grounds of the motion are set out in *King v. Oliver*, 1884, 1 R. P. C. 42.

ante, p. 415.

Form of Indorsement on Writ in an Action for Threats.

The plaintiff's claim is :—

1. For an injunction to restrain the defendants from continuing to threaten the plaintiff, or any other person or persons whereby the plaintiff may be aggrieved, by circulars, advertisements, or otherwise, with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of any invention in infringement of the defendant's patent rights (if any).
2. For damages for injury accrued to the plaintiff in respect of the said threats.

Statement of Claim in Actions for Threats.

For an outline of such a claim, see *Kurtz v. Spence*, 1887, 5 R. P. C. 164.

The particulars of objections in the case of actions for threats will resemble those given in an action for infringement.

Form of Writ, Motion for an Interim Injunction and Order for an Interim Injunction in an Action to Restrain Threats.

ante, p. 417.

The plaintiff's claim is:—

For an injunction to restrain the defendant personally or by his servants, agents, and workmen, by circulars, letters, or otherwise, from threatening any person with legal proceedings or liability in respect of the manufacture, use, sale, or purchase of a certain tap-union of which the plaintiff is the patentee, and from interfering by such threats or otherwise with the manufacture, use, sale, or purchase of the plaintiff's invention. (Form used in *Challender v. Royle*, 1887, 36 Ch. D. 427, and followed in *Colley v. Hart*, 1888, 6 R. P. C. 21. In *Challender v. Royle* the defendant Royle was a prior patentee of the same invention, and had commenced an action against the vendors of the plaintiff's goods.)

A form of interim injunction to restrain threats is also given in *Barnett v. Barrett*, 1884, 1 R. P. C. 9, and *Fenner v. Wilson*, 1893, 10 R. P. C. 286, where an undertaking as to damages was required (as is usual).

Form of Petition for Revocation of a Patent.

ante, p. 421.

See *Avery's Patent*, 1887, 4 R. P. C. 157, 323. The following form was used in the petition of Ferranti for revocation of the patent granted to Messrs. Goulard and Gibbs, 1887, 5 R. P. C. 189, 525.

In the Matter of Goulard and Gibbs's Patent, No. 4362,
A.D. 1832

and

In the Matter of the Patents, Designs and Trade
Marks Act, 1883.

To her Majesty's High Court of Justice.

The humble petition of Sebastien Ziani de Ferranti,
Showeth as follows :—

1. Your petitioner is an electrician, and the patentee of many inventions in connection with the production, distribution, and utilisation of electric currents, which inventions are now in extensive practical use.

2. Among other methods of distribution, for some time past your petitioner has especially occupied himself with methods of effecting the same by means of secondary generators, by which electrical action is obtained at different points of an electrical circuit by means of electric induction only, without interrupting such circuit or making any connection with the conductor conveying the current.

3. In or about the month of ——— your petitioner invented an improved form of secondary generator for the purpose of effecting economically and conveniently the above-mentioned object, and on the ——— day of ——— your petitioner applied for and obtained a provisional protection No. ——— A.D. 1885, for such invention, and has since filed a complete specification for the said invention.

4. Since obtaining the said provisional protection your petitioner has manufactured and used secondary generators constructed according to your petitioner's said invention, and the same have been shewn to possess great advantages over other forms, and to be of great practical utility.

5. The sale and user of the said secondary generators made according to your petitioner's invention has recently been interfered with by a limited company named Sir Coutts Lindsay and Co. The same company claim to be entitled to restrain any person using any mode of electrical distribution by means of secondary generators of whatever form or construction such generators may be.

6. The said claim of the aforesaid company purports to be based upon letters patent granted to Lucien Goulard and John Dixon Gibbs, and numbered 4362, A.D. 1882. The invention in respect of which the said letters patent were granted was in nowise novel at the date of the same, and the said letters patent are and always have been of no force and validity by reason thereof, and of the other matters set forth in the particulars of objections delivered herewith in pursuance of section 26 of the above-named Act.

7. The existence of the above-named letters patent, claiming a wide and general monopoly of the system of distribution by means of secondary generators, which was known to, and the property of, the public at the date of the said letters patent, has been and is the cause of great injury to the public by preventing the sale of machines made according to your petitioner's invention, as well as those made by other inventors who likewise have made improvements in secondary generators and in the distribution of electricity thereby.

8. That the public are prejudiced by the above-mentioned general claim in the said letters patent because consumers of electricity are not in general acquainted with the science of electricity and the technical application thereof, and are therefore unable to form an opinion as to the invalidity of the said letters patent, whereby the sale and use of improved secondary generators are wholly prevented.

9. The office of ——— is the place where the petitioner may be served with any petition, or summons, or notice of any proceedings or order of this Court relating to the matters herein referred to.

Your petitioner therefore humbly prays for the revocation of letters patent No. 4362, A.D. 1882, or that such order may be made in the premises as to this honourable Court may seem meet.

And your petitioner will ever pray, &c.

(Signature of Petitioner.)

The particulars of objections which accompanied the above petition will be found, 5 R. P. C. p. 529.

Order for Revocation of Patent.

In the Matter of Goulard and Gibbs's Patent, No. 4362,
A.D. 1882.

and

In the Matter of the Patents, Designs, and Trade Marks
Act, 1883.

Kekewich, J. 9th July, 1888.

Upon the petition of Sebastien Ziani de Ferranti of ——— in the ——— on December 11th, 1886, preferred unto this Court, and upon hearing counsel for the petitioner, and for the respondents, G., G., and the N. Co. for the Distribution of Electricity by Secondary Generators, Ltd., on July 29th and on June 3rd, 4th, 5th, 6th, and 9th, and upon reading the petition, the amended particulars of objections delivered by the petitioner, the exhibits produced to the witnesses named in the schedule hereto, and set opposite to their names in the third column of such schedule, and upon hearing the evidence of the witnesses named in the first column of such schedule, upon their examination taken orally before this Court on the days mentioned in such schedule: This Court did order that the petition should stand for judgment; and the same standing for judgment this day in the paper in the presence of counsel for the petitioner and the respondents, This Court doth order that the Letters Patent No. 4362, A.D. 1882, in the petition mentioned granted to G. and G. be revoked.

And it is ordered that the respondents, Goulard and Gibbs, and the N. Co. for the Distribution of Electricity by Secondary Generators, Ltd., pay to the petitioner, F., his costs of the said petition (to be taxed by the taxing master on the higher scale).

Form of Petition to the Privy Council for Extension. *ante*, p. 330.

Extension was refused to this patent, on the ground of want of merit in the invention, but the accounts afford a good example of the manner of preparing them.

In the Privy Council.

Presented the 24th day of December, 1891.

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

IN the matter of Letters Patent granted to Fountain Livet, formerly of 11 Western Road, Ealing, in the County of Middlesex, but now of 67 Finsbury Pavement, in the City of London, Civil Engineer, for his Invention of Improvements in Internal Fire Steam Boilers, also in Furnace Bars and Flues for the same and other like purposes for effecting combustion of any sort of fuel and utilising heat with greater economy than hitherto, bearing date the 29th day of March, 1878, No. 1242.

The HUMBLE PETITION of the above-named Fountain Livet Sheweth —

1. That for several years prior to 1878 your petitioner devoted considerable time and attention to the scientific study of heat, and its practical application to steam boilers which are internally fired.

2. Your petitioner had in view the following objects:—

- (a) Economy of coal.
- (b) The utilisation of any kind of fuel.
- (c) No smoke.
- (d) Quickly getting up steam, and keeping the steam pressure constant.
- (e) Steam dry, and consequently no priming.
- (f) Reduction of chimney stacks in height.

3. That your petitioner, after numerous practical experiments and great personal application and expense, succeeded in perfecting his invention, which attained each of the objects he had in view, and his invention was and is of great benefit to manufacturers and also to the public.

4. That your Majesty was graciously pleased by your Majesty's Royal Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 29th day of March, 1878, No. 1242, to grant unto your petitioner, his executors, administrators, and assigns, the sole privilege and authority to use his said invention within the United Kingdom, the Channel Islands, and the Isle of Man for the term of fourteen years from the date of the said letters patent.

5. That your petitioner, in compliance with a proviso in the said letters patent contained, duly made and caused to be filed in the Great Seal Patent Office, within six calendar months from the date of the said letters patent, an instrument in writing under his hand and seal, which together with the drawings particularly describe and ascertain the nature of the said invention, and the manner in which the same was to be performed.

ante, p. 339.

6. That your petitioner also obtained patent privileges or protection for the said invention in Hong Kong. The boilers set according to your petitioner's invention in Hong Kong were converted from ordinary brickwork set boilers, and the profits arising therefrom will be found in the accounts to be filed. The effect of this conversion was that over 25 per cent. of fuel was saved with an additional increase of steaming power of the boilers of 50 per cent.

Your petitioner also obtained patent privileges for the said invention in France and Belgium on the 18th and 24th June, 1879, and numbered 131, 273 and 48,574 respectively.

The foreign patents aforesaid lapsed shortly after they were obtained, in consequence of non-payment of fees and their not being worked as required by the laws of France and Belgium. Your petitioner not having been in a position to meet the expenses of keeping up the said patents, or of working the said invention, no licenses have been granted in respect of the aforesaid foreign patents. The Hong Kong patent is now in force and expires with the British patent.

Except as before mentioned, your petitioner has never obtained any foreign, Indian, or Colonial patents for his said invention.

7. The advantages attained by the invention of your petitioner can be briefly summarised as follows:—

- (a) Saving in fuel. On an average over 20 per cent. of fuel is saved by the adoption of the petitioner's invention over any of the methods then in use.
- (b) Any kind of fuel can be used, whereas manufacturers who require constant high pressure of steam are, as a rule, confined to particular classes of quickly-burning coal.
- (c) Total absence of smoke, even when bituminous coals are used. Amongst the earlier years of this patent, namely in 1882, your petitioner received the highest medal awarded at the Smoke Abatement Exhibition in London for his invention.
- (d) Manufacturers are obliged to have larger boilers than necessary, in order to have the requisite amount of steam for their manufactures. In sugar refineries abundance of steam and constant pressures are absolutely essential. The invention of your petitioner allows the use of less number of boilers under like conditions.
- (e) Steam very often carries off with it water not thoroughly converted into vapour; innumerable particles of water being in suspension with the steam, and this results in accidents in engines.

The disadvantages of "priming" are too well known to need description. Your petitioner's invention causes the steam to be dry, and there has been no instance of priming when the said invention has been used.

- (f) The object of the high chimney stacks in general use is to obtain a draught, which in turn is to effect the combustion of the coal. The initial expense of building these high chimneys is great. A very usual height is 150 feet to 200 feet, costing about £200 to £300 per boiler on an installation of (say) twelve boilers. Where your petitioner's invention is adopted the chimney should be of such

a height as to be just above the level of the surrounding buildings, which would make the height usually between 50 to 70 feet. The cost of such a chimney averages from £50 to £60 per boiler on an installation of a similar number of boilers. A chimney stack of such moderate dimensions, in combination with your petitioner's invention, creates a natural and powerful draught and effects perfect combustion of any carbonaceous substances. Another advantage of your petitioner's invention, which is directly due to the successive expanding section of the flues, is the fact that workmen are enabled to clean them with great ease, and inspection is rendered much more easy. On account of the confined areas of the ordinary system inspection is often difficult.

8. The most important parts of the invention of your petitioner may be divided as follows, viz. :—

The compound fire-bar claimed in Claim 3 of his specification. The semi-circular form of side return flues, the sectional area of each flue increasing at each bend it makes around the boiler on its passage to the chimney (Claim 5).

and your petitioner only asks for a prolongation of the term of the said patent so far as concerns the said two parts of his invention referred to in Claims 3 and 5 of his said specification.

ante, p. 331.

9. About two months after the date of the patent your petitioner, by an indenture dated 15th May, 1878, granted an exclusive license to Messrs. Rennie of Blackfriars, during the term of the letters patent, to manufacture and sell land and marine steam boilers, with the improvements described in the said letters patent, and also the exclusive right of converting existing boilers within the following seven counties of England, viz. :—Sussex, Essex, Herts, Kent, Middlesex, Hants, and Surrey; but owing to the novelty of the invention and to manufacturers not caring for untried systems, they were unable to introduce the same and never

made use of their license, and your petitioner never received any royalty or other consideration under or for the same.

10. By indenture of mortgage of 10th March, 1879, your petitioner assigned the said letters patent to Harry Seymour Foster and Charles Hight by way of mortgage to secure £20 and further advances, and by an agreement of even date Messrs. Foster and Hight were to form a company for the purpose of working the said letters patent in consideration of £500 to be paid to them in cash and £500 in fully paid up shares of such company.

11. By an agreement dated also the 10th day of March, 1879, and made between your petitioner of the one part and the said Harry Foster as a trustee for a company therein proposed, being the company next hereinafter mentioned, your petitioner agreed to sell the said invention and patents to the said company for the sum of £7000, payable as to £2000, subject as in the said agreement mentioned, in cash, and as to the remaining £5000 in fully paid-up shares of the said company, the aforesaid sum of cash to be paid as to £500 within one calendar month after the allotment of shares and £500 within three calendar months after such allotment, and the remaining £1000 within four calendar months after such allotment, with power for the company in certain events therein mentioned to pay or discharge such two last-mentioned sums by the allotment of paid-up shares.

12. By an indenture of mortgage dated 22nd April, 1879, and made between the said Harry Seymour Foster and Charles Hight of the first part, your petitioner of the second part, and Thomas Edward Kershaw of the third part, the said letters patent were assigned by the said Harry Seymour Foster and Charles Hight and your petitioner to Thomas Edward Kershaw by way of mortgage to secure £400 and interest at 5 per cent., the aforesaid security of the said Harry Seymour Foster and Charles Hight being thereby postponed to the security made by the indenture now in statement.

Your petitioner subsequently transferred to the said

Thomas Edward Kershaw shares to the value of £400 in the company next mentioned in satisfaction of the last-mentioned debt. On the winding up of the company your petitioner paid off the aforesaid shares at par together with interest. Your petitioner has also paid and satisfied all claims of the said Harry Seymour Foster and Charles Hight under their said security.

13. That on the 15th day of July, 1879, a company was incorporated under the Companies Acts, 1862, under the name of "Livet's Improved Boilers and Furnace Company," as a limited company, with a capital of £10,000 divided into 1000 shares of £10, and by deed of assignment bearing date the 14th November, 1879, and made between your petitioner of the one part and Livet's Patent Improved Boilers and Furnace Company, Limited, of the other part, after reciting the above-mentioned agreement of the 10th March, 1879, between your petitioner and the said Harry Seymour Foster as trustee, and that by the memorandum of the 6th August, 1879, indorsed on the said agreement, it was agreed that the 500 fully paid-up shares agreed to be allotted to your petitioner should not be entitled to dividend in any year on which the ordinary shares had not previously received a dividend of ten per cent. on their subscribed capital; and after reciting the incorporation of the company, and that the company had paid to your petitioner the sum of £500 as provided by the said recited agreement, and had delivered to your petitioner the shares therein mentioned, your petitioner assigned to the said company the said invention and letters patent.

That your petitioner received shares in the said company to the nominal value, and received no cash except a sum of £500, which went to Messrs. Harry Seymour Foster and Charles Hight by virtue of clause 2 of the agreement of the 10th March, 1879, hereinbefore recited.

14. That your petitioner is a foreigner, and in 1879 spoke English imperfectly, and was but little acquainted with the English law relating to limited liability companies, and it came to his knowledge that he was liable in respect of the

shares allotted to him to the nominal amount of the shares held by him.

15. Under an agreement dated 10th May, 1880, your petitioner bound himself to serve the last-mentioned company for a term of three years, at a salary of £200 a year, with a further percentage on royalties received by the company as therein mentioned, the aggregate sum received by your petitioner not to exceed £2000 a year, and your petitioner was to devote all his time to the service of the company.

16. That your petitioner paid off each shareholder in the said company, which was wound up voluntarily, and with the assistance of friends interested in his invention formed a new company under the name of Livet & Co., Limited, which was incorporated on the 11th day of May, 1882, as a limited company under the Companies Acts 1862 to 1880; and by an indenture dated the 11th day of May, 1882, and made between Livet's Improved Boilers and Furnace Company, Limited, of the first part, Edward Gibbon Swann and Joseph Milligan, the liquidators of the last-mentioned company, of the second part, your petitioner of the third part, and Livet & Co., Limited, of the fourth part, the said letters patent were assigned to Livet & Co., Limited.

On the assignment to Livet & Co., Limited, your petitioner was paid partly in cash and partly in shares. The shares were not subscribed by the general public.

17. That Livet & Co., Limited, in order to raise money to carry on business, borrowed £1800 from Messrs. Williams, Deacon & Co., of Birchin Lane. John Macmeikan became responsible for this overdraft of £1800, and he also advanced a sum of £100 to the company. To secure this liability, the property of the company and the said letters patent were by indenture of 9th May, 1884, charged in favour of the said John Macmeikan with the moneys aforesaid and also with a further sum of £250 payable by way of bonus to the said John Macmeikan, and powers of sale to enforce the same were by the said indenture given to the said John Macmeikan.

18. In the year 1886 an arrangement was made by which your petitioner worked the said invention on a royalty.

By virtue of this arrangement your petitioner practically resumed the ownership of his invention, and has done much towards introducing the same to the favourable attention of manufacturers.

19. The said Livet & Co., Limited, was by an order of the Chancery Division of Her Majesty's High Court of Justice, dated the 22nd May, 1886, ordered to be wound up, and by an indenture dated the 20th March, 1888, John Joseph Steer, the liquidator of the last-named company, in consideration of £20, assigned to your petitioner the said invention and letters patent absolutely. And by indenture of re-assignment dated the 23rd day of September, 1891, and made between the said John Macmeikan and John Alexander Macmeikan of the one part and your petitioner of the other part, the said letters patent were released to your petitioner. And your petitioner was also released from the obligations of a certain agreement dated the 16th day of August, 1886, being an exclusive license granted to your petitioner by Messrs. John and John Alexander Macmeikan.

20. That your petitioner has used his best endeavours to introduce his invention to users of steam, but from the fact of his not being a boiler-maker he has had considerable difficulty in having his invention adopted, the boiler-makers having done all they could to stop the introduction of the invention. Moreover, the invention being an improvement upon the ordinary wheel draft setting it was not obvious at first sight that by the principle of successive expanding flues better results would be obtained therefrom, consequently engineers and manufacturers having formed their own opinion on such, refrained from investigating the practical results of the invention, to enable them to judge from facts the advantages to be derived from its use.

ante, p. 336.

21. That amongst the firms and others who have adopted and who either have used or are using the said invention are Messrs. Henry Tate & Sons, of Mincing Lane and Silver-town; Messrs. Bass, Ratcliff & Gretton, Limited, Burton-on-Trent; Messrs. Samuel Walker & Co., Engineers, Wolverhampton; the London Tramway Company, Limited; Messrs.

Hawks, Crawshay & Sons, Engineers, Gateshead-on-Tyne; Messrs. Fawcett, Preston & Co., Liverpool; Messrs. J. Muspratt & Sons, Widnes, Lancashire; Messrs. Brown, Stewart & Co., Greenock; Messrs. Hawthorn, Leslie & Co., Limited, Engineers, Newcastle-on-Tyne; Messrs. Laird & Co., Douglas, Isle of Man; Messrs. Hick, Hargreaves & Co., Engineers, Bolton; Messrs. J. Gamble & Sons, St. Helens, Lancashire; Messrs. Sir Joseph Causton & Sons, London; Messrs. Allen & Hanbury, Bethnal Green; the City Electric Railway, Stockwell Depot; the Savoy Hotel, Limited; Messrs. B. Verity & Son, London; Messrs. D. Martineau & Son, Limited, London; Messrs. William Eastman & Son, London; Woodhouse & Rawson United, Limited, London; the London Road Car Company, London; Price's Patent Candle Company, London; and many others.

22. That during the past few years the invention has become much better known, but the result to your petitioner has been that until the last six years the patent has been unproductive, and he finds that just as the patent is about to expire the real value of the invention is becoming well understood and its use well established and extending.

23. That your petitioner's said invention has been shewn to be of great public value and importance, but, as will appear by the accounts, your petitioner has not received any return adequate to the merits of the invention, to its acknowledged importance, and to the years of labour and attention given to it by your petitioner, and to the considerable outlay made upon it. Under the circumstances aforesaid, the letters patent of 29th March, 1871, have not been productive of a sufficient reward.

24. That your petitioner has no doubt that if the said term of letters patent should be extended, he will be enabled to obtain some remuneration commensurate with the great public value and importance of his said invention.

25. That your petitioner humbly submits that under the circumstances of the case an exclusive right of using and vending the invention for the further period of seven years will not sufficiently reimburse and remunerate your petitioner.

ante, p. 330.

26. That your petitioner has given public notice by advertisements caused to be inserted in the "London Gazette" and in the metropolitan newspapers, pursuant to the statute in that case made and provided, of his intention to present a petition to your Majesty in Council praying that his said letters patent may be extended for a further term.

YOUR PETITIONER therefore humbly prays:—

That your Majesty will be graciously pleased to take the case of your petitioner into your Royal consideration, and to refer the same to the Judicial Committee of your Majesty's Most Honourable Privy Council, and that your petitioner may be heard before such Committee by his counsel and witnesses, and that your petitioner's said letters patent may be extended for the further and additional term of fourteen years, or for such other term as to your Majesty shall seem fit.

AND YOUR PETITIONER will ever pray, &c.

J. H. JOHNSON, SON, & ELLIS,
Agents and Solicitors for the Petitioners.

See *Fountain Livet's Patent*, 1892, 9 R. P. C. 327, *ante*, p. 342. The petition was refused on the ground of want of merit in the invention.

The petition will be accompanied by statements of account, shewing, first the patentee's profits, called the "general account of expenditure and receipts," and second, the "manufacturing account of expenditure and receipts." In addition to these a summary of the general account is usually given. These accounts are generally printed on large paper.

ante, p. 338.

In the following pages is a specimen of the commencement of the accounts sent in on the above petition. The succeeding years were very similar.

SUMMARY OF GENERAL ACCOUNT.

From July, 1879, to March, 1882, while the patent was in the possession of LIVET'S IMPROVED BOILERS AND FURNACE COMPANY, Limited.

		<i>Expenditure.</i>		
		£	s.	d.
A.	Part of Second Year, July to December, 1879 .	569	9	8
	Third Year, 1880	798	4	11
	Fourth Year, 1881	959	8	4
	Part of Fifth Year, January to March 1882 .	249	8	3
	Ditto ditto ditto .	500	0	0
		<hr/>		
		£3,076	11	2

		<i>Receipts.</i>		
		£	s.	d.
	Part of Second Year, July to Dec. 1879 .	30	0	0
	Ditto ditto ditto .	420	0	0
	Third Year, 1880	85	0	0
	Fourth Year, 1881	250	12	0
	Part of Fifth Year, Jan. to Mar. 1882 .	14	14	6
		<hr/>		
		£800	6	6

From May, 1882, to May, 1886, while the Patent was in the possession of LIVER & Co., Limited.

		<i>Expenditure.</i>		
		£	s.	d.
B.	Further Part of Fifth Year, May to Dec. 1882 .	1,249	19	1
	Ditto ditto ditto .	1,000	0	0
	Sixth Year, 1883	2,160	13	6
	Seventh Year, 1884.	1,378	17	1
	Eighth Year, 1885	731	1	7
	Part of Ninth Year, January to May, 1886. .	213	14	4
		<hr/>		
		£6,734	5	7

		<i>Receipts.</i>		
		£	s.	d.
	Further Part of Fifth Year, May to Dec., 1882 .	1,686	9	0
	Ditto ditto ditto .	2,800	0	0
	Sixth Year, 1883	516	10	0
	Seventh Year, 1884.	1,230	4	0
	Eighth Year, 1885	227	12	0
	Part of Ninth Year, January to May, 1886 .	67	0	0
		<hr/>		
		£6,527	15	0

From August, 1886, to December, 1891, while the Patent was in the possession of Petitioner.

Expenditure.

	£	s.	d.
C. Further Part of Ninth Year, August to Dec. 1886 .	188	0	0
Tenth Year, 1887	794	9	4
Eleventh Year, 1888	519	5	9
Ditto ditto	20	0	0
Twelfth Year, 1889	649	12	3
Thirteenth Year, 1890	767	1	8
Fourteenth Year, 1891	744	1	7
	<hr/>		
	£3,682	10	7
	<hr/>		

Receipts.

	£	s.	d.
Further Part of Ninth Year, August to Dec. 1886	213	8	0
Tenth Year, 1887	506	16	0
Eleventh Year, 1888	449	10	0
Twelfth Year, 1889	1,666	4	0
Thirteenth Year, 1890	1,097	0	0
Fourteenth Year, 1891	462	0	0
	<hr/>		
	£4,394	18	0
	<hr/>		

TOTAL EXPENDITURE AND RECEIPTS.

<i>Expenditure.</i>				<i>Receipts.</i>			
	£	s.	d.		£	s.	d.
Summary A	3,076	11	2	Summary A	800	6	6
Summary B	6,734	5	7	Summary B	6,527	15	0
Summary C	3,682	10	7	Summary C	4,394	18	0
	<hr/>				<hr/>		
	£13,493	7	4		£11,722	19	6
	<hr/>				<hr/>		

	£	s.	d.
Total Expenditure	13,493	7	4
Total Receipts	11,722	19	6

Total Loss £1,770 7 10

The details of this summary of course appear in the succeeding detailed accounts.

In the Privy Council.

FOUNTAIN LIVET'S PATENT (1878, March 29), No. 1242,
IMPROVEMENTS IN INTERNAL FIRE STEAM BOILERS, FUR-
NACE BARS AND FLUES, &c.

PETITION FOR PROLONGATION.

General Accounts of Expenditure and Receipts.

N.B.—The whole of these accounts are in relation to claims 3 and 5 of the Specification to Petitioner's Patent, nothing ever having been done in the way of working the rest of the claims after the first year of the Patent, by which time Petitioner found it useless to endeavour to persuade Manufacturers to take up the part of the invention claimed in the other claims.

FIRST YEAR.

29 March, 1878, to July, 1879. On the 15th July, 1879, Livet's Improved Boilers and Furnace Company, Limited, was formed, and prior to this date Petitioner had expended various sums for patenting the invention, for models, travelling and hotel expenses, salaries to draughtsmen, printing, stationery, &c., of which he kept no account, and is unable to specify them. He only received during that period a sum of £40 from Messrs. Rennie by way of royalty on two boiler settings, under the License dated 15th May, 1878, mentioned in the Petition. On the formation of the Company the License was cancelled.

Note.—The practice of the Petitioner and of the Companies who acquired the Letters Patent was to supply drawings and superintend the erection of the boilers, and the amounts appearing on the Receipt side of these accounts are the amounts received by way of royalty for supplying drawings and superintending erection as above. The difference in the amounts paid is according to the size of the boilers.

SECOND YEAR (PART OF).

*Account of Livet's Improved Boilers and Furnace Company, Limited.**Expenditure.*

1879. July to December.	£	s.	d.
To Office Expenses	32	9	2
„ Travelling Expenses to the North of England	17	5	2
„ Advertising in <i>Engineer</i>	21	6	0
„ Printing, Stationery, &c., for Prospectus, Circulars, &c., in relation to the formation of the Company	76	17	4
„ Rent of Offices	21	15	0
„ Office Furniture (as per valuation)	134	0	0
„ Law Costs for formation and registration of Company	92	5	0
„ Directors' Fees	28	7	0
„ Salaries to Secretary and Draughtsman	69	5	0
„ Salary to Engineer (Fountain Livet).	76	0	0
	<hr/>		
	£569	9	8
	<hr/>		

Receipts.

	£	s.	d.
By Royalty on one Boiler Setting—London Tramway Company	30	0	0
„ Cash, per T. E. Kershaw,* under an Indenture of Mortgage dated 22nd April, 1879	400	0	0
„ Cash to Petitioner of Messrs. Foster & Hight † by virtue of deed of mortgage, 10th March, 1879	20	0	0
	<hr/>		

Note.—10th March. There was due to Petitioner £500 in part payment of purchase money under agreement of 10th March, 1879. This amount was never actually received, however, but kept by Messrs. Foster & Hight

* N.B.—Petitioner transferred shares to the amount of £400 to T. E. Kershaw in Livet's Improved Boiler and Furnace Company, Limited, in satisfaction of this amount, and subsequently, on the winding up of the Company, paid the shares at par, together with interest.

† This was subsequently paid off by the Petitioner, as is acknowledged by Messrs. Foster & Hight in their letters dated 1st day of January, 1892. Petitioner did not receive any further advances.

under the agreement of 10th March, 1879, mentioned in the Petition. Petitioner received £5000 in shares of the Company, upon which no dividend has ever been declared.

(The accounts for the succeeding years were in similar form.)

In the Privy Council.

FOUNTAIN LIVET'S PATENT (1878, March 29), No. 1242,
IMPROVEMENTS IN INTERNAL FIRE STEAM BOILERS, FURNACE BARS AND FLUES, &c.

PETITION FOR PROLONGATION.

Manufacturing Accounts of Expenditure and Receipts.

Note.—The amounts appearing on the Receipt side of this Account are amounts received by Petitioner and the various Companies who acquired the Letters Patent from clients for supplying ironwork and brickwork. As neither the Petitioner nor the Companies manufactured, they gave the work to Contractors to execute, and the amounts appearing on the Expenditure side are amounts paid to the Contractors.

Expenditure.

1881. January to December.	£	s.	d.
To Messrs. Kilby & Gayford	171	13	9
„ Williams & Sons, and J. Brooks	19	0	0
	<hr/>		
	£190	13	9
	<hr/> <hr/>		

Receipts.

1881. January to December.	£	s.	d.
By St. Luke's Hospital—Brick and Iron Work	206	2	3
„ City Press—Iron	27	10	0
	<hr/>		
	£233	12	3
	<hr/> <hr/>		

Note.—Prior to this year no business was done except as mentioned in the General Account.

Expenditure.

1882. January to December.	£	s.	d.
To G. Fletcher & Co.	8	18	0
„ J. Adamson & Co..	35	14	0
„ ditto	26	15	0
„ G. Fletcher & Co.	2	7	6
„ J. Adamson & Co..	291	19	6
„ ditto	23	3	9
„ ditto	41	9	9
„ ditto	36	15	9
„ ditto	27	7	0
„ T. & T. Vickers	118	15	0
„ J. Adamson & Co..	28	16	9
„ ditto	24	17	3
„ ditto	159	1	9
	<hr/>		
	£826	1	0
	<hr/>		

Receipts.

1882. January to December.	£	s.	d.
By Esdaile & Co. Iron	10	5	6
„ The Saccharine Co.	44	12	6
„ Bass, Ratcliffe & Co.	26	15	0
„ Clay, Sons & Taylor	3	0	0
„ Jardine, Matheson & Co.	347	0	0
„ Bass, Ratcliffe & Co.	54	18	6
„ T. B. Ford & Co.	48	0	0
„ Bowling Iron Works	36	15	9
„ F. & E. Stanton	34	12	0
„ Chidley, Phillips & Co.	125	0	0
„ Thames Flint Fire Brick Co.	32	16	6
„ Keen, Robinson & Co.	28	15	0
„ Jardine, Matheson & Co..	195	19	10
	<hr/>		
	£988	10	7
	<hr/>		

(The accounts for succeeding years were in similar form.)

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1888.

Register of Patent Agents Rules, 1891.

WHEREAS by the Register of Patent Agents Rules, 1889, it is provided, amongst other things, that the Register of Patent Agents established by the said rules shall be kept, and certain duties in reference thereto and to the examination and registration of and otherwise in relation to Patent Agents shall be performed, by the Institute of Patent Agents referred to in the said Rules :

And whereas the said Institute of Patent Agents has been dissolved and ceased to exist, and in place thereof the Chartered Institute of Patent Agents has, by Royal Charter dated the 11th day of August, 1891, been incorporated ;

NOW, THEREFORE, for the purpose of giving effect to the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of Patent Agents, the Board of Trade, by virtue of the provisions of the said Act, hereby make the following Rules :—

1. From and after the commencement of these Rules all the duties and powers of the Institute of Patent Agents under the Register of Patent Agents Rules, 1889 (hereafter in the present Rules referred to as "the Rules of 1889"), shall be transferred to and vested in the Chartered Institute of Patent Agents, and the Rules of 1889 shall, where applicable, and save so far as they are altered by the present Rules, have effect, with the following modifications :—

Transfer of powers and duties of Institute of Patent Agents to Chartered Institute.

(1.) For the words "The Institute of Patent Agents" there shall be substituted the words "The Chartered Institute of Patent Agents."

(2.) The Registrar shall be the person who, for the purposes of the duties of the Registrar under the Rules of 1889 and the present Rules, shall be continued in office or appointed by the Chartered Institute of Patent Agents.

Saving rights, privileges, acts, appointments, and regulations under Rules of 1889.

2. Nothing contained in the present Rules shall affect any right, privilege, obligation, or liability acquired, accrued, or incurred, any act done, or appointment or regulation made under the Rules of 1889; and any regulation made by the Institute of Patent Agents under the Rules of 1889 prior to the commencement of the present Rules shall be subject to alteration and revocation by subsequent regulations to be made by the Chartered Institute of Patent Agents under Rule 27 of the Rules of 1889, as amended by the present Rules.

Publication of register.

3. So much of Rule 3 of the Rules of 1889 as provides that the correct copy of the Register therein referred to shall be printed and published in every year subsequent to the year 1889 on the 31st day of January is hereby annulled, and instead thereof the following Rule shall have effect:—

In the month of February in each year, and at such other times as the Chartered Institute of Patent Agents may think desirable, the said Chartered Institute shall cause a correct copy of the register to be printed under their direction, and placed on sale.

Alteration of Appendix B.

4. Instead of Appendix B. to the Rules of 1889 there shall be substituted the Appendix to the present Rules, which may be cited as Appendix B.

Commencement and citation.

5. The present Rules shall commence and come into operation on the 19th day of November, 1891, and, together with the Rules of 1889, may be cited as the Register of Patent Agents Rules, 1889 to 1891.

By the Board of Trade,

COURTENAY BOYLE,
Assistant Secretary.

Dated the 18th day of November, 1891.

APPENDIX B.

PARTICULARS OF PRELIMINARY EXAMINATIONS.

1. The Matriculation examination at any University in England, Scotland, or Ireland.
2. The Oxford or Cambridge Middle Class Senior Local Examinations.
3. The first public examination before Moderators at Oxford.
4. The previous examination at Cambridge.
5. The examination in Arts for the second year at Durham.
6. The examination for first-class certificate of the College of Preceptors (40 & 41 Vict. c. 25, s. 10).
7. The examination resulting in the obtaining of a Whitworth Scholarship.

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