

(7) The costs of all parties of and incident to such proceedings shall be in the discretion of the Judicial Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a division of the High Court of Justice.

Revocation.

Revocation
of patent

26. (1) The proceeding by *scire facias* to repeal a patent is hereby abolished.

(2) Revocation of a patent may be obtained on petition to the Court.

(3) Every ground on which a patent might at the commencement of this Act be repealed by *scire facias* shall be available by way of defence to an action of infringement, and shall also be a ground of revocation.

(4) A petition for revocation of a patent may be presented by—

- (a) The Attorney-General in England or Ireland, or the Lord Advocate in Scotland;
- (b) Any person authorised by the Attorney-General in England or Ireland, or the Lord Advocate in Scotland;
- (c) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims;
- (d) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee;
- (e) Any person alleging that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold, within this realm, before the date of the patent, anything claimed by the patentee as his invention.

(5) The plaintiff must deliver with his petition particulars of the objections on which he means to rely, and no evidence shall, except by leave of the Court or a judge, be admitted in proof of any objection of which particulars are not so delivered.

(6) Particulars delivered may be from time to time amended by leave of the Court or a judge.

(7) The defendant shall be entitled to begin, and give evidence in support of the patent, and if the plaintiff gives evidence impeaching the validity of the patent the defendant shall be entitled to reply.

(8) Where a patent has been revoked on the ground of fraud,

the Comptroller may, on the application of the true inventor, made in accordance with the provisions of this Act, grant to him a patent in lieu of and bearing the same date as the date of revocation of the patent so revoked; but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

Crown.

27. (1) A patent shall have to all intents the like effect as against her Majesty the Queen, her heirs and successors, as it has against a subject.

Patent to bind Crown.

(2) But the officers or authorities administering any department of the service of the Crown may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on terms to be before or after the use thereof agreed on, with the approval of the Treasury, between those officers or authorities and the patentee, or, in default of such agreement, on such terms as may be settled by the Treasury after hearing all parties interested.

Legal Proceedings.

28. (1) In an action or proceeding for infringement or revocation of a patent, the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified, and try and hear the case wholly or partially with his assistance; the action shall be tried without a jury unless the Court shall otherwise direct.

Hearing with assessor.

(2) The Court of Appeal or the Judicial Committee of the Privy Council may, if they see fit, in any proceeding before them respectively, call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court or the Court of Appeal or Judicial Committee, as the case may be, and be paid in the same manner as the other expenses of the execution of this Act.

29. (1) In an action for infringement of a patent the plaintiff must deliver with his statement of claim, or by order of the Court or the judge, at any subsequent time, particulars of the breaches complained of.

Delivery of particulars.

(2) The defendant must deliver with his statement of defence, or, by order of the Court or a judge, at any subsequent time, particulars of any objections on which he relies in support thereof.

(3) If the defendant disputes the validity of the patent, the particulars delivered by him must state on what grounds he disputes it, and, if one of those grounds is want of novelty, must state the time and place of the previous publication or user alleged by him.

(4) At the hearing no evidence shall, except by leave of the Court or a judge, be admitted in proof of any alleged infringement or objection of which particulars are not so delivered.

(5) Particulars delivered may be from time to time amended by leave of the Court or a judge.

(6) On taxation of costs regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they, respectively, shall not be allowed any costs in respect of any particular delivered by them unless the same is certified by the Court or a judge to have been proven or to have been reasonable and proper, without regard to the general costs of the case.

Order for inspection, etc., in action.

30. In an action for infringement of a patent, the Court or a judge may, on the application of either party, make such order for an injunction inspection or account, and impose such terms, and give such directions respecting the same and the proceedings thereon as the Court or a judge may see fit.

Certificate of validity questioned and costs thereon.

31. In an action for infringement of a patent, the Court or a judge may certify that the validity of the patent came in question; and if the Court or a judge so certifies, then, in any subsequent action for infringement, the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the Court or judge trying the action certifies that he ought not to have the same.

Remedy in case of groundless threats of legal proceedings.

32. Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of the invention, any person or persons aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage, if any, as may have been sustained thereby, if the alleged manufacture, use, sale, or purchase to which the threats related was not in fact an infringement of any legal rights of the person making such threats: Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

Miscellaneous.

83. Every patent may be in the form in the First Schedule to this Act, and shall be granted for one invention only, but may contain more than one claim; but it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it comprises more than one invention.

Patent for one invention only.

84. (1) If a person possessed of an invention dies without making application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

Patent on application of representative of deceased inventor.

(2) Every such application must be made within six months of the decease of such person, and must contain a declaration by the legal representative that he believes such person to be the true and first inventor of the invention.

85. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

Patent to first inventor not invalidated by application in fraud of him

86. A patentee may assign his patent for any place in or part of the United Kingdom, or Isle of Man, as effectually as if the patent were originally granted to extend to that place or part only.

Assignment for particular places.

87. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Comptroller, the Comptroller may at any time cause a duplicate thereof to be sealed.

Loss or destruction of patent.

88. The law officers may examine witnesses on oath and administer oaths for that purpose under this part of this Act, and may from time to time make, alter, and rescind rules regulating references and appeals to the law officers and the practice and procedure before them under this part of this Act; and, in any proceeding before either of the law officers under this part of this Act, the law officer may order costs to be paid by either party, and any such order may be made a rule of the Court.

Proceedings and costs before law officer.

89. The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the inven-

Exhibition at industrial or international exhibition not to prejudice patent rights.

¹ As to the extension of these provisions, with certain modifications, to industrial and international exhibitions held out of the United Kingdom, see sect. 3 of the Act of 1886.

tion for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely :—

- (a) The exhibitor must, before exhibiting the invention, give the Comptroller the prescribed notice of his intention to do so ; and
- (b) The application for a patent must be made before or within six months from the date of the opening of the exhibition.

Publication of illustrated journal, indexes, etc.

40. (1) The Comptroller shall cause to be issued periodically an illustrated journal of patented inventions, as well as reports of patent cases decided by courts of law, and any other information that the Comptroller may deem generally useful or important.

(2) Provision shall be made by the Comptroller for keeping on sale copies of such journal, and also of all complete specifications of patents for the time being in force, with their accompanying drawings, if any.

(3) The Comptroller shall continue, in such form as he may deem expedient, the indexes and abridgments of specifications hitherto published, and shall from time to time prepare and publish such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he may see fit.

Patent Museum.

41. The control and management of the existing Patent Museum and its contents shall, from and after the commencement of this Act, be transferred to and vested in the Department of Science and Art, subject to such directions as her Majesty in Council may see fit to give.

Power to require models on payment.

42. The Department of Science and Art may at any time require a patentee to furnish them with a model of his invention on payment to the patentee of the cost of the manufacture of the model : the amount to be settled, in case of dispute, by the Board of Trade.

Foreign vessels in British waters.

43. (1) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of her Majesty's Courts in the United King-

dom 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.

(2) But this section shall not extend to vessels of any foreign state of which the laws authorise 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 in-
ventions.

(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 authorised 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 authorised by him to investigate the same or the merits thereof, shall not, nor shall anything be 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 applications 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 licences.

(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 application 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.

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.

Definitions
of patent,
patentee,
and inven-
tion.

In Scotland ‘ injunction ’ means ‘ interdict. ’

[Sections forty-seven to sixty-one relate exclusively to the Registration of Designs, and sections sixty-two to eighty-one exclusively to the Registration of Trade Marks.]

PART V.—GENERAL.

Patent Office and Proceedings thereat.

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.

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 authorised by the Board of Trade.

Officers and clerks.

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.

(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.

Seal of Patent Office.

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

Trust not to be entered in registers.

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.

Refusal to grant patent, etc., in certain cases.

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.

Entry of assignments and transmissions in registers.

87.¹ Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, 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 in the Register of Patents. The person for the time being entered in the Register of Patents as proprietor of a patent 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

¹ Sections 87, 88, and 90 are here given as amended by sections 21, 22, and 23 of the Act of 1888.

absolutely to assign, grant licences 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 may be enforced in like manner as in respect of any other personal property.

88.¹ 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.

Inspection of
and extracts
from re-
gisters.

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.

Sealed copies
to be re-
ceived in
evidence.

90.¹ (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.

Rectification
of registers
by Court.

(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.

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

Power for
Comptroller
to correct
errors.

(a) Correct any clerical error in or in connection with an application for a patent; or

(b) Correct any clerical error in the name, style, or address of the registered proprietor of a patent.

¹ See note on previous page.

- (c) Cancel the entry or part of the entry of a trade mark on the register : Provided that the applicant accompanies his request by a statutory declaration made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade mark.

[Section 92 relates to the alteration of a registered trade mark.]

Falsification of entries in registers.

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.

Exercise of discretionary power by Comptroller.

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, without, if so required within the prescribed time by the applicant, giving the applicant an opportunity of being heard personally or by his agent.

Power of Comptroller to take directions of law officers.

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.

Certificate of Comptroller to be evidence.

96. A certificate purporting to be under the hand of the Comptroller as to any entry, matter, or thing which he is authorised 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.

Applications and notices by post.

97. (1) 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 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.

(2) In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the 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.

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.

Declaration
by infant,
lunatic, etc.

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.

Trans-
mission of
certified
printed
copies of
specifica-
tions, etc.

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—

Power for
Board of
Trade to
make
general rules
for classify-
ing goods
and regu-
lating busi-
ness of
Patent
Office.

(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, amendment (*sic*), 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.

(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.

102A.¹ (1) All things required or authorised under this Act to be done by, to, or before the Board of Trade may be done by, to,

¹ This section was added to the principal Act by the 25th section of the Act of 1888.

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 authorised 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. [As amended by the 6th sect. of the Act of 1885.] (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, then any person who has applied for protection for any invention in any such state shall be entitled to a patent for his invention under this Act in priority to other applicants; and such patent shall have the same date as the date of the application in such foreign state.

Inter-
national
arrange-
ments for
protection of
inventions.

Provided that his application is made in the case of a patent within seven 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 to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification 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, shall not invalidate the patent which may be granted for the invention.

(3) The application for the grant of a patent under this section must be made in the same manner as an ordinary application 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.

104. (1) Where it is made to appear to her Majesty that the

Provision for
colonies and
India.

Legislature of any British Possession has made satisfactory provision for the protection of inventions, patented 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, 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 if he sells the article with the word 'patent,' 'patented,' or any word or words expressing or implying that a patent has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

Penalty on unauthorised assumption of royal arms.

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 connection 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.

Scotland, Ireland, &c.

Saving for Courts in Scotland.

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.

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 shown 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 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.

General saving for jurisdiction of Courts.

(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.

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

Isle of Man.

(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 misdemeanor 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;

- (8) 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.

Repeal and saving for past operation of repealed enactments, etc.

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

- (a) Affect the past operation of any of those enactments, or any patent granted, 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.

Former registers to be deemed continued.

114. 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.

Saving for existing rules.

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, 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 preju-

dicially 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.

117. In and for the purposes of this Act, unless the context otherwise requires— General definitions.

‘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 Possessions; 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.

SCHEDULES TO THE PATENTS ACT OF 1883.

THE FIRST SCHEDULE.

FORMS OF APPLICATION, &c.

Section 5.

For the Forms A, B, and C the Patents Rules have substituted the Forms A, A1, A2, B and C (see pp. 393-7).

Section 33.

Form D.

Form of Patent.

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

Whereas *John Smith*, of *29 Perry Street, Birmingham*, in the county of *Warwick*, *Engineer*, hath by his solemn declaration represented unto us that he is in possession of an invention for '*Improvements in Sewing Machines*,' that he is the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief:

And whereas the said inventor hath humbly prayed that we would be graciously pleased to grant unto him (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) our Royal Letters Patent for the sole use and advantage of his said invention:

And whereas the said inventor hath by and in his complete specification particularly described the nature of his invention:

And whereas we being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request:

Know ye, therefore, that We, of our especial grace, certain knowledge, and mere motion, do by these presents, for us, our heirs and successors, give and grant unto the said patentee our special licence, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention, during the term of fourteen years from the date hereunder written of these presents: And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents for us, our heirs and successors, strictly command all our subjects whatsoever within our United King-

dom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned: Provided that these our letters patent are on this condition, that, if at any time during the said term it be made to appear to us, our heirs or successors, or any six or more of our Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, and Isle of Man, or that the said patentee is not the first and true inventor thereof within this realm as aforesaid, these our letters patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything hereinbefore contained: Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these our letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: And lastly, we do by these presents for us, our heirs and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee. In witness whereof we have caused these our letters to be made patent this
one thousand eight hundred and
and to be sealed as of the
one thousand eight
hundred and



Section 24.

THE SECOND SCHEDULE.

Fees.

For this schedule the First Schedule to the Patents Rules 1890 has been substituted. (See p. 391.)

Section 113.

THE THIRD SCHEDULE.

Enactments Repealed.

21 James I. c. 3. [1623.]	The Statute of Monopolies. In part; namely— Sections ten, eleven, and twelve.
5 & 6 Will. IV. c. 62. [1835.] In part.	The Statutory Declarations Act, 1835. In part; namely— Section eleven.
5 & 6 Will. IV. c. 83. [1835.]	An Act to amend the law touching letters patent for inventions.
2 & 3 Vict. c. 67. [1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled 'An Act to amend the law touching letters patent for inventions.'
.	
7 & 8 Vict. c. 69. (a) [1844.] In part.	An Act for amending an Act passed in the fourth year of the reign of his late Majesty, intituled 'An Act for the better administration of justice in his Majesty's Privy Council, and to extend its jurisdiction and powers.' In part; namely— Sections two to five, both included.
.	
15 & 16 Vict. c. 83. [1852.]	The Patent Law Amendment Act, 1852.
16 & 17 Vict. c. 5. [1853.]	An Act to substitute stamp duties for fees on passing letters patent for inventions, and to provide for the purchase for the public use of certain indexes of specifications.

(a) NOTE.—Sections six and seven of this Act are repealed by the Statute Law Revision (No. 2) Act, 1874.

<p>16 & 17 Vict. c. 115. [1858.]</p>	<p>An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.</p>
<p>.</p>	
<p>22 Vict. c. 13. [1859.]</p>	<p>An Act to amend the law concerning patents for inventions with respect to inventions for improvements in instruments and munitions of war.</p>
<p>28 & 29 Vict. c. 3. [1865.]</p>	<p>The Industrial Exhibitions Act, 1865.</p>
<p>33 & 34 Vict. c. 27. [1870.]</p>	<p>The Protection of Inventions Act, 1870.</p>
<p>43 & 44 Vict. c. 10. [1880.]</p>	<p>The Great Seal Act, 1880. In part; namely— Section five.</p>
<p>.</p>	

PATENTS ACT, 1885.

[48 AND 49 VICT. CH. 63.]

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

A.D. 1885.

BE it enacted by, &c., 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).

Construc-
tion: 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.

2. Whereas subsection 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 subsection 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:—

Amendment
of s. 5 of 43
& 47 Vict.
c. 57.

5 & 6 W. 4,
c. 62.

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

The declaration mentioned in subsection 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.

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.

Specifica-
tions, etc.,
not to be
published
unless appli-
cation
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 connection 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.

Amendment
of s. 103 of
46 & 47 Vict.
c. 57.

6. In subsection 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.'

PATENTS ACT, 1886.

[49 AND 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.

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, &c., 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 subsection 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 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.

The same drawings may accompany both specifications.

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 Comptroller the prescribed notice of his intention to do so:—

Protection of patents and designs exhibited at international exhibitions.

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 Comptroller 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 ACT, 1888.

[51 & 52 VICT. CH. 50.]

A.D. 1888.

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

46 & 47 Vict.
c. 57.

Whereas it is expedient to amend the Patents, Designs, and Trade Marks Act, 1883, hereinafter referred to as the principal Act:

Be it therefore enacted, &c., as follows:—

Register of
patent
agents.

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.

(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.

(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 *bond 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:—

Amendments of 46 & 47 Vict. c. 57.

'7. (1) If the Examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings has not, or have not, been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of 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.

s. 7, as to applications.

'(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.'

8. In subsection five of section nine of the principal Act the words 'other than an appeal to the law officer under this Act' shall be omitted.

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

4. In subsection 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, 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 specifica-

s. 11, as to opposition grant of patent.

tion, 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.'

s. 18, as to amended specifications.

5. For subsection ten of section eighteen of the principal Act the following subsection shall be substituted, namely:—

'(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 to 20 relate to Designs and Trade Marks.]

s. 87, as to entry of assignments, etc.

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.'

s. 88, as to inspection.

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.'

s. 90, as to rectification of register.

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.'

[Section 24 relates to Designs and Trade Marks.]

Proceedings of Board of Trade.

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

'(1) All things required or authorised 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 authorised 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.'

[Section 26 relates to Trade Marks.]

Construction of principal Act.

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. Commence-
ment of Act.

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. Short title.

INTERNATIONAL CONVENTION AND PROTOCOL.

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.¹

ARTICLE II.

The subjects or citizens of each of the contracting states shall, in all other states of the Union, as regards patents . . . 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 recourse on any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each state.²

ARTICLE III.

Subjects or citizens of states not forming part of the Union, who are domiciled or have industrial or commercial establishments on 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 registered an application for a patent . . . in one of the contracting states shall enjoy, as

¹ *Vide* paragraph 1 of Protocol.

² *Vide* paragraph 3 of Protocol.

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 registration, by publication of the invention, or the working of it by a third party . . .

The above-mentioned terms of priority shall be six months for patents and three months for designs, 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 (*exploiter*) his patent in conformity with the laws of the country into which he introduces the patented objects (*où il introduit les objets brevetés*).

[Articles VI.--X. relate exclusively to Designs and Trade Marks.]

ARTICLE XI.

The high contracting parties agree to grant temporary protection to patentable inventions, . . . for articles appearing at official or officially recognised 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. . . .

ARTICLE XIII.

An international office shall be organised 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 each 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.

This adhesion shall be notified diplomatically to the Government of the Swiss Confederation, and by the latter to all the others. It shall imply, *de jure*, accession to all the clauses, and admission to all the advantages stipulated by the present Convention.

ARTICLE XVII.

The carrying out 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 obliged to elicit their application, which they engage to do as early as possible.

ARTICLE XVIII.

The present Convention shall come into operation within one month after 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 state which shall have denounced the Convention—the Convention remaining intact for the other contracting parties.

ARTICLE XIX.

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

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

Done at Paris the 20th of March, 1883.

PROTOCOL.

The plenipotentiaries of the contracting states, when signing the accompanying Convention, at the same time signed an explanatory Protocol, the substance of which is 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, etc.), and to mineral products employed in commerce (mineral waters, etc.).

2. Under the word 'patents' are comprised the various kinds of industrial patents recognised by the legislation of the contracting states, such as improvement patents, etc.

3. The last paragraph of Article II. does not affect the legislation of the contracting states, relating to legal procedure, jurisdiction, etc.

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, because 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 legal requirements 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 otherwise reserving the clauses 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 taken to be contrary to public order in the sense of last paragraph of Article VI.

5. Each country of the Union shall publish, if practicable, an official newspaper, in connection with the special government department mentioned in Article XII.

6. This paragraph relates to the working of the International Office at Berne, the expense of which is to be divided in a given proportion amongst the several states forming the Union.

7. The present Protocol, which shall be ratified along with the Convention, shall have the same force, validity, and duration as the Convention itself.

Rules, Forms, and Fees.

PATENTS RULES, 1890, RELATING TO APPLICATIONS FOR PATENTS FOR INVENTIONS AND PROCEEDINGS THEREON, AND REGISTRATION OF PATENTS, WITH LIST OF FEES.

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, 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 Act shall have the meanings thereby assigned to them respectively. Interpretation.

Fees.

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.

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 thereof of the Forms A, A1, A2, B, and C in the Second Schedule to these Rules. Forms.
Alterations.

6. (1) An application for a patent containing the declaration mentioned in the subsection 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 Specification.

and the Form C of complete specification shall respectively be used.

Other forms.

(3) The remaining forms other than A, A1, A2, B, and C, 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, etc., 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 18 inches by 8 inches, leaving a margin of 2 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.

Exercise of discretionary power by 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.

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.¹

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, etc.

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 notice² in writing of his intention to exhibit, publish, or use the invention, as the case may be.

Industrial or international exhibitions.

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.

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.

Power of amendment, etc.

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

¹ As to this notification see Form E.

² The form of this notice is given in Form O.

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.

Order of recording applications.

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.

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.

Application for separate patents by way of amendment.

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.

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.

23. An application for a patent for an invention communicated from abroad shall be made in the form A1 set forth in the Second Schedule to these Rules.¹

Communication from abroad.

International and Colonial Arrangements.

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

¹ The Patent Office requires that applicants using Form A1 must be resident in the United Kingdom.

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
Provisional or Complete Specifications.*

Drawings
for specifica-
tions.

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.

Specimen drawing for Specifications.

Border line $\frac{1}{2}$ an inch from edge of paper.

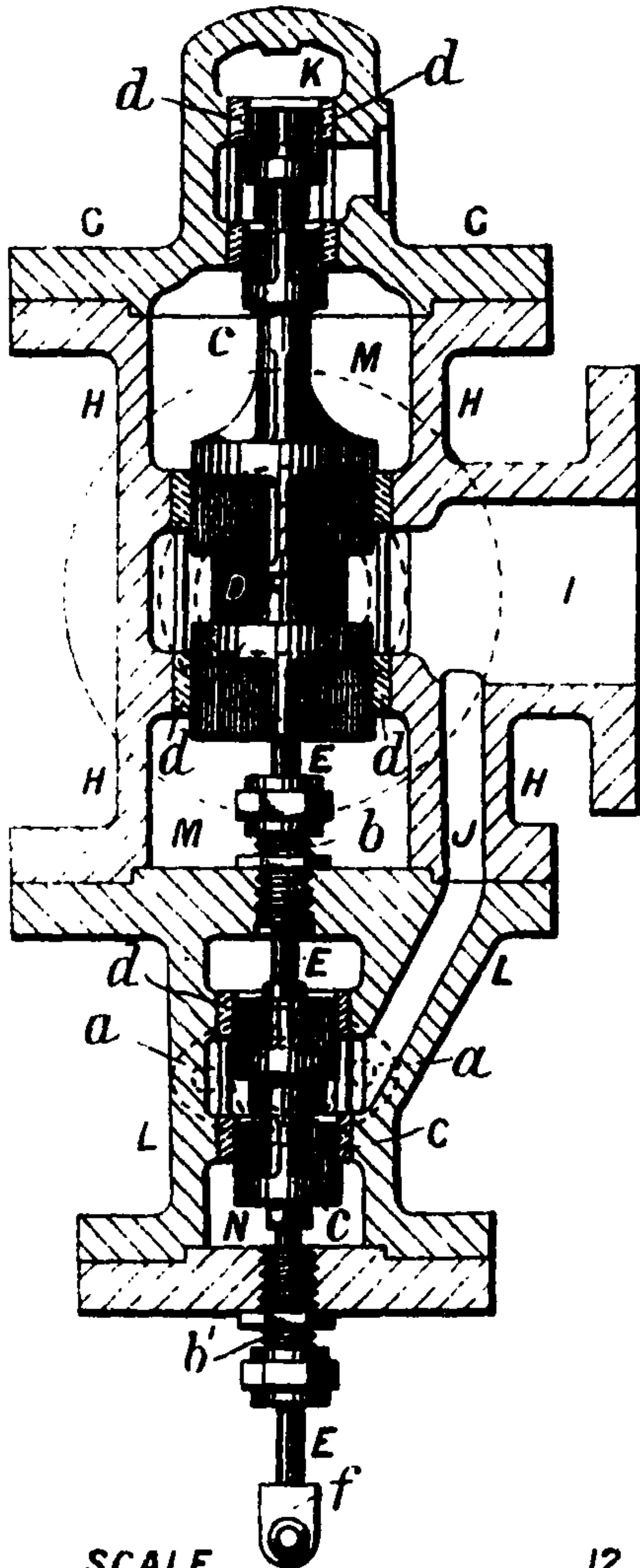
A. D. 1885.

No. 1974.

(Sheets)
Sheet

Smith's Specification

FIG. 1.



Border line $\frac{1}{2}$ an inch from edge of paper.

Border line $\frac{1}{2}$ an inch from edge of paper.

Jas. Smith (Applicant)
 or Jones & Co.
 Agents for Applicant.

Border line $\frac{1}{2}$ an inch from edge of paper

Size of paper for
Specification
drawing { 13 inches by 8 inches.
 or
 13 16 inches.

No drawing or sketch such as requires a special engraving for letterpress should appear in the specification itself.

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.

They must be made on pure white, hot-pressed, rolled, or calendered drawing paper of smooth surface and good quality,¹ and where possible without colour or Indian-ink washes.

Require-
ments as to
paper, etc.

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.

Size of
drawings.

To insure 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 shown outside the figure, and connected with the part referred to by a fine line.

Quality of
ink.

The scale adopted should be large enough to show clearly wherein the invention consists, and only so much of the apparatus, machine, etc., 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, as illustrated in the specimen.

Scale of
drawings.

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

Drawings to
bear name
of applicant
etc.

¹ As the drawings are copied at the Patent Office for publication by the process of photo-lithography, this rule must be *strictly* observed in order that correct copies may be made.

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.

Restrictions
as to wood
engravings.

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.

Copies of
drawings.

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.'

Provisional
drawings
used for
complete
specifica-
tion.

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.'

Opposition to Grants of Patents.

Notice of
opposition.

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.

Copy for
applicant.

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

Particulars
of prior
patent.

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.

Opponent's
evidence.

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.

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.

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. Closing of evidence.

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

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 ten 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. Notice of hearing.

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. Disallowance of opposition in certain cases.

43. Where the ground of an opposition is that the applicant 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.

45. If a patentee intends at the expiration of the fourth or eighth year from the date of his patent to keep the same in force, he shall, before the expiration of such fourth or eighth year, as the case may be, subject as hereinafter provided, pay the prescribed fee of 50*l.* or 100*l.* as the case may be. Payment of fees of 50*l.* and 100*l.* for continuance of patent.

46. In the case of patents granted before the commencement of the said Acts, the above Rule shall be read as if the words As to patents granted

before commencement of Act.

' seventh year ' were therein written instead of the words ' eighth year.'

Payment of annual fees in lieu of 50% and 100%.

47. If the patentee intends to pay annual fees in lieu of the above-mentioned fees of 50% and 100%, he shall, before the expiration of the fourth and each succeeding year during the term of the patent, until and inclusive of the thirteenth year thereof pay the prescribed fee. The Form J in the second Schedule, duly stamped, should be used for the purpose of this and the payment referred to in Rule 45.

Certificate of 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.

Enlargement of Time.

Enlargement of time for payments.

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.¹

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.

Amendment of Specification.

Request for leave to amend.

52. A request² 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, showing 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 opposition³ to the amendment shall state the

¹ See Form K.

² See Form F.

³ The form of this notice is given by Form G.

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.

54. On receipt of such notice a copy thereof shall be transmitted by the Comptroller to the applicant.¹

Copy for the applicant.

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,

Opponent's evidence.

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.

Further proceedings.

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 Licences.

60. A petition to the Board of Trade for an order upon a patentee to grant a licence shall show 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 licences.

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.

¹ Applications to be heard by the Comptroller must be in Form E.

Directions as to further proceedings unless petition refused.

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.

Procedure. Petitioner's evidence.

63. If and when a *prima-facie* case for relief has been 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 show cause against the petition.

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 request¹ 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 proprietor,

¹ See Form L.

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 show 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.

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 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 Orders of the Privy Council or of the Court.

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 payment of fees on issue of 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 licences.

77. An attested copy of every licence granted under a patent shall be left at the Patent Office by the licensee, with a request¹ 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 licence 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 at 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.

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, etc.

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 shown 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.

¹ See Form M.

Repeal.

81. All general rules heretofore made by the Board of Trade ^{Repeal.} 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.

FIRST SCHEDULE.

*List of Fees Payable on and in connection 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	8	0	0			
5. On notice of opposition to grant of patent. By opponent	0	10	0			
6. On hearing by Comptroller. By applicant and by opponent respectively	1	0	0			
7. On application to amend specification:—						
Up to sealing. By applicant	1	10	0			
After sealing. By patentee	8	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	8	0				
12. On application to the Board of Trade for a compulsory licence. By person applying	5	0	0			
13. On opposition to grant of compulsory licence. By patentee	5	0	0			
14. On certificate of renewal:—						
Before end of four years from date of patent	50	0	0			
15. Before end of seven years, or in the case of patents granted under the ' Patents, Designs, and Trade Marks Act, 1883,' before the end of eight years from date of patent	100	0	0			

		£	s.	d.
Or in lieu of the fees of 50 <i>l.</i> and 100 <i>l.</i> the following annual fees:—				
16.	Before the expiration of the 4th year from the date of the patent.	10	0	0
17.	„ „ „ 5th „ „	10	0	0
18.	„ „ „ 6th „ „	10	0	0
19.	„ „ „ 7th „ „	10	0	0
20.	„ „ „ 8th „ „	15	0	0
21.	„ „ „ 9th „ „	15	0	0
22.	„ „ „ 10th „ „	20	0	0
23.	„ „ „ 11th „ „	20	0	0
24.	„ „ „ 12th „ „	20	0	0
25.	„ „ „ 13th „ „	20	0	0
On enlargement of time for payment of renewal fees :				
26.	Not exceeding 1 month	8	0	0
27.	„ 2 months	7	0	0
28.	„ 3 months	10	0	0
29.	For every entry of an assignment, transmission, agreement, licence, or extension of patent	0	10	0
30.	For duplicate of letters patent, each	2	0	0
31.	On notice to Comptroller of intended exhibition of a patent under section 89	0	10	0
32.	Search or inspection fee each	0	1	0
33.	For office copies—every 100 words (but never less than one shilling)	0	0	4
34.	For office copies of drawings, cost according to agreement.			
35.	For certifying office copies, MS. or printed . each	0	1	0
36.	On request to Comptroller to correct a clerical error :—Up to sealing	0	5	0
	After sealing	1	0	0
37.	For certificate of Comptroller under section 96.	0	5	0
38.	For altering address in register	0	5	0
39.	For enlargement of time for filing complete specification, not exceeding one month	2	0	0
40.	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

31st March, 1890. M. E. HICKS-BEACH,
President of the Board of Trade.

Approved,

R. E. WELBY,
For the Lords Commissioners of Her
Majesty's Treasury.

31st March, 1890.

THE SECOND SCHEDULE.

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SECOND SCHEDULE.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.

Form A.

[To be accompanied by two Copies of Form B. or of Form C.]

APPLICATION FOR PATENT.

[Here insert name and full address and calling of applicant or applicants], do hereby declare that in possession of an invention the title of which is [Here insert title of invention] that [In the



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

[To be signed by applicant or applicants. In the case of a firm each member of the firm must sign.]

NOTE.—Where application is made through an Agent (Rule 8), the authorisation 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 authorisation 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.]

Form A1.

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

Application for Patent for Invention communicated from Abroad.

I, [Here insert name and full address and calling of applicant]
of _____ in the
county of _____ do hereby declare that I am in
possession of an invention the title of which is [Here insert title of in-
vention] which invention has been communicated to me by [Here insert
name, address, and calling of communicant] 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 .

[To be signed by applicant or
applicants.]

NOTE.—Where application is made through an Agent (Rule 8), the
authorisation 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 authorisation
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 appli-
cants.]

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

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

_____ day of _____ 18 .

[To be signed by applicant or appli-
cants.]

Form A2.

PATENT.

APPLICATION FOR PATENT UNDER INTERNATIONAL AND COLONIAL
ARRANGEMENTS.

[Here insert name and full address and calling of applicant, or of each of the applicants] do hereby declare that I (or we) have made foreign applications for protection of my (or our) invention of *[Here insert title of invention]* in the following Foreign States and on the following official dates viz.: *[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.: *[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 *[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 invention in priority to other applicants, and that such patent shall have the date *[Here insert the official date of the earliest foreign application]*.

[Signature of applicant or of each of applicants.]

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

To be issued with Form A, A1, or A2.

Form B.

PROVISIONAL SPECIFICATION.

(To be furnished in Duplicate.)

[Here insert title as in declaration]

[Here insert name, and full address and calling of applicant or applicants as in declaration] do hereby declare the nature of this invention to be as follows:—*[Here insert short description of invention.]*

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.

Form C.

Where provisional specification has been left, quote No. and date.
 No. _____
 Date. _____

PATENT.

COMPLETE SPECIFICATION.

(To be furnished in Duplicate—one unstamped.)

[Here insert title as in declaration.]

[Here insert name, and full address and calling of applicant or applicants as in declaration] do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:

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

'Having now particularly described and ascertained the nature of my said Invention, and in what manner the same is to be performed, I declare that what I claim is:'

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

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.

Form D.

FORM OF OPPOSITION TO GRANT OF PATENT.

[To be accompanied by an unstamped copy.]

PATENT.

I [Here state name and full address] hereby give notice of my intention to oppose the grant of Letters Patent upon application No. of , applied for by upon the ground [Here state upon which of the grounds of opposition permitted by section 11 of the Act the grant is opposed].

(Signed) [Here insert signature of opponent]

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

Form H.

FORM OF APPLICATION FOR COMPULSORY GRANT OF LICENCE.

[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 licence 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 H1.

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

Form H1.

FORM OF PETITION FOR COMPULSORY GRANT OF LICENCES.

To the Lords of the Committee of Privy Council for Trade.

THE PETITION of [Here insert name, full address, and description] of
in the county of
being a person 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 [Here insert title of invention].

2. The nature of my interest in the matter of this petition is as follows :—[Here state fully the nature of petitioner's interest].

3. [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 licences 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.]

Having regard to the circumstances above stated, the petitioner alleges that by reason of the aforesaid default of the patentee to grant licences on reasonable terms. [Here state the ground or grounds on

which relief is claimed in the language of section 22, subsections (a), (b), or (c), as the case may be.]

Your petitioner therefore prays that an order may be made by the Board of Trade [*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*], or that the petitioner may have such other relief in the premises as the Board of Trade may deem just.

Form I.

FORM OF OPPOSITION TO COMPULSORY GRANT OF LICENCE.

[*Here state name and full address*] hereby give notice of objection to the application of
for the compulsory grant of a licence under Patent No.
of 188 .

(Signed)

To the Comptroller,

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

Form J.

APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.

hereby transmit the fee prescribed for the continuation in force of [*Here insert name of patentee*] Patent No. ,
of 18 for a further period of .

Name [*Here insert name and full address.*]
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 18 .

18 .

did this

This is to certify that
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.

(Seal.)

PATENT.

PATENT.

PATENT.

Form K.

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

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 [*See Rule 49.*]

I am,

Sir,

Your obedient Servant,

[Here insert full address to which receipt is to be sent.]

To the Comptroller,

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

PATENT.

Form L.

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

I [*or we.* *Here insert name, full address, and description*] hereby
request that you will enter [*my or our*] name [*or names*] in the Register
of Patents:—

[*I or we*] claim to be entitled [*Here insert the nature of the claim*]
of the Patent No. of 188 , granted to [*Here give name and address,*
etc., of patentee or patentees] for [*Here insert title of the invention*]
by virtue of [*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].

And in proof whereof I transmit the accompanying [*Here insert the*
nature of the document] with an examined copy thereof. [*Where any*
document which is a matter of record is required to be left, a certi-
fied or official copy in lieu of an attested copy must be left.]

I am,

Sir,

Your obedient Servant,

To the Comptroller,

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

Form M.

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

PATENT.

SIR,

I HEREBY transmit an attested copy of a licence granted to me by
under Patent No. of 188 , as well as the original licence for
verification, and I have to request that a notification thereof may be
entered in the Register.

I am, Sir,
Your obedient Servant,

[Here insert full address.]

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

Form N.

APPLICATION FOR DUPLICATE OF PATENT.

Date.

PATENT.

SIR,

I REGRET to have to inform you that the Letters Patent, dated
[Here insert date, No., name, and full address of Patentee] No.
granted to
for an invention of [Here insert title of invention] have been [Here
insert the word 'destroyed' or 'lost,' as the case may be].

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.

Form O.

NOTICE OF INTENDED EXHIBITION OF AN UNPATENTED INVENTION.

PATENT.

[Here state name and full address of Applicant] hereby give
notice of my intention to exhibit a of
at the

Exhibition, which [State 'opened' or 'is to open'] 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.

Form P.

PATENT.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR.

SIR,

I HEREBY request that the following clerical error [*or errors*] in the [*Here state whether in application, specification, or register*] No. _____ of 18 _____, may be corrected in the manner shown in red ink in the certified copy of the original [*Here state whether in application, specification, or register*] hereunto annexed.

Signature
Full Address

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

Form Q.

PATENT.

CERTIFICATE OF COMPTROLLER-GENERAL.

Patent Office,
London,

188 .

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

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

Form R.

PATENT.

FORM OF NOTICE FOR ALTERATION OF AN ADDRESS IN REGISTER.

SIR,

[*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:—

[*Here insert full address.*]

Sir,
Your obedient Servant,

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

Form S.

PATENT.

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

[*Here state name and full address of applicant*] hereby transmit an office copy of an Order in Council with reference to [*Here state the purport of the order*].

Sir,
Your obedient Servant,

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

RULES REGULATING THE PRACTICE AND PROCEDURE ON APPEALS TO THE LAW OFFICERS.

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 officer's 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 officer's 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 officer's 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.

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 14 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 officer's clerk, under these Rules, may be sent by a pre-paid letter through the post.

HENRY JAMES, A.G.

FARRER HERSCHELL, S.G.

[Not dated, but issued in 1883.]

PRIVY COUNCIL.

RULES IN PATENT CASES BEFORE THE JUDICIAL COMMITTEE.

RULES TO BE OBSERVED IN PROCEEDINGS BEFORE THE
JUDICIAL COMMITTEE OF THE PRIVY COUNCIL UNDER
THE ACT OF THE 5TH & 6TH WM. IV., c. 83.¹

Rule I.—Relates to proceedings for the confirmation of patents under the second section of the repealed Statute, which has not been re-enacted.

Rule II.—A party intending to apply by petition, under section 4 of the said Act [sect. 25 of Patents Act, 1883], 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.²

¹ Although more than six years have elapsed since the Patents Act of 1883 was passed, the Privy Council has not yet issued a new set of rules in regard to applications for the extension of patents. The rules in use were framed under a repealed Act of Parliament and for the purpose of meeting the requirements of that Act. Though more or less obsolete, they are kept alive by the operation of the sixth subsect. of the twenty-fifth sect. of the Patents Act of 1883 until new rules are issued, as contemplated by the same

² The fourth section of the 5 and 6 Wm. IV. c. 83 required the applicant to advertise his intention to apply for a prolongation three times in the *London Gazette* and in three London papers, and three times in some country paper published in the town where or near to which he carried on any manufacture of anything made according to his specification, or near to or in which he resided in case he carried on no such manufacture, or published in the county where he carried on such manufacture or

Rule III.—Petitions under section 4 of the said Act [sect. 25 of Patents Act, 1883] must be presented within one week from the insertion of the last of the advertisements required to be published in the ‘London Gazette.’

Rule IV.—All petitions must be accompanied with affidavits of advertisements having been inserted according to the provisions of section 4 of the said Act [sect. 25 subs. 1 of Patents Act, 1883] 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 section 4 of the said Act [sect. 25 subs. 2 of Patents Act, 1883] and all parties to any former suit or action touching letters patent, in respect of which petitions shall have been presented under section 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.

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.

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

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.

Rule IX.—A party applying for an extension of a patent under section 4 of the said Act [sect. 25 of Patents Act, 1883] must lodge at the Council Office six printed copies of the specification, and also four copies of the balance-sheet of expenditure

where he lived in case there should not be any paper published in such town.

In *Derosne's Patent* (4 Moo. P. C. 416, S. C. 2 W. P. C. 2) it was held that when the petitioner resided abroad and had no manufactory in England, he would sufficiently comply with these directions if he inserted advertisements in the newspapers published in the towns or county where his licensees were resident.

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 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 Judicial Committee will hear the Attorney-General, or other Counsel, on behalf of the Crown, against granting any application made under either the second or fourth section of the said Act [sect. 25 of Patents Act, 1883] in case it shall be thought fit to oppose the same on such behalf.

**PATENTS, DESIGNS, AND TRADE MARKS
ACT, 1888.**

REGISTER OF PATENT AGENTS RULES, 1889.

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. 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. Register to be kept.

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

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 purported 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. Printed copies to be published annually, and to be evidence of contents of Register.

4. The Institute shall appoint a Registrar, who shall keep Registrar.

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.

Registration of persons who were patent agents prior to the passing of this Act.

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.

Final qualification examination for registration.

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.

Exemption of pupils and assistants, solicitors and law agents, from preliminary examination.

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.

Qualifications of persons generally for registration.

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.

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,

Final qualifying examinations to be held by the Institute.

- (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.

Corrections of names and addresses in Register.

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

Erasure of names of deceased persons.

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

Erasure of names of persons who have ceased to practise.

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.

Erasure of name for non-payment of fees.

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.

Registrar to act on evidence.

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.

Erasure of incorrect or fraudulent entries.

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.

Erasure of names of persons convicted of crimes, and persons found guilty of disgraceful conduct.

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 misdemeanor, 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.

Restoration of erased name.

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.

(8.) 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.

Inquiry by Board of Trade before erasure of name from Register.

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

Appeal to 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 14 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.

Notice of appeal.

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.

Case on appeal.

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.

Transmission of notice of appeal to Board of Trade.

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.

Directions as to hearing of 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.

Notice of hearing of appeal.

Hearing and
decision of
appeal.

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.

Fees.

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.

Alteration of
regulations.

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.

Report to
Board of
Trade.

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.

Definitions.

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.

Commence-
ment.

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.

APPENDIX A.

Form 1.

FORM OF REGISTER.

Name.	Designation.	Address.	Date of Registration.

Form 2.

FORM OF STATUTORY DECLARATION.

Register of Patent Agents Rules, 1889.

I, *A.B.* [*insert full name, and in the case of a member of a firm add, 'a member of the firm of* _____ *'], of*
, in the county of _____ *,* Patent Agent,

do solemnly and sincerely declare as follows:—

1. That prior to the 24th December, 1888, I had been *bonâ fide* practising in the United Kingdom as a patent agent.

2. That I acted as patent agent in obtaining the following patents:—

[*Give the official numbers and dates of some patents for the United Kingdom in the obtaining of which the declarant acted as patent agent.*]

3. That I desire to be registered as a patent agent in pursuance of the said Act.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at

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 Examinations of the Civil Service Commissioners for admission to the Civil Service.¹

APPENDIX C.

FEES.

Nature of Fee.	When to be paid.	To whom to be paid.	Amount.
For registration of name of patent agent who had been <i>bonâ fide</i> in practice prior to the passing of the Act.	On application and before registration.	To the Registrar at the Institute.	£ 5 5 0
For registration of name of any person other than as above.	Do. do.	Do. do.	5 5 0
Annual fee to be paid by every registered patent agent.	On or before November 30 of each year, in respect of the year commencing January 1st following.	Do. do.	3 3 0
On entry of a candidate for the final qualifying examination.	At time of entering name.	Do. do.	2 2 0

¹ In pursuance of Rule 8 the Institute has, with the approval of the Board of Trade, prescribed the following additional examinations:—

4. The First Public Examination before Moderators at Oxford.
5. The Previous Examination at Cambridge.
6. The Examination in Arts for the second year at Durham.
7. The Examination for First Class Certificate of the College of Preceptors (40 & 41 Vict. c. 25, sec. 10).
8. An examination resulting in the obtaining of a Whitworth Scholarship.

APPENDIX

PART II

PATENT LAWS OF FOREIGN COUNTRIES

AMERICA, U. STATES OF	FINLAND	PARAGUAY
ARGENTINE REPUB- LIC	FRANCE	PERU
AUSTRIA	GERMANY	PORTUGAL
BELGIUM	GUATEMALA	RUSSIA
BOLIVIA	HAWAII	SALVADOR
BRAZIL	HONDURAS	SPAIN
CHILI	ITALY	SWEDEN
COLOMBIA	JAPAN	SWITZERLAND
CONGO FREE STATE	LIBERIA	TRANSVAAL
COSTA RICA	LUXEMBOURG	TUNIS
DENMARK	MEXICO	TURKEY
ECUADOR	NICARAGUA	URUGUAY
	NORWAY	VENEZUELA
	ORANGEFREE STATE	

PATENT LAWS OF BRITISH COLONIES AND POSSESSIONS ABROAD

BAHAMA ISLANDS	HONG KONG	QUEENSLAND
BARBADOES	INDIA	ST. HELENA
BORNEO, BRITISH NORTH	JAMAICA	S. AUSTRALIA
BRITISH GUIANA	LEEWARD ISLANDS	STRAITS SETTLE- MENTS
BRITISH HONDURAS	MALTA	TASMANIA
CANADA	MAURITIUS	TRINIDAD
CAPE OF GOOD HOPE	NATAL	VICTORIA
CEYLON	NEWFOUNDLAND	WESTERN AUSTRALIA
FIJI	N. S. WALES	
	NEW ZEALAND	

PART II

FOREIGN PATENTS.

THE inventor who is not satisfied with the protection afforded him at home should consider well the countries in which his invention is likely to come into use, and also his own personal prospects of pushing his invention abroad, before incurring a large outlay in applications for foreign patents.

There are many rules with respect to foreign patents which differ from our British regulations: for instance, the patent for an imported invention frequently expires with the determination of the grant in that country from which the invention has been imported, and the inventions patented must be put into practice within a certain definite period from the grant, and must be continued in use year by year during the term. Annual and other duties have to be paid, and in some states the patented articles must be made in the country itself, and cannot be imported, and in some prior publication at home is a bar to obtaining a valid patent afterwards.

The International Convention on patents is printed on page 373 of this appendix, and it will be found to make the following important provisions as to patents taken out by subjects of the several states who are parties to it. First, the subjects or citizens of each of the states of the Union will enjoy in all the other states the same advantages as regards patents that their respective laws grant to their own subjects or citizens. Second, any person who has made an application for a patent in any one of the states enjoys, as regards the application for a patent in the other states, a right of priority for a term of six months from the date of the earliest application, a month longer being allowed for countries beyond the sea. Third, the introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the other states does not entail forfeiture, but the patentee must work his patent in conformity

with the laws of the country into which he introduces the patented object. Fourth, the several states agree to grant temporary protection to patentable inventions for articles appearing at officially recognised International Exhibitions. The states which are parties to this Convention are indicated by an asterisk: thus: *Brazil.

The following summaries of Foreign Patent Laws have been carefully revised by patent agents and lawyers practising in the respective states.

* UNITED STATES OF AMERICA.

The existing laws of patents in the United States, comprising various Acts of Congress passed from time to time, have been collected and embodied in the Revised Statutes, approved June 4, 1874. There is now no difference in fees paid by citizens and foreigners.

Probably in no country in the world are the rights of inventors more cherished than in the United States, and the number of patents issued there annually far exceeds that granted in any other country.

The facilities for obtaining patents have been largely increased of late years, and no application for an invention possessing any features of novelty and utility is refused, if perseveringly and skilfully prosecuted.

Every original and first inventor, whether native or foreign, may obtain a patent for his invention, provided only it has not been in public use or on sale in the United States for more than two years previously to his application. The application must be in the name of and be executed by, the inventor himself, and must be confined strictly to a single invention.

Patentable invention includes new and useful arts, new machines and implements, new chemical compounds, and new manufactures, but mere applications involving no new results cannot be patented.

By executing and recording in the Patent Office an assignment, the patent may be issued to an assignee.

The petition to the Commissioner of Patents must be accompanied by the first fee of 15 dollars, a specification fully explaining the nature of the invention and the best mode known to the inventor of carrying the same into effect; drawings, if the invention be susceptible of such illustration, and an oath in the prescribed form. The requirement of a model is now practically abolished, being only insisted on in cases where, by reason of its compli-

cated nature, the invention cannot be understood without such aid.

The prosecution of cases before the United States Patent Office is conducted under a complex system of rules, constantly revised by the Secretary of the Interior and Commissioner of Patents, which renders such prosecution difficult and uncertain, and requires the exercise of great care and skill on the part of applicants and their attorneys.

In the order of their filing applications are taken up for examination by one of a corps of thirty skilled examiners, each of whom has under him four assistants and a number of clerks. Precedence is given to applications for inventions that have been patented abroad.

A thorough investigation is then conducted to ascertain the novelty of the invention claimed, the search extending through domestic and foreign patents, and the scientific and industrial publications of different countries bearing on the invention under examination.

If the invention is found to be wholly or partly wanting in novelty, or if the application includes more than one invention, or if any formal defects are discovered, the application is rejected, the reasons therefor being clearly pointed out.

The application may be again presented, either with or without amendment, and a reconsideration obtained. If the applicant is dissatisfied with the final action of the examiner he may appeal upon the points of disagreement to the Board of Examiners-in-Chief. From their decision appeal lies to the Commissioner of Patents in person, and from his to the supreme court of the district of Columbia. For such appeals additional fees are required.

It often happens that two or more applicants before the Patent Office claim the same invention, or that an applicant claims to be the prior inventor of a thing already patented to another. In such case the Commissioner declares an interference, which is a proceeding to determine which of the rival claimants is in law the prior inventor of the thing in dispute. This question is determined, from proofs taken in writing, in the first instance by the Examiner of Interferences. Appeals may be taken the same as in uncontested cases, except that no appeal lies to the supreme court of the district.

Provision is made by law for the reissue of a patent in case of an insufficient or defective specification, or where the patentee has claimed more than is new. Owing to abuse of this privilege, whereby patents have been unduly expanded and made to cover

different inventions from that originally patented, the courts have of late years been very severe in dealing with reissued patents, invariably declaring invalid all those that appear to have been unwarrantably broadened in scope. For this reason reissues are now looked upon with distrust and disfavour, and it becomes of great importance to the inventor that his patent should be taken out in the first instance in such shape as to fully protect the invention, thus avoiding the necessity of a reissue.

The protection afforded by caveats is now generally regarded as of little importance, and is seldom sought. The protection is only open to citizens.

All patents are issued for a term of seventeen years, but if the invention has been previously patented abroad, the patent expires with the foreign patent, or if there be more than one, with that having the shortest term. Under this provision an inventor suffers great disadvantage by delaying his United States application. The practice prevails in America, when an invention is to be patented in several countries, to first file the United States application and prosecute it to allowance. The day for issue of the patent can then be definitely fixed, and the patents in other countries are so obtained as to bear the same date with the United States patent. By this simultaneous issue the inventor may enjoy the full term of all his patents. This course of proceeding is not generally pursued by foreign inventors, who naturally apply in the first instance for the home patent as being of most consequence to them.

It has been recently decided by the Supreme Court U. S. that the United States patent continues in existence during the whole original term of the foreign patent, although the foreign patent may have lapsed.

Upon allowance of a patent the final fee of 20 dollars must be paid.

Applications not prosecuted for two years become abandoned.

No prolongations of patents can be obtained except by special Act of Congress. Improvements upon the original invention must be protected by new patents.

After issue of the patent there are no further taxes required, and no conditions are imposed upon the inventor as to working of his invention.

As the novelty of a patented invention has been established by the Commissioner of Patents after a searching investigation, the presumption of law is that the patent is valid, and the courts will so construe it as to sustain it if possible.

Patents will, however, be declared void—

1. If the specification was made misleading for the purpose of deceiving the public.

2. If the thing patented were really the invention of another than the patentee.

3. If the invention had been patented or described in a printed publication before the invention by the patentee.

4. If the invention had been in public use or on sale in the United States for more than two years previously to the filing of the application.

Goods made abroad according to the invention can be imported into the United States without invalidating the patent.

All articles made under the patent must be marked 'patented,' with the date of the patent.

ARGENTINE REPUBLIC.

This republic has established a Patent Office on the model of that of the United States, by a law dated October 11, 1864, and decrees and regulations of October 10, 1864, and November 8, 1866.

Patents are granted for terms of five, ten, or fifteen years for all new and useful inventions and discoveries excepting pharmaceutical compositions, providing that such inventions or discoveries have not been previously published in the republic.

Patents are granted to the inventor or to the assignees of his rights.

The Government fees on a patent are 80, 200, or 350 piastres (*pesos fuertes*), according to its term (in addition to sundry petty stamp duties), one-half of which amount has to be paid at the time of the application, and the remainder after the grant.

Certificates of addition or improvement are also granted both to the original patentee and to others. In the former case one-fourth of the fees required for an original patent have to be paid, and in the latter case one-half of the said fees.

Provisional patents are also granted for one year, the payment for which is 50 piastres. These patents are renewable at the expiration of each year.

Applications for patents are to refer to a single chief object with its accessories and applications.

Patents may be assigned. A patent is invalid if the drawing or specification is incorrect or incomplete. It also becomes void if not worked within two years from the date of issue, or if the working has been interrupted for a similar period, except by

circumstances beyond control or accident. In either case no special judicial decree is required to render the patent null and void.

Proceedings may be taken for infringement.

Articles made abroad according to the patent can be imported into the republic without invalidating the grant.

AUSTRIA.

The patent law of this empire, which has been in force since August 15, 1852, for Austria-Hungary and the principality of Liechtenstein (Germany), has been extended by additional decrees of June 27, 1878, and December 20, 1879, to Bosnia and Herzegovina, and establishes the following regulations throughout the empire :—

Patents are not allowed for alimentary preparations, beverages, and medicines, nor for discoveries, inventions, or improvements which are contrary to public health, public welfare, morality, or the interest of the state. Scientific principles or purely scientific theories cannot be patented. With these exceptions, patents are granted for every new discovery, invention, or improvement, having for its object (*a*) a new industrial product, (*b*) a new means of producing, or (*c*) a new method of producing—that is to say, new within the empire.

An invention is deemed new when it has not been put into operation or been made public in the empire before the application for the patent is made.

Foreigners, as well as Austrian subjects, may be patentees ; but with regard to inventions made by foreigners not resident in Austria, patents are only granted when a patent has been previously obtained in a foreign country for the same object, and then only to the original patentee, or his legal assignee, during the term of his foreign patent.

Two or more inventions cannot be included in a single patent, unless they refer to the same subject-matter, as essential parts of it.

The petition for a patent may be made either by the inventor, if he is a resident of the empire, or by his legal attorney. Foreigners not residing must have a legal attorney. It must state the exact title of the invention, and the number of years for which it is desired to pay the patent tax, as the maximum duration of all patents is fifteen years, provided the tax is paid at once for the entire number of years or by instalments ; the term cannot be exceeded except by special imperial authority.

The amount of Government tax is as follows :—For each of the first five years, 2*l.* 12*s.* 6*d.* ; sixth year, 3*l.* 18*s.* 9*d.* ; seventh year, 4*l.* 12*s.* 0*d.* ; eighth year, 5*l.* 5*s.* 0*d.* ; ninth year, 5*l.* 18*s.* 0*d.* ; tenth year, 6*l.* 11*s.* 3*d.* ; eleventh year, 7*l.* 17*s.* 6*d.* ; twelfth year, 9*l.* 3*s.* 9*d.* ; thirteenth year, 10*l.* 10*s.* 0*d.* ; fourteenth year, 11*l.* 6*s.* 6*d.* ; fifteenth year, 13*l.* 2*s.* 6*d.*, or for the entire fifteen years, 918 florins (92*l.*). In addition to these taxes there are also stamps upon petitions, upon each sheet of the specification, drawings, &c.

A description must accompany the petition, and this must contain a full, clear, and minute explanation of the invention and claims, so as to enable all competent persons to manufacture the article according to that specification ; if drawings, samples, or models are required for the full comprehension of the description, they must be supplied in duplicates, one for Austria, one for Hungary.

A patentee is entitled to establish workshops or factories, to employ the workpeople he may find requisite to carry out the object of the patent to its fullest extent, and consequently to form establishments, stores, and warehouses for the manufacture, within the entire empire, under the existing legal prescriptions. He may sell and dispose of the proceeds, and license others to use his invention, take partners, and dispose of his patent right by assignment or in any way whatsoever.

A patent will be cancelled on proof that the legal requisites for a patent do not exist, or that the description does not fulfil the prescribed conditions, or that the invention is not new, or, being an importation from abroad, that the patentee is not the real owner of the foreign patent, or that the object of the patent is contrary to law, or to the health or morality of the public, or the interest of the state.

A patent will expire not only by efflux of the term, but also in case the patentee has not begun to work his invention in the empire with native materials within a year from the date of the patent, or in case he should not work the patented invention to *its whole extent* during every two years following the first beginning of working. Articles made abroad according to the patent can be imported into the empire without invalidating the patent. Patents are invalidated if it is proved (a) that the description of the patent is insufficient ; (b) that the patented invention, before the date of the official certificate, was not novel in the empire, or that the invention had been imported without having been patented abroad, or that the Austrian patent has not been granted to the

original proprietor of the foreign patent or to his legal assignee ; (c) if the proprietor of a valid patent proves that the invention patented at a later period is identical with his own discovery or invention previously patented.

* BELGIUM.

An Act bearing date May 24, 1854, and a royal decree of the same date, and an amending law of March 27, 1857, determine the law of patents in this kingdom.

Patents are granted without previous examination, at the sole risk of the applicants. They may be obtained by the inventor or by any other person with his consent, or by one of several inventors having a foreign patent. They may be obtained in the name of a firm or company. Patents of importation can be obtained for inventions previously patented abroad although the invention may have been published in specifications, &c., according to legal prescriptions.

The duration of patents is fixed at twenty years, except in the case of inventions previously patented in some other country, when the Belgian patent expires with the prior foreign patent having the longest term.

Patents are subject to an annual and progressive tax, viz. :— first year, 10 frs. (8s.) ; second year, 20 frs. (16s.) ; third year, 30 frs. (24s.) ; and so on till the twentieth year, when the tax will be 200 frs. (8*l.*). Each annual tax is to be paid in advance.

No tax is payable on patents for improvement when delivered to the original patentee ; specifications can be amended by patents of addition ; such patents expire with the original patent, and patents also expire with the term for which a prior patent having the longest term has been granted.

Patents confer on their owners or assigns the exclusive right of working the invention for themselves, or having it worked by persons authorised by them. Articles made according to the patent can be imported from abroad without invalidating the patent so long as the principal manufacture is in Belgium. Proceedings for infringement may be taken before the Belgian tribunals, where the patentee's rights are infringed either by the manufacture, holding, selling, or exposing for sale the patented articles.

Applicants for patents are required to lodge at the proper office, in duplicate, a full description of the invention, with draw-

ing, models, or samples, when necessary. The first annual tax is paid when the documents are lodged.

Specifications of patents are published three months after the grant. The annual tax can be paid within one month after the date when it is due without fine, and can be paid within five months after the expiration of the one month on payment of 10 frs. besides the annual tax.

The owner of a patent must work the invention in Belgium within one year from its having been worked abroad; otherwise the Government will, on presentation of a petition to that effect, declare the patent to be void, and this will be the case if a suspension of the working of the invention for one year takes place, unless good reason can be given.

Patents will become void if the invention is destitute of novelty, either by reason of having been previously worked in Belgium or of having been published in a printed work (unless the publication be entirely the result of legal requirement): if the specification is not full and complete; or in case the invention has been previously patented in Belgium or abroad, the patentee not being the proprietor of the foreign patent, or having his authorisation.

BOLIVIA.

A law of May 8, 1858, gives protection to inventors and to importers of new inventions for not less than ten or more than fifteen years, but the protection to importers of inventions known abroad is limited to the locality in which the imported invention is worked.

The State is authorised to buy the secret of any invention which, being useful to industry, may be for the general benefit.

The applicant for protection for inventions or improvements must lodge a specification, explaining them, and must also lodge a specimen of the manufacture or product of the invention. When the applicant is an importer he must furnish drawings or models or a detailed description of the principles, methods, and processes of the industry as well as of the product. A commission is then appointed to examine into the subject of the application and to report to the Secretary of the Interior thereon, and within three months of the report the patent, if allowed, is issued; the patent does not guarantee the merit or utility of the invention. A patentee may vary the description of his invention either before or after the grant of a patent. All transfers of the privileges must be by registered assignment.

Articles made abroad according to the invention can be imported into Bolivia without risk of invalidating the patent.

The privileges lapse if the inventor has concealed the true methods of working his invention, or if the inventor uses secret methods not detailed in his description, or if the invention has been published, or if the invention is not fully worked within a year and a day from the date of the grant.

* BRAZIL.

The law No. 8129 of October 14, 1882, regulates the granting of patents in Brazil. Patents are granted in Brazil for the term of fifteen years, and patents of addition are also granted expiring with the original patent. Foreigners having obtained patents abroad, and applying for their patents in Brazil within seven months from the date of the grant of their foreign patent, are not then prejudiced by any other application, or by the publication of the invention in Brazil in the meantime.

Inventors can also publicly exhibit their inventions in Brazil prior to their applications for patents, on obtaining the necessary permission for the purpose. An inventor desiring to obtain a patent in Brazil must deposit in duplicate a specification in Portuguese, together with drawings of the invention. The application must be limited to one invention only; if the invention has for its object chemical, pharmaceutical, or alimentary products, the Government will order an examination of samples; but if it involves none of these things the patent will issue as of course. During the first year of the patent only the inventor can obtain a patent for improvements. Certificates of improvements are given to the original inventors and appended to the patents.

Goods made according to the invention can be imported from abroad without injury to the patent.

The patent will continue valid so long as the previous foreign patent remains in force, on payment of a duty of 2*l.* 7*s.* 3*d.* for the first year, 3*l.* 10*s.* 10*d.* for the second year, 4*l.* 14*s.* 6*d.* for the third, and so on, increasing 1*l.* 8*s.* 7½*d.* yearly. All assignments must be registered in the Government Office. The patent will become void if the invention is not carried into operation within three years from the grant, or if the working is thereafter interrupted for more than a year, if the annuities are not duly paid, if the patentee residing out of the country has no representative in Brazil, and upon the expiration of an earlier foreign patent for the same invention.

Legal proceedings can be taken for infringements, and the patentee can recover damages. Infringers are also liable to penalties for the benefit of the Treasury. Where the infringer has been a workman of the patentee, or is associated with such workman, the circumstances are considered to be aggravated.

Penalties are also imposed on persons who wrongfully state themselves to be patentees, or continue to call themselves patentees after the lapse of the patent, and on patentees advertising as such without indicating the special object for which the patents have been granted.

CHILI.

Article 152 of the Chilean Constitution, dated May 1833, accords to every author or inventor the exclusive proprietorship of his discovery or invention for a limited period to be fixed by law.

The conditions under which such privileges are granted, and the duration of the same, are regulated by a law passed in 1840, supplemented by other laws decreed and promulgated in August 1851, and August 16, 1856, and in 1872.

The inventor of a new invention or discovery may submit the same to the Home Minister, who will refer the application to Commissioners for examination, and if their report be favourable the Minister will grant a patent.

The term of a patent cannot exceed ten years. The term is fixed by the Government. The patentee has to pay a sum of 10*l.* into the Treasury, and 10*l.* for the seal. The specification, &c., is kept secret until the expiration of the term.

Patents may be extended when the importance of the invention justifies it, but application must be made therefor six months before the expiration of the first term.

A period exclusive of the term of the patent is allowed for the erection of machinery, &c., for working the patent, but should the inventor fail to carry out the same within that period, or discontinue the working for more than a year, or produce articles inferior to the original sample, the patent becomes void. Articles made according to the invention can be imported from abroad without invalidating the patent.

Patents may be assigned. Transfers must be noted in the transfer book. Infringers of a patented article are liable to a fine and to the forfeiture of the article produced, and the establishment and implements used in its manufacture. Any person not being the true inventor fraudulently obtaining a patent is liable to fine or imprisonment.

COLOMBIA.

The power to grant patents in Colombia is limited and defined by the law of May 18, 1869.

A patent may be obtained by the inventor, importer, or holder of a foreign patent for any invention or improvement of mechanical apparatus, combination of materials or process, and for the making and sale of any manufacture or industrial product, but not for the importation of foreign productions, whether natural or manufactured.

The duration of a patent cannot exceed twenty nor be less than five years, and in the case of an invention previously patented abroad such duration is subject to the earlier expiration of the prior foreign patent.

The inventor is required to present a petition to the executive power setting forth the nature of his invention or improvement, and stating the number of years for which a patent is desired; and if the decision be favourable, he must furnish within forty days a full description of the invention, accompanied by drawings or models if necessary. A patent will then be issued without any previous examination as to the novelty or utility of the invention. Upon the grant of the patent a fee varying from ten to twenty dollars for every year of the patent is payable, and a sum of twenty dollars must be paid on presenting the petition.

A patent is refused when the invention endangers public salubrity or security, or encroaches upon proprietary rights already acquired, and a grant may be subsequently revoked if it is found to violate existing rights. A patent also becomes void if during a whole year the invention is not worked, unless it be from unavoidable circumstances, but the importation from abroad of articles made according to the invention does not invalidate the patent. The descriptions furnished by the inventor are published only on the expiration of the grant.

Infringers may be prosecuted in accordance with the penal laws of the state.

CONGO FREE STATE.

A law of October 29, 1886, provides for the protection of inventions within this state.

Every discovery and improvement capable of being worked as an object of industry or commerce is patentable. Patents of invention, importation, and improvement are granted without

previous examination at the risk of the applicants and without guarantee.

Patents of inventions are granted for twenty years; patents of importation are limited to the term of the foreign patent; and patents for improvements expire with the original patent.

The Government fee for each patent is 100 francs paid in advance. No duty is payable on patents for improvements.

Patentees have power to prosecute and recover damages from infringers, and to obtain confiscation of the infringing articles.

All applications for patents must be signed by the applicant or his attorney, and the application must be accompanied by a specification and by drawings, models, or specimens of the invention.

Patents may be assigned, and notice of the assignment must be given to the Department for Foreign Affairs.

COSTA RICA.

There is no special law relating to the grant of patents, but the republic is authorised by the Constitution to grant patents for terms fixed by Congress. The application for a patent is attended with considerable expense, and the terms of patents granted are similar to the other South American Republics.

DENMARK.

No laws have been passed in Denmark for the protection of inventions, but inventors, whether natives or foreigners, as well the first importer, may obtain patents.

All inventions or improvements are patentable.

The patent dates from the day of the signature of the King to the patent.

Patents of invention and of importation are granted. Improvements can be protected by new patents.

The term of patents of invention is fixed by the Government, and cannot exceed fifteen years; patents are granted to foreigners for five years only.

A uniform tax of 34 kroner (= 60 francs) is required for each application for a patent. Over and above these sums are stamp duties to be paid in advance.

Prolongations are not usually granted beyond the term fixed by Government for the duration of the patent.

A slight examination of the invention is made before granting the patent.

Patents are not published, and information respecting them cannot be obtained without the intervention of the Ministry of the Interior, to whom a demand, with the special motives for the same, must be presented.

The working of the invention must be proceeded with during the first year of the patent, and continued without interruption during the whole term.

The patent does not prevent the introduction into the country of similar products manufactured abroad.

Assignments of patents are not authorised ; they may, however, be accomplished by the joint demand of the proprietor and of the assignee for a new patent in the name of the latter.

The petition to the King must indicate the object of the invention.

The patent becomes void if the invention is not new, or if it has not been worked within the given time.

ECUADOR.

The law for the protection of inventions within this State is dated October 18, 1880.

Inventions are protected for not less than ten or more than fifteen years. Importers of machinery or of new methods of manufacture not previously known in the republic are entitled to exclusive privileges. If the establishment of the machine or industry imported requires an outlay of twenty-five thousand dollars protection is granted for three years, if fifty thousand dollars for six years, and if a hundred thousand or more for ten years.

The applicant for any of the classes of privilege must petition the executive power, explaining in what the invention consists, and delivering a specimen of the manufacture, also a specification of the invention ; the Government thereupon appoints a Commission of three persons to examine and report thereon to the Minister of the Interior, who presents the papers to Congress, and Congress after examining the same will grant or refuse the patent.

All assignments must be made by public instruments.

Where there are conflicting applications priority is decided by the certificate of the Under Secretary of the Interior. Papers relating to patents are registered in a special register at the Ministry of the Interior. The grant of privileges is communicated by the Ministry of the Interior to the Provincial Governors, and

published in the official journal. On the expiration of the privilege, the petition, description, and other papers are to be published and deposited in the public library of the capital of the republic.

The Act contains provisions for enabling the patentee to take proceedings against and recover damages from infringers.

The privilege lapses when the invention is declared as contrary to the laws of the state, to public safety, or to the police regulations, and also if the inventor is convicted of having omitted from his description the true method of carrying his invention into practice, or of using secret methods not detailed in his description, or if the invention has been described and published in the press within or without the republic; or if the invention is not put into complete practice within a year and a day from the grant, or if the obligations of the patent are not complied with.

FINLAND.

Russian letters patent do not cover the Grand Duchy of Finland. Patents have been granted in Finland since the year 1842; a patent law was passed March 30, and came into operation on June 1, 1876.

Patents are granted for inventions or improvements in arts and manufactures. Medicines and inventions contrary to morals or public safety are not patentable. Patents are granted only to the true inventor, whether native or foreigner.

As long as the ownership of the invention is not contested, the person to whom the privilege is granted has a right—

1. To the absolute property in the invention for the time specified in the letters patent.

2. To use the invention himself, and to sell its results to the public, or to transfer the patent to another person.

3. To prosecute persons infringing the patent in the courts of law, and to recover an indemnity for the loss sustained by the infringement.

4. To treat as an infringement the making of articles in a similar manner with unessential differences.

The person applying for a patent must deliver to the Government an exact description of his invention, with all essential details and the mode of carrying it into effect, and also the necessary plans and drawings, and models, if deemed necessary, not keeping back anything requisite to be known. The inventor has also to state in what respects his invention is new, or whether

it is an improvement upon an invention already used ; the novelty of the invention or improvement must be specified in the claims.

Inventions made in foreign countries may be patented in Finland when no detailed description has been published, and when they have not been already introduced into the Grand Duchy. Where an inventor has a patent for his invention in a foreign country, and has been compelled to publish a specification showing the mode of carrying his invention into effect, such publication does not prejudice the granting of a patent in Finland.

If the invention has been previously patented abroad, an authenticated statement must be given as to when the patent was issued and for what term. In such a case the duration of the Finnish patent cannot extend beyond the expiration of the patent taken out abroad by the inventor.

Patent applications are subject to an investigation into the novelty and merits of the invention.

Patents are granted for the terms of from three to twelve years (the extreme limit). The duration of the patent is fixed by the Government in accordance with the state of that part of Finnish industry to which the invention appertains or with which it is most nearly connected. No prolongation of the term originally granted can be obtained. The Government tax is 20 Finnish marks (1 Finnish mark = 1 franc) for each year of the duration of the patent, but there are extra charges of the Finnish Senate to be paid, for registering the application, the issue of the certificate of application, stamps, poor rates, the sealing, &c., amounting to some hundred marks.

The patentee is bound, within two months from the date of issue of the letters patent, to publish the specification of his patented invention in two Finnish newspapers, in the Swedish and Finnish languages.

The time prescribed within which the patented invention must be worked is generally two years, but this time may be reduced to one year, or extended, by application, to a period not exceeding four years. After this, proof of the working must be given every year.

The patent will be annulled if the patentee has not published the specification of his patented invention, or proved the working of it within the time prescribed ; if it should be proved by verdict of a jury that the same invention or improvement for which a patent has been granted was already in use in Finland or else-

where, or patented by another person before the application was made ; or if it should turn out that the patent is contrary to morals or public safety.

In case of the absence of the inventor, the person applying for the patent must be duly authorised by power of attorney.

For improvements in a patented invention a new patent must be applied for.

*FRANCE.

As the country nearest our own shores, and with which our intercourse is so close, it is desirable all inventors should be well informed on the subject of the French laws.

Letters patent for inventions (*brevets d'invention*) are principally regulated in France by a law bearing date July 5, 1844, the material parts of which are as follows :—

Every new discovery or invention in any branch of industry confers upon its author, under the conditions and for the time hereafter mentioned, the exclusive right of working the same for his own benefit. Such right is constituted by the documents issued by Government denominated *brevets d'invention*, or *brevets d'importation*.

The following cannot be patented :—(1) Pharmaceutical compounds, or medicines of any kind, these being governed by special laws and regulations, principally by a decree of August 18, 1810 ; (2) schemes and projects of credit and finance.

The duration of patents is fifteen years ; the payment in respect of a patent for fifteen years is 1,500 francs. This sum is to be paid by yearly instalments of 100 francs, and the patent will expire if default is made in payment of any one instalment. The duties may all be paid up in advance when desired.

Foreigners may obtain patents in France ; and persons who have patented inventions abroad may obtain patents for them in France, the French patent expiring when the foreign patent expires.

Persons desirous of obtaining a patent must apply by petition to the Minister of Agriculture and Commerce, and give a description of the discovery, invention, or application forming the subject of the proposed patent, accompanied, when needful, by drawings.

The petition must be in the French language, and must be restricted to a single principal object, with the necessary details and its proposed applications. It must mention the duration

which the applicant desires for the patent. It must also give a title, comprehending a summary and precise designation of the subject of the invention.

No documents will be received except on production of a receipt proving payment of a sum of 100 francs (4*l.*), on account of the tax on the patent.

The patents which have been applied for in due form are delivered without previous examination, at the risk of the applicants, and without Government guarantee, either as to the reality, the novelty, or the merit of the invention, or as to the fidelity or accuracy of the description.

The patentee or the person entitled to the patent has the right, during the currency of the patent, to make alterations, additions, or improvements in the invention, and the proceedings for their protection are similar to those required to be taken in applying for an original patent. The petition is subjected to a tax of 20 francs only. The certificates of addition obtained by any one person entitled under the patent accrue to the benefit of all.

A patentee who, in respect of an alteration, addition, or improvement, desires in place of a certificate of addition expiring with the original patent to take out a principal patent must pay the annual tax levied on original patents.

Only the patentee and those claiming under him can, during a year, obtain a valid patent for an alteration, improvement, or addition to the invention forming the subject of the original patent; nevertheless, every person wishing to obtain a patent for an alteration, improvement, or addition to a discovery already patented may in the course of the said year make a formal application to the Minister of Agriculture and Commerce, which is to be transmitted to him, and remains deposited under seal. At the expiration of the year the seal is broken and the patent issued; but the original patentee always has the preference in respect of alterations, improvements, and additions for which he himself shall during the year have demanded a certificate of addition or patent.

A patentee may assign the whole or part of his property under a patent. The entire or partial assignment of a patent, whether as a gift or for valuable consideration, can only be made by a notarial act, and after payment of all the instalments of the tax. No assignment is valid with respect to third parties until after registration, but it is not necessary to register a simple licence to manufacture.

The descriptions, drawings, specimens, and models of patents issued remain deposited, until the expiration of the patents, with the Minister of Agriculture and Commerce, where they may be inspected by any one, free of charge. After their expiration patents can be inspected gratuitously at the Conservatory of Arts and Commerce.

Patents are null and of no effect in the following cases, viz. :

(1) If the discovery, invention, or application is not new ; (2) if the discovery, invention, or application is not patentable ; (3) if they refer to principles, methods, systems, discoveries, and theoretical or purely scientific conceptions, the industrial applications of which are not shown ; (4) if the discovery, invention, or application is contrary to the order, safety, morals, or laws of France ; (5) if the title under which the patent has been applied for fraudulently indicates something which is not the true subject-matter of the invention ; (6) if the description annexed to the patent is insufficient for carrying the invention into effect, or if it does not completely and fairly state the real methods adopted by the inventor.

No discovery is held new which, previously to the date of the deposit of the petition, has received publicity in France, or in a foreign country, sufficient to enable anyone to execute it, except in the case of an application made within the terms of the International Convention.

A patentee will be deprived of his rights under the following circumstances : (1) If he should fail to pay the annual payment before the commencement of each year of the term of the patent ; (2) if he does not put his invention or discovery into execution in France within two years from the date of the signature of the patent, or if he shall cease for the space of two consecutive years to work the patent—unless, in either case, he can justify his inaction ; (3) and, in the case of patents applied for before the International Convention came into force, if he introduces into France objects made in a foreign country similar to those protected by his own patent. This did not apply to models introduced by the patentee with the permission of the Government.

Whoever, in his trade inscriptions, advertisements, prospectuses, marks, or stamps, shall assume the title of patentee, without possessing a patent issued according to law, or after the expiration of a patent ; or who, being a patentee, shall describe himself as a patentee, or refer to his patent, without adding thereto the words—*' sans garantie du gouvernement '* (without the guarantee of the Government), or the letters S. G. D. G., is liable

to a penalty of from 50 to 1,000 francs. In case of a repetition of the offence the penalty may be doubled.

The patent covers all the French colonies.

GERMANY.

The law of the Empire of Germany with respect to patents is regulated by an Act which was passed May 25, 1877, and came into operation July 1, 1877. By this law patents are granted for new inventions which admit of industrial use, with the exception of: (1) Inventions the use of which would be incompatible with the laws or the public morals; (2) inventions relating to articles of food (for nourishment or luxuries), of medicines, and of substances produced by chemical process, so far as the invention does not relate to the method of producing such articles.

An invention is not regarded as new if it has already been described in a printed publication in any country, or publicly used in Germany at the time of application for a patent.

The first applicant for a patent of invention is entitled to the grant.

The claim of the petitioner to the grant of a patent is void if the essential contents of his application have without permission been taken from the descriptions, drawings, models, implements, or arrangements of another person, or from a method of manufacture used by the same, and if such person raises opposition on that account.

The patent has no effect against a person who, at the time the patentee made his application, had already been using the invention in Germany, or who had made the necessary preparations for using the same; neither has it any effect in so far as the invention is intended to be used for the army or navy or in the interest of public welfare. In such a case the patentee is, however, entitled to an adequate compensation by the empire or the state in whose special interest a limitation of the effect of the patent has been applied for. The amount of such compensation is fixed by a court of law in case an agreement cannot be arrived at. The patent does not affect means of conveyance coming temporarily within the empire.

Patents are granted for fifteen years, commencing with the day following the day of application. If an invention is an improvement upon an earlier invention patented by the applicant, he may apply for a supplementary patent, which expires with the original patent.

A fee of 80 marks is to be paid on the issue of the patent, and a further fee must be paid for each patent at the commencement of the second and every subsequent year, amounting in the first instance to 50 marks, and increasing by 50 marks per annum for the time of duration of the patent.

The patent expires if the patentee resigns the same, or if he fails to pay the fees within three months at the latest after they have become due.

Patents are to be annulled if it is found that the invention was not patentable according to the law, or if the essential contents of the application have, without permission, been taken from the descriptions, drawings, models, implements, or arrangements of another person, or from a method of manufacture used by another.

The patent can be revoked after the expiration of three years if the patentee fails to carry out his invention in Germany to a suitable extent, or at least to do everything that he can to carry it out, or if the grant of licence to others for using the invention appears to be in the interest of public welfare, but the patentee refuses to grant such licence upon an adequate compensation.

Persons not residing in the empire can only claim grants of patents on the appointment of a representative resident in Germany.

The granting, annulment, and revocation of patents is vested in the Patent Office, which has its seat at Berlin.

The decisions of the Patent Office are subject to appeal.

At the request of the law courts the Patent Office is bound to give opinion in all questions concerning patents.

A register is kept at the Patent Office, in which the subject-matter and the duration of granted patents will be entered, as well as the names and addresses of the patentees and of the representatives appointed by them on presentation of their applications. The commencement, the termination, the expiration, the decree of annulment, and the revocation of patents must be entered in this register, and simultaneously published in the 'Reichsanzeiger.'

The essential parts of specifications and drawings, so far as their inspection is permitted to the public, will be published by the Patent Office in an official paper.

The application for the grant of a patent for an invention must be made in writing to the Patent Office. For each invention a separate application is required. The application must contain the petition for the grant of a patent, and must point out

in a precise manner the subject-matter which is to be patented. It must also be accompanied by drawings or other representations, models, and samples, where necessary.¹

A fee of 20 marks must be paid on filing the application.

When the invention is approved by the Patent Office, the subject-matter of the application will be provisionally protected in favour of the petitioner, and a notification of the same will be officially published.

If the Patent Office is of opinion that the invention cannot be considered as patentable, the application will be rejected. The applicant can, however, make one appeal from such a decision.

After expiration of eight weeks from the day of publication the Patent Office has to decide as to granting the patent. Until that date objections against the granting can be lodged with the Patent Office. They must be made in writing and be accompanied by arguments.

Before finally deciding, the Patent Office may summon both parties to attend and be heard; it may also cause the objections to be examined by suitable persons skilled in some branch of technical science, and otherwise institute inquiries for elucidating the matter.

Against a decision by which an application is rejected, the petitioner may appeal within a stated time, usually four or six weeks after its notification, and against the decision concerning the granting of the patent on opposition, the petitioner or the opponent may appeal within a similar stated time. On filing the appeal 20 marks must be paid.

As soon as the granting of a patent has been decided upon, the Patent Office will cause a notice to that effect to be published, and then issue the patent.

If a patent is refused, this will also be publicly notified. Upon the refusal, the provisional protection shall be considered as not having taken effect.

No action will be taken upon applications which are not written in the German language.

The term within which an action may be brought for an infringement of patent right is limited to three years with regard to any single case by which such action may be supported.

¹ In the case of applications for hand fire-arms, skates, and for spindles for spinning-machines, models are always required, and samples of the product and intermediate products in chemical process cases; if the product is a tar dyestuff, samples of dyed material in three shades must also be filed; they may be demanded in other cases.

The question whether damage has been caused, and to what amount, will be decided by the court after due consideration of all circumstances.

Sentence will be passed for payment of a fine not exceeding 150 marks or imprisonment :

1. On any person placing on articles, or their packing, any designation calculated to cause the erroneous impression that such articles are protected by a patent in accordance with this law.

2. On any person who in public advertisements, on sign-boards, on business cards, or in similar notifications, employs a designation calculated to cause the erroneous impression that the articles thus mentioned are protected by a patent in accordance with this law.

The requirements of the Patent Office are so stringent, especially in respect to 'subject-matter,' that only about 40 per cent. of the applications are granted. Patents are frequently refused on most inadequate grounds, and the procedure of the office frequently entails great and unnecessary expense upon the applicant. The German mark is about equal to the British shilling.

* GUATEMALA.

The Republic of Guatemala has by a law of May 21, 1886, defined the rights of inventors.

Patents are granted for terms of from ten to fifteen years to natives of Guatemala or to domiciled foreigners,¹ or persons who have applied for patents in other countries of the International Convention.

For these patents application must be made to the Ministry of the Interior, explaining the invention or improvement, and soliciting the privilege. When the patent is granted, one exact drawing of the machine, or a detailed description of the process, with a specimen of the manufacture or product, must be furnished.

Patents will be void when they have been issued prejudicially to the rights of a third party, when the invention is not put into practice within a year from the date of the grant, or when abandoned for more than a year, or when the products are inferior to the specimens lodged.

Every person has the right of improving the invention, but

¹ A Bill was presented in Congress to modify this disposition.

not of using the original invention, and the original inventor cannot use the improvements made by another except by agreement. Articles made abroad according to the invention can be imported without rendering the patent invalid.

When the term fixed by the grant has expired the specification is published.

A tax is reserved by the patent of from five to fifty dollars for each year of the grant, payable in advance.

The same law also provides for making grants in favour of undertakings of public utility in Guatemala or in favour of the establishment of new industries or improvements upon those already existing.

HAWAII.

An Act of August 29, 1884, regulates the granting of patents, sects. 258 and 256 of the Civil Code having previously provided that the Minister of the Interior might issue patents for any time not exceeding ten years upon the inventor or importer delivering to the Minister a full specification, and in the case of a machine full drawings and, if required, a complete model thereof.

Where the invention is of a composition of matter, specimens of the ingredients sufficient for experiment must be furnished.

Where foreign patents are in existence, patents may be obtained unless the thing patented has been introduced into public use in the Hawaiian Islands for more than one year prior to the application. The patent expires on the expiration of the earliest prior foreign patent.

If upon an examination of the invention by the Commissioner of Patents, he considers that the claimant is justly entitled to a patent, and that the invention is sufficiently useful and important, the Minister of the Interior will issue the patent. The law also gives the inventor power to file a caveat, which is kept secret and gives priority for one year.

Goods made according to the invention abroad can be imported without invalidating the patent.

The fees payable for the application, commissioner's report, and the sealing amount to 80 dollars.

* HOLLAND.

No patents are granted for Holland.

HONDURAS.

The republic has not passed any special law relative to the protection of inventions, but patents are granted for terms fixed in each case. The terms of the patents granted are similar to those of the other Central American Republics.

* ITALY.

The law which governs the grants of patents for the kingdom of Italy is dated from January 31, 1864, confirming the earlier Sardinian law of October 30, 1859.

The inventor only, whether a native or a foreigner, or his assign, can obtain a patent of invention.

Inventions are considered patentable which have for their immediate object: (1) An industrial product or result; (2) any instrument, machine, &c., or mechanical arrangement; (3) any process or method of industrial production; (4) a motor, or the industrial application of a force already known; (5) lastly, the technical application of a scientific principle in such a condition that it will produce direct industrial results.

The invention must be novel.

A new invention or industrial discovery patented abroad and not yet imported into Italy, although already published by means of such foreign patent, confers the right to the inventor, or his assign, of obtaining a patent in Italy, provided the application be made before the expiration of the foreign patent, and before the importation or use of the invention by another than the inventor.

A patent of invention takes effect from the date of the application, and its duration from the last day of that one of the months of March, June, September, and December which follows next after the date of the application.

Certificates of addition are granted, and are annexed to the principal patent. Applications for certificates of addition made during the first six months by the owner of a patent have preference over applications for new patents made for the same invention by others.

Certificates of reduction, or disclaimers, may be demanded by a patentee within the first six months of his patent, for the purpose of reducing the patent to one or more parts of the invention forming the object of the description annexed to the original

demand, it being necessary to point out clearly the parts to be struck out of the patent.

Patents are granted for various terms from one to fifteen years, at the desire of the petitioner. A patent granted for an invention already patented in another country expires with that patent for which the longest term has been granted, but in no case exceeds the maximum limit of fifteen years.

Certificates of addition expire with the original patent to which they are attached.

Every patent is liable to two taxes: the one proportional, consisting of as many times 10 francs as there are years in the term demanded; the other annual, consisting of 40 francs for each of the first three years of the patent, 65 francs for each of the three following years, 90 francs for the seventh, eighth, and ninth years, 115 francs for the tenth, eleventh, and twelfth years, 140 francs for each of the three last years.

A sum of 20 francs only is required for the certificate of addition, to be paid in advance.

All certificates of prolongation necessitate, over and above the taxes, the payment of a sum of 40 francs.

Each certificate of reduction involves the payment of a tax of 40 francs.

The amount of the proportional tax for the term demanded and the first annuity is to be paid when making the application for the patent. This obligation to pay in advance the total of the proportional tax becomes burdensome if the patent should not be continued. On the other hand, as each demand for prolongation necessitates the payment of a fixed tax, and the patents demanded for more than five years have accorded to them a period of two years within which they are to be put into operation, the usual practice adopted by those who have not to consider the possible effect of the short term on subsequent patents elsewhere is to demand a patent for six years. The other annuities are paid in advance the first day of each year of the term of the patent, or in advance of the last day of March, June, September, or December respectively, and are subject to triennial augmentation, even in the case of prolongation of the patent. Three months' grace is allowed for the payment of the annuities, and if this period lapses the patent is forfeited. For the prolongation three months' grace is not admitted.

Patents demanded for a less term than fifteen years can be prolonged to this term. Each demand for prolongation must be accompanied by the receipt for the taxes and the original letters

patent, or an authentic copy of them, showing the ownership of the patent.

Demands for patents are subjected to no other examination than that in reference to the rules laid down by the authorities, with the exception, however, of patents for drinks and eatables, which are examined by the Superior Sanitary Council.

The records containing the certificates of deposit, changes, additions, cancelling, or assignment of patents are published. Persons requiring extracts from such records must make the application on stamped paper; the extracts are supplied at the expense of the applicant.

The drawings and descriptions are published three months after the grant of the patent; anyone can then obtain one or more copies at his own expense.

Every three months a list of the patents granted during the preceding three months is published in the official journal. Every six months the descriptions and drawings of the patents granted during the previous six months are published.

Patents granted for a term not exceeding five years must be put in operation within the first year of the term, and the working must be continued: an interruption for more than one year invalidates the patent.

Patents granted for more than five years have a period of two years allowed for working them; in both cases the owner of the patent should, in case of inaction, show the reason of neglect; but the want of funds is not recognised as a valid excuse.

Every deed of transfer or assignment of a patent is registered upon the grant of the original patent, and published in the official journal; such assignment is not valid as regards a third party, excepting from the date of registration in the Patent Office.

The application for a patent addressed to the Minister of Agriculture, Industry, and Commerce must contain: (1) The name and surname, and residence of the applicant, and of his attorney or agent; (2) a short and precise description, in the form of a title, of the nature and object of the discovery; (3) the length of the term for which the patent is desired.

To the application should be annexed: (1) Three copies of a description of the invention in French or Italian; (2) explanatory drawings or models (also three copies); (3) a receipt proving the payment of the taxes; (4) a list of the documents; (5) power of attorney legalised by the Consul of Italy.

An Italian patent becomes void: (1) If it has reference to any

of the inventions proscribed by the law ; (2) if the title fraudulently sets forth another object than the true object of the invention or discovery ; (3) if the description does not fully and faithfully point out the necessary means of carrying out the invention ; (4) if the invention is not new or useful ; (5) if the patent has formed the subject of a certificate granted to a third party for modification of an invention within the six months reserved to the author or his assigns ; (6) if the tax be not paid within the three months from the date at which it is due ; (7) if the patent has not been worked within the prescribed period ; (8) if the patent has been granted to any other than the inventor or his agent.

JAPAN.

The following regulations as to patents are included in the Imperial Proclamation No. 84, dated December 18, 1888.

Inventors must apply for protection to the Minister of Agriculture and Commerce, who will give the necessary certificates. Articles of food, drink, fashion, or medicine are not patentable. Three copies of the specification with drawings (if necessary) must accompany the application, of which two copies are required. All the persons connected with the invention must sign the papers. Patent rights are granted for five, ten, or fifteen years.

Patents for inventions applicable to war purposes, or those the general use of which is deemed important, can be refused, or have conditions imposed by the Minister.

Articles that are improvements upon existing patents can only be protected with the consent of the original patentee, but if this consent is not accorded the Minister has still power, if he considers the refusal obstructive to the improvement of the invention, to grant the improver special permission to use the original invention together with the improvement, in which cases the improvers will be ordered to pay appropriate sums of money to the original patentee.

Articles patented must be marked with a mark settled by the Minister, and anyone neglecting to mark the articles cannot obtain damages from infringers.

Provisions are made for the Patents Bureau acting as arbitrators in questions connected with the rights of patentees.

Patents will become void when articles made according to the patented invention are imported and sold, or the patentee ignores importation and sale which infringes his rights, or when without good reason the invention has not been practically applied

in public within three years from the date of the certificate, or when the working is suspended for three years without good reason.

The fee payable on applications for patents is about 12s., and in addition, on the issue of the certificate, the fees for five years amount to about 2*l.*, for ten years about 3*l.*, and for fifteen years about 4*l.*

Infringers are liable to imprisonment (not exceeding one year) and to fines not exceeding 40*l.*

All transfers, licences, and other dealings with patents must be registered. The patentee has power to rectify omissions or misstatements in his original application and specification. In practice the Japanese authorities refuse a patent to anyone who has patented the invention in another country.

LIBERIA.

An Act of the Senate and House of Representatives of the Republic of Liberia, by Act of December 23, 1864, has provided for the protection of inventions within the republic.

This Act provides for the establishment of a Patent Office under the control of the Secretary of State. All patents are issued in the name and under the seal of the republic, and signed by the President and the Secretary of State.

Citizens of Liberia or aliens may obtain patents on application in writing to the Secretary of State accompanied by proper specifications and drawings; the Secretary of State having made an examination of the alleged new invention, and being satisfied as to its novelty, will issue a patent therefor. Aliens who have obtained patents must put the inventions into actual operation in the republic within three years from the grant. The fee payable by a citizen on application for a patent is 25 dollars, by an alien 50 dollars.¹

Patents are assignable in whole or in part, and all assignments and business must be registered in the office of the Secretary of State within one year from their execution.

Proceedings for infringement must be taken in the Supreme Court of the Republic.

LUXEMBURG.

Patents are granted under the law of June 30, 1880, for the term of fifteen years upon payment of an annual tax of 10 francs for

¹ The specifications and drawings are open for public inspection in the office of the Secretary of State, and certified copies may be obtained.

the first year; 20 francs for the second year, and so on, progressing at the rate of 10 francs for each year. Patents of addition are also granted, expiring with the original patent. No prolongations are granted beyond the original term. Patents are granted without examination and at the risk of the applicants. The invention protected must be put in operation in Luxemburg within three years from the date of the patent. Patents can be assigned; the deed of assignment must be registered. Applicants for patents must present their petitions, accompanied by descriptions of the invention in French or German, and drawings, models, or specimens, when necessary to the comprehension of the invention. Patents become void by default in payment of the taxes within three months of the time fixed; or if a similar patent is not applied for within three months in the states with which the Grand Duchy is allied by Customs Treaty. The patent will also be void if the invention is not good subject-matter for patent; if the description of the invention lodged is insufficient, or does not give to the best of the inventor's ability the means for carrying out the invention. Articles made abroad according to the patent can be imported into Luxemburg without invalidating the patent. Infringers of patents are liable to payment of penalties varying from 100 to 2,000 francs, irrespective of damages.

* MEXICO.

A decree of May 7, 1832, governs the grant of patents in Mexico. Every discovery or new invention can be patented in Mexico. Patents are granted to the first introducer of a new invention which has not been used in Mexico; and applications for patents by inventors who have already foreign patents for the same objects are accorded a preference over others, but this preference does not extend to cases where the foreign patent has lapsed. Pharmaceutical compositions, plans for working estates, or for financial combinations, and the application of known motors to industrial purposes also known are not patentable.

Patents are granted for six or ten years. Patents for improvements are granted for the time which remains of the original patent, if such duration exceeds six years; if such duration is less than for six years, patents for importation are granted for only five years.

Every applicant for a patent must address to the Minister of Commerce a petition setting out that the petitioner is either the inventor or is the assignee of the inventor, together with a descrip-

tion of the invention, and such drawings, specimens, or models as may be necessary for the proper comprehension of the invention.

The application must be limited to one principal object, with such accessories as are necessary for carrying out the invention. This description must be written in Spanish, and must be without alterations or corrections. The drawings must be made in ink and to scale, and must be in duplicate. All the documents must be signed by the inventor or by his attorney. The duration of the patent will commence from the date of the grant.

These documents are examined by officials, and the applications are then published in the official and other journals, and oppositions to the grants can be made within two months from such publication. The Government does not guarantee the utility, novelty, or validity of the patent.

The Government publishes every three months the lists of patents granted. The description and drawings of the invention can be modified at any time during the duration of the patent. Patents of addition will be granted for improvements upon the original invention. These patents for improvements can be granted to the original inventor or his assigns only, for the first year of the patent.

Patents can be assigned in whole or in part, and assignments must be registered. Assignees are not, however, entitled to patents for improvements without assignments of those improvements. The Minister of Commerce publishes every year a catalogue of the specifications with illustrations of the drawings. Patents granted will be annulled if the alleged discovery is found to be old; if it does not come within the terms of the law for which patents are to be granted; if it is contrary to public policy; if the specification upon which the grant has been made is fraudulently expressed in indicating an object different from the true object of the invention; if the description lodged is insufficient to enable the invention to be put in operation; if the invention is not put into operation in Mexico within two years from the date of the grant, or if its working is interrupted for two years, unless the cause of inaction is satisfactorily accounted for; and also if the patentee introduces into the country the patented articles manufactured abroad (except under the provisions of the International Convention). The permission of the Minister can, however, be obtained for the introduction of models. All patented articles must bear the word 'Patented,' and 'Sans garantie du Gouvernement.'

Patents are now obtained without difficulty in Mexico when the

applications are made in proper form, and the inventor is represented by a competent agent.

NICARAGUA.

The resolutions of the Spanish Cortes have by decree been declared in force in this republic. By virtue thereof any person who invents, imports, or introduces an invention may, by application to the prefect of the department or the municipality, obtain a certificate granting him an exclusive right to such invention. The duration of the privilege is to an inventor ten years, to an improver seven years, and to an introducer five years. These terms may be extended by the sovereign power. The invention must be worked in the republic within two years or the privilege will cease.

In practice, however, the rules of the decrees are not closely followed, but an arbitrary power is vested in Congress, which grants a patent or withholds it as it sees fit.

* NORWAY.

Patents for new inventions beneficial to industry are granted in Norway under a law of June 16, 1885. An invention is not considered to be new if before the application for a patent it is already so far known that it can be carried out by experts, but publication in print or by public exhibition for a period not exceeding six months before the application will not prevent the grant.

The applicant must be the first inventor, or a person who has obtained the right from him. The proprietor of a patent has for a period of two years from the date of his application the sole right to obtain a patent for improvements or additions to the invention.

Patents are granted for fifteen years from the date of the application.

Improvements or additions may be protected either by independent patents or by patents of addition expiring with the original grant.

A fee of 30 crowns (= 1*l.* 13*s.* 1*d.*) is to be paid on lodging any application, and an annual tax is also payable of 10 crowns (= 11*s.*) for the second year, and increasing 5 crowns (= 5*s.* 6*d.*) each year.

The patent has no effect against persons who have used the invention or have made the necessary preparations for the use of the same before the application.

A patented invention may be used for the service of the Government without consent of the patentee, but in that case the patentee is entitled to compensation, to be paid by the Government, the amount of which, in case of dispute, is settled by arbitration ; and a patented invention of essential value to any particular trade or industry may be appropriated to private use, but the patentee is entitled to compensation, to be paid by the person using the invention, the amount of which, in case of dispute, is settled by arbitration.

The examination of, and decision upon, applications rests with a Patent Commission, consisting of a president qualified for the bench, and five members (at least) experts in technical pursuits.

Applicants must lodge with the Patent Commission a petition and description and drawings (in duplicate) of the invention ; if the applicant is not resident in Norway he must appoint a resident attorney to represent him. The specification must conclude with a definite statement of what the applicant considers to be his invention and wishes to protect.

If the application is approved it is advertised ; the papers are open to the public inspection during eight weeks, and any person may lodge an opposition to the grant ; the Commission then decides upon the application, and if the applicant is dissatisfied with the decision he may apply for the reconsideration of the matter, and may also appeal to a superior Patent Commission of seven members appointed for that purpose.

The invention must be put into operation in Norway within three years from the date of the grant, and the working must not be afterwards discontinued for one year.

A register of assignments is kept in which all the dealings with patents must be entered.

Actions may be brought for the repeal of the patent, and against infringers, from whom damages may be obtained by the patentee as well as penalties by the Crown.

Articles made abroad according to the patent can be imported without invalidating the grant.

ORANGE FREE STATE.

The Legislative Council have, by an Ordinance No. 10 of 1888, repealed the Ordinance No. 12 of 1884, and have established a law of patents similar to that of the Transvaal. (See page 464.)

The fees for obtaining patents are also similar, except that the fee payable on sealing the patent is not less than 10*l.* or more than 50*l.* All documents must be in the Dutch language, and applications have to be advertised at the applicant's expense.

PARAGUAY.

There is no special law enabling inventions to be patented in this country, but patents can be obtained by inventors whether citizens or strangers, and also by the first introducers of inventions from abroad. Patents can be assigned in whole or in part.

All new discoveries and improvements are patentable, and no examination is instituted prior to the grant.

Patents date from the day of the grant. The term fixed varies from five to ten years, and is fixed by Government decree. Prolongations of the original terms can be obtained where the circumstances justify such prolongations.

Legal proceedings can be taken against the persons infringing the patent.

PERU.

Article 27 of the Constitution declares useful discoveries to be the property of the authors, and that introducers may enjoy like privileges for limited periods granted to them.

The Law of January 28, 1869, repeats the same declaration, but enacts that the right must be established by a certificate or patent. The duration of patents is not to exceed ten years, and a fee of about 20*l.* per annum is payable to the fund of public works of the province in which the invention is exercised or established.

The application must comprise a description of the invention, with plans or models, and a clear statement of the principal object, with details and an explanation of the application, the term sought for, and the nature of the security offered for the realisation of the project.

If a foreigner is an applicant, he must renounce all diplomatic intervention and submit himself absolutely and irrevocably to the laws of the republic.

An official inquiry is made in each case, and the Ministry will grant or refuse the patent upon the result.

Prolongations and modifications or alterations can only be granted by legislative resolution.

The patents are null: If the discovery, invention, or applica-

tion is not new, or, the application is not for new industrial products or new applications of those already known; if based upon theoretical or scientific principles, methods, systems, or discoveries, the industrial application of which is not indicated; if the discovery appears to be contrary to law or order; if the application was fraudulent; or if the invention cannot be carried out according to the description lodged.

The invention is not to be deemed new if it had sufficient publicity to be put in practice in Peru or abroad prior to the date of application.

The patentee will lose his rights if the annuity is not paid, if he does not work the invention within two years from the date of the grant, and if he imports from abroad articles made according to the patent.

Persons interested may demand the nullity or cessation of the patent, and such demands will be considered by the Ministry.

* PORTUGAL.

Royal decrees, dated December 31, 1852, and March 17, 1868, regulate the law of patents in Portugal, including the Portuguese possessions abroad. Their principal provisions are to the following effect:—

Authors of new inventions, whether native or foreign, are entitled to secure an exclusive right to them by patent; but the patent will be no guarantee of the reality, priority, or merit of the invention. An invention can be patented, though in use in foreign countries, if it be new in Portugal.

The duration of a patent privilege cannot exceed fifteen years; but the inventor may obtain it for a less period, from one year upwards. To inventors who have already obtained a patent in a foreign country, no longer term will be granted than is sufficient to make up fifteen years from the date of the foreign patent. The importer of an invention (not being the inventor himself) can only obtain a patent for five years.

Prolongations are granted when demanded *within* the term of the first demand.

On applying for a patent, an inventor must deliver to the proper office an exact description, under seal, of the principles, means, and processes which constitute the invention, with the necessary plans in duplicate, sections, and drawings.

A patent will not be allowed to comprise more than one subject-matter of invention.

Articles made abroad, according to the invention, can be imported without invalidating the grant, but patentees are required to work their patents officially in Portugal within two years from the date of the patent, and the working must not cease for two years. The law does not, however, require actual construction in the country. An imported article properly vouched by an independent person as being made in accordance with the specification is considered to be a sufficient working, whilst advertisements in the newspapers are held to be sufficient evidence of subsequent workings.

A tax of 5,000 reis (about 28s.) is imposed in respect of each year of the patent, and is paid in advance.

Patent rights pass by assignment or by will.

A patent becomes void if the invention be not carried into effect within two years, or if the manufacture be adjudged a nuisance by a competent tribunal.

RUSSIA.

The law as to privileges for inventions in Russia, including Poland and Siberia, but excluding Finland, was declared by an imperial decree of June 17, 1812. On November 22, 1833, the terms of this decree were altered, and amendments were made: November 2, 1836; July 8, 1837; October 23, 1840; August 15, 1845; July 7, 1852; May 22, 1862; July 11, 1864; October 26, 1864; November 20, 1864; February 16, 1867; April 22, 1868; March 30, 1870; June 7, 1872; December 30, 1872; January 10, 1873; October 20, 1874; and April 27, 1876.

The privilege granted for discoveries, inventions, or improvements in arts and manufactures is founded upon the letters patent and a certificate (obtained on presenting a petition to Government accompanied by a full description of the invention, with the drawings belonging to it, and paying the Government tax), which certificate states that the invention therein mentioned was presented at such a date and hour to the Government, and that the Government tax has been paid. The term of the patent begins from the day of issue of the letters patent, but infringers may be prosecuted from the date of the certificate of application.

Patent applications are subject to an investigation into the novelty, and partly into the merits of the invention.

No patents are granted for munitions of war (as, for instance, guns, projectiles, torpedoes, etc.) unless adapted to other purposes (as, for instance, sporting fire-arms, metallic cartridges, etc.), when

the grant will be made subject to the rights of the Government to use the same without compensation.

The Government does not guarantee that the invention belongs to the person who makes the application; it only certifies that for the same invention no privilege has been granted to anybody in Russia before.

The privilege granted by the Government does not prevent the true inventor from proving, in legal form, that the invention does not belong to the person who obtained the patent of invention.

Until the ownership of the invention is contested the person to whom the privilege was granted has a right :

1. To the absolute property in the invention for the specified time.

2. To use the invention himself, and to sell its results to the public, or to transfer the privilege to another person.

3. To prosecute persons infringing the privilege in the courts of law, and to recover an indemnity for the loss sustained by the infringement.

4. To treat as an infringement the making of articles in a similar manner, even with improvements upon them, as long as the essential parts of the first discovery are copied.

The applicant for a patent privilege must deliver to the Government an exact description of his invention, with all essential details, and the mode of carrying it into effect; and also furnish the necessary plans and drawings, not keeping back anything requisite to be known to enable the invention to be carried out. The inventor must state what he claims as novel. If the invention relates to sporting fire-arms, or surgical instruments, a model or specimen will be required in most cases.

Inventions made in foreign countries may be patented in Russia when no detailed description has been published, and when the inventions have not been already introduced into the Russian Empire and the foreign patents have not expired.

A patent for an imported invention has the same validity as one granted for an invention made in Russia, until it is shown that the invention had been brought into use before the grant or that it had been described in published books or papers in such a way that it could have been carried into effect without the patentee's description.

Patent privileges for original inventions, whether made in Russia or in a foreign country, patented or not patented abroad, are granted to the Russian or foreign inventor, or his assignee, for

three, five, or ten years (the extreme limit), at the option of the applicant. Patent privileges applied for by the mere importer for inventions still remaining under patent protection abroad are granted for one, two, three, four, five, or six years (the extreme limit), at the option of the applicant, but cannot endure beyond the expiration of the patent taken out abroad by the inventor himself. The Government charges amount on patents of invention for three years to 90 roubles, for five years to 150 roubles, and for ten years to 450 roubles; whilst for patents of importation the Government charges 60 roubles for each year of the duration of the patent. If the application be refused the Government tax is refunded, with the exception of from 11 to 15 roubles for the advertisements of the application in the newspapers.

A patent will be void when it is shown to the proper tribunal that a patent of invention has been applied for without the consent of the true inventor, or that the invention has been already practised in Russia, or that, at the time of the presentation of a petition for a patent, the invention had been previously described in books or periodicals published in Russia or elsewhere, so that it might have been carried into effect without further description. It will also be void where it is impossible to arrive at the promised result by following the directions of the patentee, or if the certificate of working has not been filed within the time prescribed.

No power of attorney is required for the person applying for the patent in case of the absence of the inventor or importer.

No prolongation of the term originally granted can be obtained. For improvements in a patented invention a new patent must be applied for. An invention for which a patent has been obtained must be carried into effect in Russia within one quarter of the term for which the patent was granted, and within six months after this a certificate of working from some local authority must be filed at the Ministry which issued the patent. To prove the working of the patented article, it may, if it be a machine, be imported, but if the patent is for a process, the manufacture must be carried out in Russia.

SAN SALVADOR (CENTRAL AMERICA).

The Constitution gives power to the executive to grant privileges to the authors of useful inventions, but no special law exists for regulating the grant of such privileges. It is customary,

however, for the executive in the exercise of its prerogative to follow the practice of civilised Governments.

* SPAIN.

INCLUDING THE SPANISH COLONIES OF CUBA, PORTO RICO, AND THE PHILIPPINE ISLANDS.

A greatly improved law with respect to patents for inventions came into operation on August 1, 1878.

Under this law facilities are afforded for the introduction into Spain of numerous inventions which the restrictions and cost of obtaining patents under the old law precluded. A valuable feature of the present law is, that one patent includes not only Spain, but the colonies of Cuba, Porto Rico, and the Philippine Islands, for each of which a separate and most costly patent was formerly requisite. To render the patent valid in the Spanish colonies it must be registered in the Colonial Office at Madrid.

The rights of foreigners as regards obtainment of patents are the same as those of natives.

Two classes of patents are granted, one to inventors, and another to those who, without being inventors, introduce or import a new industry into Spain or the colonies.

The proprietorship of a patent is hereditary, and can be sold or negotiated, just as any other property, according to the existing laws in Spain.

Patents are granted to one or more individuals, or to a society or company.

Patents of invention are granted to all who solicit them, without previous examination as to the novelty or usefulness of the invention.

Applicants for full-term patents in Spain must file their petition before their inventions are published or made known elsewhere, so that the invention may be considered new in Spain; in such cases the patent will be granted for *twenty years*. But if the application be delayed until after the publication has taken place in any other country the applicant is still entitled to a *ten years'* patent in Spain, provided that *two years* have not elapsed since such publication. Should *more than two years* have elapsed he is then in the same position as an importer or introducer of the invention, and can only obtain a *five years'* patent. The introducer not being the inventor is not entitled to a grant for more than five years.

If the applicant obtains a longer time than he is legally entitled to, he incurs the risk, on the intervention of a third person, of the Courts declaring the patent, *ipso facto*, null and void. But the patentee would be entitled to present a fresh application for the term then open to him under the law, provided no other application had been filed in the meantime.

The annual taxes are 10 pesetas (10 francs) for the first year; 20 pesetas (20 francs) the second year; 30 pesetas (30 francs) the third year, and so on successively, each year 10 pesetas (10 francs) more than the previous year.

The following documents are needed on application for a patent:—

1st. A power of attorney in Spanish, indicating the name and residence of the person in whose name the patent is to be granted.

2nd. A complete specification, explaining the invention and the points claimed. The patent will be granted on the point or points specified in the claims. The references to weights or measures in the specifications must be made in accordance with the French metrical system.

3rd. The drawings must be on *tracing cloth*, in black ink, without colours or colouring, on the French metrical scale, and in duplicate.

If, on the Patent Office authorities examining the documents and papers, it should be found that they are incomplete, or not presented according to this law, *two months* will be allowed to the applicant to correct the error if the inventor resides in Europe; *four months* if he resides in America; and *eight months* if he resides in Asia. No secrecy will be observed, as formerly, with regard to the patents granted. The specifications and drawings are open to the public in the Patent Office after the grant has been made.

Certificates of addition are granted. During the whole term of a patent, the owner, his heirs, or the person representing his rights can obtain protection for improvements on or additions to his original patent. No annuities are payable on certificates of addition, but the further improvements protected must be put into working in the same way as the original patent, and either at the same time or separately.

The certificates of addition will be granted and considered as parts of the original patents. They are solicited in the same manner as the patent, and terminate when it terminates. Instead of soliciting a certificate of addition, a new patent, inde-

pendent of the principal one, can be obtained for improvements.

The sale, cession, or negotiation of patents can be made before a notary in any country. If the cession is made in Spain a special power must be sent for it. If the cession is made before a foreign notary, out of Spain, the document or contract must be made directly in Spanish, or must be officially translated at the Spanish Legation or Consulate.

All documents sent to the Patent Office department must be legalised at the Spanish Legations or Consulates of the places whence they come. In the contracts of sale or cession, a certificate from the Patent Office of Spain must be transcribed to prove that the annual taxes on the patent are paid up to the date of the contract, and that the patent is in full force, and that the patentee has not disposed of his interest. The sale or cession of the patents, with all the requisite formalities, must be registered in the *Gobierno-Civil* at Madrid.

Two years are allowed for the official working of the patent in Spain, but this term can be prorogued by a special law passed in the *Cortes* to that effect; this can only be obtained under very exceptional circumstances, with much difficulty and at great cost.

Patents will be declared void when their owner ceases to pay the annual charges, or when he has not proved officially that he has worked the patent within the two years.

Patents may be annulled at the instance of a third person and by the sentence of a Spanish court in case it is proved the invention was not within the terms of the law when applied for, or if the specification does not sufficiently describe the manner in which the invention is to be worked.

A patent may also be annulled at the instance of a third person if it can be proved that the invention has not been put into operation within a year and a day from the date of the patent. Advertisements of the invention inserted in local newspapers are, however, sufficient to prove that the invention had been introduced. Where the invention is in actual operation in Spain or its colonies a certificate attested by a notary must be obtained from the seller or manufacturer.

The infringement of a patent is punishable with a fine. All articles wrongly manufactured under the patent infringed are to be delivered to the rightful owner of the patent, and the patentee has a right, besides, to claim damages. If the infringer is not able to pay the fine, he will be imprisoned for a proportionate length of time.

Counterfeiters of patents will be also punished according to the Spanish Criminal Code.

Governors of the Spanish colonies can no longer grant patents.

* SWEDEN.

Patents for new inventions of industrial products or for special methods for the manufacture of such products are granted in Sweden under a law of May 16, 1884. An invention is not considered to be new if, before the application for a patent, the invention is already by publication or working so far known that it can be worked by experts, but publication in print or by exhibition in an international exhibition will not for a period of six months before the lodging of the Swedish application prevent the grant of a patent.

The applicant must be the first inventor, or a person who has properly obtained the rights from him.

Patents of addition are granted.

Patents are granted for fifteen years from the date of the application.

A fee of 50 crowns (2*l.* 15*s.*) is to be paid on lodging the application and a fee of 25 crowns (1*l.* 7*s.* 6*d.*) at the grant. Annuities must also be paid : 25 crowns (1*l.* 7*s.* 6*d.*) during each of the 2nd, 3rd, 4th, and 5th years, 50 crowns (2*l.* 15*s.*) during each of the next five years, and 75 crowns (4*l.* 2*s.* 9*d.*) during each of the last five years.

The patent has no effect against persons who have used the invention or have made the necessary preparations for the use of the same before the lodging of the application.

A patented invention may be used for the public service or the Government without the consent of the patentee, but in that case the patentee is entitled to full compensation, which, in case of dispute, is settled by arbitration.

The examination and decision upon applications rests with the Patent Office, consisting of a commissioner, a chief-engineer, and a number of engineers.

Applicants must lodge with the Patent Office a petition, specification with claims and drawings, in duplicate. If the applicant is not resident in Sweden he must appoint a resident attorney to represent him.

If the application is approved it is advertised and the papers are open to the public inspection during two months, and any person may lodge an opposition to the grant ; the Patent Office then de-

cides upon the application. If the application is rejected, the applicant may appeal to the King.

The patented invention must be commercially worked in Sweden within three years from the grant of the patent, and this working must not be afterwards discontinued for one year. The time for the working may, upon application to the Patent Office, be prolonged to four years.

Assignments must be registered.

Actions may be taken for the repeal of the patent and against infringers, from whom damages may be recovered by the patentee as well as penalties by the Crown.

Articles made abroad according to the patent can be imported without invalidating the grant.

* SWITZERLAND.

The Swiss Confederation has, by a law which came into force Nov. 15, 1888, provided for the grant of patents for inventions.

Patents are granted for fifteen years from date of application, subject to the payment in advance of annuities of 20 francs for the first year, 30 for the second, 40 for the third, and so on up to the fifteenth year.

Patents of addition are granted upon payment of a single tax of 20 francs.

Patents are forfeited if the annual taxes are not paid within three months from their falling due, and are liable to forfeiture if the invention is not carried into practice in Switzerland within three years from the grant, or if the patented article is imported from abroad, the patentee having refused equitable offers for Swiss licences.

Patents will also be declared null if the invention is not new or cannot be carried into effect, if the patentee is not the inventor or his successor, if the title of the patent is misleading with fraudulent intent, and if the specification is not sufficient or does not accord with the model. Any interested person can bring an action for annulment.

Applicants for patents not residing in Switzerland must appoint an agent of Swiss domicile.

A patentee finding he cannot work his invention without using a previously patented invention may obtain a licence if three years have lapsed since the lodging the application for the first patent; if such licence is granted the proprietor of the first patent may also obtain a licence to use the improvement.

When the public interest requires it, the Federal Assembly may, at the request of the Federal Council or of a Canton, decree the appropriation of a patent at the expense of the Confederation or of a Canton for the common use of the republic, upon payment to the patentee of an indemnity fixed by the Federal tribunal.

Application for the patent must be made to the Federal Office of Industrial Property; the application must be in German, French, or Italian, and must be limited to a single principal invention with details, and must be accompanied by a specification, with drawings, if necessary, and proof that a model of the invention or the article itself exists, and the application fee of 40 francs, together with 10 francs for the examination if no model is produced. The Federal Council may also require a model.

A provisional patent for two years may be obtained.

The complete patent must be obtained within the term of the provisional patent.

A register of patents granted is kept in which all changes relating to the existence, ownership, and enjoyment of the patent are entered, and a note is also made in the register of the lapsing, nullity, and appropriation of the patent, as well as of all compulsory licences granted.

Articles manufactured under the patent, or the packages containing the articles, are to be marked with the Federal Cross and the number of the patent.

The Federal Office publishes the descriptions and drawings annexed to applications; this publication may be postponed for six months to allow of taking out foreign patents.

Civil or criminal proceedings may be taken against infringers and against persons assisting infringers, against persons who have refused to disclose the origin of infringing articles found in their possession, and against persons who have wrongfully put upon their commercial papers, notices, or products indications tending to cause belief in the existence of a patent when none exists.

Provision is made for placing Switzerland under the terms of the International Convention, and for the protection of inventions exhibited in national or international exhibitions in Switzerland.

TRANSVAAL (SOUTH AFRICAN REPUBLIC).

Letters patent for this state are granted under a law of June 1, 1887.

All persons, whether citizens or aliens, can obtain letters patent

for new industrial inventions. Corporations and companies of which the inventor is a member have the same rights.

Application may be made in general terms at the office of the Attorney-General in the language of the Act, and must be accompanied by a description of the invention in Dutch and by payment of the fee undermentioned. Upon this application being accorded provisional protection is obtained for six months, or the applicant may lodge a detailed description, upon which he may also obtain provisional protection. The applicant cannot take any proceedings until the patent is sealed.

When the applicant is desirous of completing his patent he must give notice of his intention to proceed: this notice is advertised, and persons desirous of opposing can then do so. Oppositions are heard by the Attorney-General, who can call in expert assistance. The Attorney-General then issues his certificate, upon which the letters patent are sealed.

The sealing will be refused if the application for it is made more than three months after the date of the Attorney-General's certificate, or if the application is made after expiration of the term of provisional protection.

Patents are granted for fourteen years, subject to the payment of additional duties at the end of three and of seven years.

The patent will cease with the expiration of any prior foreign patent for the same invention.

Alterations in specifications by way of effacing, improving, or adding thereto may be made on application to the Attorney-General for that purpose.

Proceedings may be taken to obtain grants of compulsory licences where the patent right is not used in the state, or where the ordinary demand for the patented article cannot be supplied, or where anyone is prevented from deriving the full benefit of an invention in his possession.

The Act gives power to grant prolongations for additional terms (not exceeding fourteen years) if applied for six months prior to the expiration of the original term.

Registers of patent deeds and of proprietors of patents are kept, and all transfers, licences, etc., must be entered therein.

Applications to the High Court may be made by the Attorney-General and by persons interested for the cancellation of a patent upon the usual grounds.

A penalty not exceeding 25*l.* is imposed upon any person selling an article as patented which has not been patented, and a penalty not exceeding 50*l.* is imposed upon any person selling

an article as having a patent right for it, when another person has the patent right.

Actions for infringements must be taken in the High Court, and the Act gives full directions as to pleadings and the conduct of such proceedings.

The lawful representatives of a deceased inventor may obtain a patent right for the invention on making application within six months of the death.

Protection for inventions shown at international or industrial exhibitions is provided for.

The Government may demand from the inventor a model of his invention at any time on paying the cost of making same.

The fees payable for patents are :

On the deposit of the application	.	£1	1s.
„ „ issuing of certificate	.	1	1
„ „ sealing the patent	.	1	1
Before the expiration of three years	.	5	0
„ „ „ „ ten „	.	10	0

* TUNIS.

The Law of December 26, 1888, provides for the protection of inventions by patents for terms of five, ten, or fifteen years, subject to an annual tax of 100 piastres.

Petition must be made to the Prime Minister, accompanied by a specification in French, and drawings (in duplicate), together with 100 piastres. Notice of the application is then published, and oppositions can be entered within two months. The specifications, drawings, and models are open to public inspection.

Alterations, improvements, and additions may be made by the patentee or person entitled to the patent during its whole term. Certificates of addition are given subject to payment of a fee of 20 piastres. None but the patentee or persons interested through him can, during the first year, legally obtain patents for alterations, additions, or improvements, the original patentee having the preference for that year.

Patents may be assigned in whole or in part by notarial deeds, and all assignments must be registered. Licensees of the original patent have the benefit of all certificates of addition.

Protection is given to inventions exhibited at public exhibitions.

Foreigners may obtain patents, but where a patent has been

already granted abroad, the duration of the Tunis patent must not exceed that of the foreign patent.

Patents are null if the invention is not new, if the title of the patent is fraudulent, and if the specification is insufficient. No invention is considered new which has been published in Tunis or abroad before the date of the application, sufficiently to enable it to be worked.

The patentee is deprived of his rights : On non-payment of the annuity before the beginning of each year ; if the invention is not worked within two years from the date of the patent, or has ceased to be worked for two consecutive years, or where the patentee has introduced into Tunis articles manufactured in foreign countries similar to those which are protected by the patent ; but authority may be obtained for the introduction of models or of articles intended for public exhibitions or for trials.

Whoever calls himself patentee having no patent, or who, being a patentee, mentions his patent without the words ' without guarantee of the Tunisian Government,' is liable to a fine. Action can be taken for the annulment of the patent by any person interested,

Infringers can be prosecuted and punished by fine, and, in the case of a workman or an associate of a workman of the patentee, by imprisonment.

TURKEY.

The Ottoman Government grants patents to natives or foreigners for five, ten, or fifteen years, subject to an annual tax of two Turkish pounds, but the Turkish patent will expire with the termination of any earlier foreign patent. Pharmaceutical compounds or medicines and financial combinations are not patentable, and the inventions must not have been published in Turkey or abroad. The applicant for a patent must supply a petition, a description and drawings, or samples to explain the invention. The petition must be limited to a single object, with the details which form part of it, and must indicate the term for which the patent is solicited. The term of the patent is reckoned from the date of filing the application. Patents are granted without examination and at the inventor's own risk. Inventions relating to instruments of warfare are submitted to the War Department, and such as are approved by the department are bought by the State. Inventions of this kind which are not favourably reported upon are rejected.

The term of the patent can only be prolonged by special legislation.

Certificates of alteration, addition, or improvement are granted. The patentee is, however, alone entitled to receive a certificate of addition during the first year of his patent. If such applications are made by others they will be kept secret until the first year of the patent has expired, and will then be granted.

Patents may be assigned in whole or in part by a deed of assignment, which must be registered with the Minister of Commerce; and the specifications, drawings, and models are accessible to the public, and may be copied.

Patents are invalid when the invention is not new or when they are for mere principles, when the invention is contrary to public morals, when the title of the patent is fraudulently misleading, or when the specification is insufficient. Patents will become void in default of payment of the annuities, when the invention is not worked in Turkey within two years from the date of the patent, or if the working is thereafter discontinued for two consecutive years, unless the patentee can show cause to justify his inaction, or by the introduction of articles manufactured abroad according to the invention, unless by special authorisation of the Government.

Any interested person may bring an action before the Tribunal of First Instance to rescind the patent, and infringers of patents are liable to a fine of from five to one hundred Turkish pounds.

URUGUAY.

The Law of November 12, 1885, authorises the executive to grant patents for inventions for terms of three, six, or nine years at the applicant's option, and subject to an annual payment of 25 dollars. After the grant is made the executive fixes a period within which the patented invention must be worked in Uruguay.

Application for the patent must be made by petition to the Minister of the Interior, stating the term desired, accompanied by a specification and specimens, drawings, or models. The Patent Office is to publish every two years all the privileges granted, with the specifications and drawings.

Patents of addition may be obtained. Patents may be assigned by public deed.

Provision is made for nullity and forfeiture of patents, and for the protection of patentees against infringements.

A register of patents is kept.

VENEZUELA.

A law of May 25, 1882, provides for the grant of patents for five, ten, or fifteen years for inventions not already known and used in the country, or patented or described in a printed publication in the republic or abroad, or having been in public use for more than two years prior to the application, unless such use has been abandoned.

Applications for patents must be addressed to the Federal executive power through the Minister of the Interior. The applicant must declare on oath that he is the inventor. The patent for an original invention is subject to payment of about 80 francs per annum for the whole term of the patent.

Persons who have obtained patents in foreign countries can obtain patents for Venezuela, but such patents are only granted for the number of years the foreign patent has to run.

The description of the invention patented is published in the Official Gazette after the expiration of the patent, or after the patent is declared null.

Actions for infringements may be tried before the Federal tribunals.

*PATENT LAWS OF THE BRITISH POSSESSIONS
ABROAD.*

SINCE the Imperial Government declined in the year 1852 to issue any grants of patents for the colonies, most of our possessions abroad have themselves established patent laws, principally framed upon the British law. The number of patents granted in Canada, India, and the Australian colonies is large and is increasing. It will be seen from the following abstracts that there is now no important colony in which inventions cannot be protected.

By an Order in Council dated February 8, 1890, New Zealand is made a party to the International Convention for the Protection of Industrial Property. Victoria, Queensland, Tasmania, and Natal are the only other colonies which have at present passed the necessary laws to enable them to join the convention.

THE BAHAMA ISLANDS.

The Colonial Act, 52 Vict. cap. 23, assented to May 23, 1889, makes provision for protecting inventions in these islands.

Every person desirous of obtaining letters patent must file a complete specification in the office of the Registrar of Records, and must pay to the registrar 3*l*. Persons residing abroad must file with the specification a certified copy of any letters patent which they have obtained abroad for the same invention. The applicant must, within ten days after filing his complete specification, present a petition to the Governor, accompanied by a copy of the specification, praying for the grant. The Governor will thereupon issue letters patent for the invention for the term of seven years, unless he is of opinion the invention is not new, is not patentable in law, is already in the possession of the public, has been previously described in a printed publication, or has already been patented in the colony. Specifications are open to the public in the office of the Registrar of Records.

Legal proceedings for infringement may be taken in the Courts of the islands, the remedies being similar to those given by the English law, and the defendant may plead any matter which can be pleaded in English Courts.

Where the invention is not brought into operation within three years after filing the specification, the exclusive privilege is forfeited and ceases to exist.

Patents are assignable, in whole or in part, by instruments in writing, which must be registered in the office of the Registrar of Records.

Upon application to the Governor in Council patents may be renewed for a further term of seven years on payment of 10*l.*, and for a third term of seven years on payment of 20*l.*

Registers of patents and of proprietors are kept at the office of the Registrar of Records, in which the grants of patents, assignments, and licences are entered. Writs of *scire facias* to repeal patents may be issued to the Provost Marshal if the grantee resides in the colony; if not resident, such writs are to be filed in the office of the prothonotary of the General Court, and notice thereof in writing is to be served at the last known residence or place of business of the grantee.

BARBADOS.

An Act dated December 12, 1883, amended by an Act of 1888, provides for the grant of privileges to inventors.

Every person filing a complete specification of his invention, with a copy, in the Colonial Secretary's Office of the island, and paying a fee of 3*l.* 6*s.* 8*d.*, is entitled to the exclusive right of the invention for a term of seven years.

The privileges may be protected from infringement by proceedings taken in the courts of the island, the pleadings and proceedings being similar to those taken in the High Court of Justice in England.

The exclusive privilege will be void unless the invention is new, in case the applicant is not the first and true inventor, or if at the time the specification was filed the invention was well known elsewhere, and also known to some other person or persons in the island.

The exclusive right will cease if the invention is not brought into operation in the island within three years after filing the specification.

The privilege may be renewed for two additional terms of seven years each on application being made before the expiration of the original or renewed privilege, and on payment of 10*l.* for the second term, and 20*l.* for the third term.

Articles made abroad according to the invention protected can be imported without invalidating the privilege granted.

BORNEO (BRITISH NORTH).

The Governor of British North Borneo, by Proclamation 1 of 1887, enacted that the Ordinance of the Legislative Council of the Straits Settlements numbered XII. of 1871, entitled 'An Ordinance for granting exclusive privileges to inventors,' was adopted as the law of British North Borneo, and any reference to persons, places, or subjects in the said Ordinance should be taken as referring to corresponding or analogous persons, places, or subjects within British North Borneo. (The Straits Settlements Law is given at p. 494.)

BRITISH GUIANA.

The law relating to patents is governed by an ordinance dated July 12, 1861, No. 13.

Every inventor desirous of obtaining a patent must petition the Governor for the grant. The form of the documents is very similar to those in use in Great Britain, and the proceedings under the petition are also similar, there being a reference to the Attorney-General, whose duties in respect to patents nearly resemble those of the same officer at home. Provisional protection is granted for twelve months. The patent expires with the expiration of an earlier patent for the same invention elsewhere.

The conditions of the patents granted are nearly, if not precisely, similar to those of the British grants. A duty of 100 dollars is payable in the seventh year of the term. The patent is granted for fourteen years, and the Governor has power to prolong the patent for a term not exceeding seven years. A further duty of 100 dollars is payable on sealing a patent for a prolongation.

The ordinance also contains provisions as to disclaimers similar to those in operation at home. Proceedings for infringement must be taken in the Supreme Court of the island, or before the Chief Justice. Confirmation of a patent can be obtained when the patentee is proved not to be the first inventor, though he believed himself to be so. The letters patent will not prevent the use of the invention in foreign ships resorting to the ports of the colony.

BRITISH HONDURAS.

Patents are granted for this colony, under the Act for amending the law for granting patents for inventions, dated September 10, 1862, now chapter 74 of the consolidated laws of British Honduras.

The provisions of this Act bear a general resemblance to those in the British Patent Law Amendment Act of 1852. Commissioners of patents for inventions are appointed, who have power to make rules regulating grants. Every applicant must petition the Commissioners, and the petition and accompanying specification are referred to the Attorney-General for the colony. The applicant can lodge either a provisional or a complete specification in the first instance. The Attorney-General grants a certificate of allowance, which certificate is filed in the office of the Colonial Secretary, whereupon the invention is protected for six months. This protection is advertised, and the applicant is at liberty to give notice to proceed; and, on the expiration of the time allowed for oppositions, letters patent are granted for fourteen years. The letters patent are void unless duties are paid at the expiration of three and seven years from the grant. The letters patent expire on the determination of any earlier patent granted for the invention in Great Britain or in any foreign country or British colony. The letters patent will not prevent the use of the invention in foreign ships within the ports of the colony. This Act also provides for a 'Register of Patents' and a 'Register of Proprietors' being kept. All assignments and licences must be registered. Patentees may also enter disclaimers or memoranda of alteration. The Commissioners of Patents are authorised to grant prolongations of the original term not exceeding fourteen years. Actions for infringements must be brought in the Supreme Court of the colony.

The Government fees are :

	Dollars
On sealing letters patent	30
Third year's duty	50
Seventh year's duty	100

CANADA.

The Law of Patents for the Dominion of Canada is regulated by the Patent Act No. 61 of 1886.

This Act provides for the constitution of a Patent Office and

the appointment of a Commissioner of Patents, who is the Minister of Agriculture for the time being, also for a deputy commissioner and such clerks and officers as are necessary. A seal is also provided for, with which all patents and other documents issuing from the Patent Office are to be sealed.

Patents may be obtained by inventors or their assignees, or, in case of death, their legal representative, for all inventions not known or used by other persons before the invention thereof, and which have not been in public-use or on sale with the consent of the inventor for more than one year previous to the application in Canada. If the inventor be alive he must himself sign the application papers, as the applicant is required to make oath that he is the inventor, or, if the inventor is dead, that the applicant believes the person whose assignee or legal representative he is was the inventor, and must mention as his domicile some known and specified place in Canada. Where a foreign patent exists the Canadian application must be made before the foreign patent has been in existence for twelve months, and any person who has commenced the manufacture during such twelve months has the right to continue notwithstanding the patent; the Canadian patent expires at the earliest date at which any foreign patent for the same invention expires. Improvements upon original patents may be patented giving the inventor no right to use the original invention, nor does the original patent give any right to use the patented improvement.

A specification of the invention, accompanied by drawings where necessary, must be lodged in duplicate with the petition for the patent, and this specification must clearly describe the invention and state clearly what is claimed as new. A working model, or specimens of the ingredients and of the composition of matter, sufficient for experiments, must also be furnished, unless specially dispensed with.

The Commissioner may refuse patents :

(a) When he is of opinion that the invention is not patentable in law.

(b) When he is of opinion that the invention is already in possession of the public with the consent of the inventor.

(c) When he considers there is no novelty ;

(d) Or that the invention has been described in a printed book or publication before the application, or is otherwise in the possession of the public.

(e) When the invention has already been patented in Canada or elsewhere, unless the Commissioner has doubts whether

the previous patentee or the second applicant is the first inventor.

The applicant is at liberty to appeal to the Governor in Council from an adverse decision of the Commissioner.

Conflicting applications are submitted to three arbitrators, one to be chosen by each party and the third by the Commissioner.

The term of each patent is fifteen years, and the full fee may be paid on application for the whole term, or for five or for ten years only; and if a partial fee only is paid the patent will expire at the termination of the term for which the fee is paid, unless the fee for the further term is paid before the expiration of the term for which the fee is originally paid, and a certificate of such further payment obtained from the Patent Office.

Patents may be surrendered and new patents issued with amended specifications where it appears there has been an insufficient description or specification, or the patentee has claimed more than was new, if such error has arisen from inadvertence, accident, or mistake, and separate patents may be issued for distinct and separate parts of the invention patented.

The patentee, his assignee, or legal representatives may disclaim anything included in the patent by mistake, but such disclaimer will not affect pending suits.

Patents are assignable as to the whole or any part, and assignments must be registered in the Patent Office.

The patent will be held void if any material allegation in the application is untrue, or if the specification contains more or less than is necessary, when such addition or omission is wilfully made; but if it appears to the Court that such omission or addition was involuntary, and it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the Court will hold the patent valid for such parts as the patentee is entitled to.

Remedies are given for the recovery of damages for infringement, and patentees may obtain injunctions to restrain infringements and orders for accounts, etc.

Where the plaintiff fails to sustain his action because his specification and claim are too wide, whilst the defendant is found to have infringed a part of the patent which is properly specified and claimed, the Court may discriminate and give judgment accordingly.

Proceedings to repeal patents may be taken by action of *scire facias*.

Patents granted are void unless the construction or manufacture of the patented invention is commenced in Canada within

two years from the date of the patent, and is thenceforward continuously carried on. The patent will also be void if the patentee imports articles made according to the invention into Canada after the expiration of twelve months from the date of the grant; the term for manufacture in Canada may be extended for a further term of two years if the patentee can prove that for reasons beyond his control he was prevented from complying with the above conditions. The term for importations may also be extended for an additional term of one year on satisfactory cause being shown. An intending applicant not having perfected his invention may file a description of it in the Patent Office, and is thereby entitled to receive, during one year from the date of his filing, notice of all applications of a conflicting nature.

The fees payable to the Commissioner of Patents are: For the full term of fifteen years, 60 dollars; for ten years, 40 dollars; for five years, 20 dollars; for a further term of ten years, 40 dollars; for a further term of five years, 20 dollars; and for lodging a caveat, 5 dollars.

The Government of Canada may use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation; the use of the invention in any foreign ships is not prevented by the patent.

All patented articles, or the package containing them, must be stamped or marked with the word 'Patented,' and with the year of the grant: the patentee is liable to a fine of 100 dollars for selling or offering for sale any patented article not so marked. Marking an article 'Patented' which is not patented is a misdemeanor, and persons so offending are liable to fine and imprisonment.

All patents issued prior to the Act for any province now forming part of Canada remain in force for the residue of the term granted, and any patent previously granted for any province may, if the patent has not been known or used, or has not been on sale with the consent of the patentee in the other provinces, be extended over the whole of Canada for the remainder of the term mentioned in the provincial patent, and every patent previously issued upon which the fee required for the whole term has been paid shall be deemed to have been issued for the term of fifteen years, subject to its ceasing on the same conditions as those on which patents thereafter issued are to cease under this Act.

CAPE OF GOOD HOPE.

This Colonial Legislature has adopted a system very similar to that of 1852 of the mother country, governed by an Act passed in 1860 (No. 17).

The applicant for a patent must deposit at the office of the Colonial Secretary a specification of his invention, which is referred to the Attorney-General, who reports upon it and issues a warrant for the grant.

A writ of *scire facias* may be sued out for the repeal of the patent.

The letters patent are void unless a stamp duty of 10*l.* is paid before the expiration of the third year, and of 20*l.* before the expiration of the seventh year of the grant. Confirmation of a patent can be obtained when the patentee is proved not to be the first inventor, although he believed himself to be so.

Extensions for a term not exceeding fourteen years may be obtained.

Letters patent for foreign inventions expire with the foreign grant. The grant does not prevent the use of the invention in foreign ships resorting to ports in the colony.

The regulations as to disclaimers and legal proceedings are similar to those of the home patents.

A register of patents and of proprietors is kept, and all assignments and licences must be registered.

There is a penalty of 100*l.* for the unauthorised use of the word 'Patent.'

Particulars of breaches and of objections are to be given in patent actions.

CEYLON.

The Inventions Ordinance No. 6 of 1859 governs the law of patents in this colony.

The inventor of any new manufacture may petition the Governor for leave to file a specification thereof; such petition must be in writing, and be signed by the petitioner or his agent, and must state the name, condition, and place of residence of the petitioner, and the nature of the invention, upon which the Governor may order the petitioner to file a specification.

The specification must be filed within six months from the date of the order, upon which the Governor may grant to the inventor the sole and exclusive privilege of making, selling, and

using the said invention in Ceylon for the term of fourteen years from the time of filing such specification ; and for a further term not exceeding fourteen years, upon petition to be presented by such inventor, not more than one year and not less than six months before the expiration of the exclusive privilege granted.

The specification must be in writing, and be signed by the petitioner, and must particularly describe and define the nature of the invention, and the manner in which the same is to be carried out. The use of an invention in public by the inventor, his servants, agents, or licensees is not deemed a public use within the meaning of the ordinance.

The exclusive privilege will cease if the invention or the mode in which it is exercised is declared by the Governor to be mischievous to the State, or generally prejudicial to the public.

No specification can be filed until the petitioner has paid all fees. The fee on filing a specification is 10*l*.

FIJI.

The legislation with respect to the protection of inventions by letters patent is comprised in the Ordinances No. 3 of 1879 and No. 7 of 1882.

The inventor, his heirs, executors, administrators, or assigns can obtain letters patent for the term of fourteen years by filing in the office of the Colonial Secretary a petition accompanied by a specification and declaration. Provisional protection is granted for six months.

The rights granted in the colony will cease with the expiration of any earlier patent obtained elsewhere.

All letters patent and assignments are to be registered in the office of the Registrar General.

Letters patent may be conceded or revoked by order of the Supreme Court or a judge if the invention is of no utility, if the invention was not new at the time of presenting the petition, if the petitioner is not the true and first inventor, or if the petition or specification contains a wilfully false statement.

The Supreme Court has power to order any specification or petition to be amended.

The fees payable are :

On depositing petition and specification .	£5	5s.
For certificate of provisional protection .	3	3
For obtaining letters patent	10	10
Filing memorandum of alterations in amendment of specification	1	1

HONG KONG.

The Ordinance for this colony is No. 14 of 1862, by which all British patents can be extended to Hong Kong. A petition, specification, and declaration are to be filed in the office of the Colonial Secretary, and notice thereof and of the intention to apply for letters patent and of the time of the sitting of the Executive Council, before whom the matter of the petition will come for discussion, together with such other particulars as the Governor shall require, must be inserted twice in the Hong Kong Government Gazette. The Governor will either grant or refuse the patent according to the advice of the Executive Council. The letters patent, when granted, are directed to be in the form prescribed by the Patent Law Amendment Act, 1852, for British letters patent, and the letters patent, if granted, confer privileges similar to those granted by British letters patent and for the term of that patent. The letters patent can be extended in cases where the British patent has been extended.

The petitioner must, in all cases, be either the patentee or the owner by assignment of the patent in Great Britain.

INDIA.

The law of patents in India is now governed by the Inventions and Designs Act, 1888.

The inventor of a new manufacture desirous of obtaining protection in India must apply in writing to the Governor-General in Council for leave to file a specification thereof. He must state his name, occupation, and address, and, if a patent has been obtained in England, the date of the patent, and must also furnish a specification and drawings, and state the particular novelty whereof it consists. A model may also be required.

The Governor-General may, after such inquiry as he sees fit (including, where he thinks it necessary, a reference, at the cost of the applicant, to some person named by him), authorise the applicant to file a specification.

If two or more inventors apply on the same day to file specifications of identical inventions, the Governor-General may authorise both or all the applicants to file specifications: if they apply on different days, the first applicant has a preference.

If the applicant causes a specification of his invention to be filed, and pays the required fee within six months from the date

of the order giving him leave to file, the applicant is entitled to the exclusive privilege within British India for fourteen years ; this privilege, however, ceases if the prescribed fees are not duly paid. The periods allowed for filing the specification, and also for payment of the fees, may be extended on application made.

The specification must be in writing signed by the applicant, and must set forth the precise invention, with such full particulars as will enable others to put the invention into practice, and, if the invention is for an improvement only, the specification must distinguish explicitly between what is old and what is new.

Four copies (at least) of the specification and drawings are required, one for the Secretary and the others for the Governors of Fort George, Bombay, and the Chief Commissioner of Burma ; and the specifications are to be open for inspection at places to be appointed by these authorities.

The Secretary is to keep a book, called the ' Register of Inventions,' in which is entered every application for leave to file a specification, any order made thereon, any specification filed, and any subsequent proceeding relating to the invention.

The Secretary is also to keep an address book, where any person interested in any application or privilege may cause to be stated some place in British India where notice of any rule or proceeding relating to the privilege may be served upon him.

The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege, apply to the Governor-General for an extended term, and the Governor-General may, if he is of opinion that the inventor has not been adequately remunerated, make an order extending the term for a further term not exceeding seven or, in exceptional cases, fourteen years, and upon payment of prescribed fees.

The exclusive privilege has the like effect against her Majesty as against a subject, but the officers of her Majesty may use the invention on terms to be agreed upon with the inventor, or, in default of such agreement, on such terms as may be settled by the Governor in Council.

Defective or too extensive specifications may be amended.

The exclusive privilege will not be granted : (a) If the invention is of no utility, (b) if it is not new, (c) if the applicant is not the inventor, (d) if the specification does not fulfil the requirements of the Act, (e) if the application contains a wilful or fraudulent misstatement, (f) if the application is made after the expiration of

a year after the acquisition of a foreign patent for the same invention.

The invention will be deemed new if it has not before the application been publicly used in British India or the United Kingdom, or publicly known there by means of a written publication ; but the public use or knowledge is not deemed so within the meaning of the Act if the knowledge has been obtained surreptitiously or communicated to the public in fraud of the inventor or in breach of confidence, provided the inventor has not acquiesced in the public use, and that he has applied for leave to file a specification within six months after commencement of that use.

The use of the invention in public by the inventor or his licensee for a period not exceeding one year prior to his application is not deemed a public use within the Act.

If a British patentee makes an application in India within a year of the sealing of the British patent the invention shall be deemed new if the invention was not publicly used or known in India before the application, notwithstanding it may have been known or used in India or the United Kingdom before the date of the Indian application ; and the same protection is given to the inventor where the invention may have become known or used during a pending application in the United Kingdom, provided that there is not more than twelve months' interval between the British and Indian applications. The inventor is also protected against an exhibition of his invention at an industrial or international exhibition certified as such by the Governor-General.

The exclusive privilege will cease if it is declared to be mischievous to the State, or prejudicial to the public, or upon the revocation or expiration of the British or any foreign patent obtained for the same invention.

The Act also contains a series of provisions relating to the proceedings which may be instituted for infringements.

The exclusive privilege may be declared void on proceedings being taken, resulting in declarations of the Indian High Court that the invention is of no utility or not new, that the applicant was not the inventor, that the specification is insufficient, or contains wilful or fraudulent misstatements, or that the invention is injurious to the public.

If the actual inventor proves to the Court that the applicant was not the actual inventor and that the privilege was obtained in fraud of the inventor, the Court may make a decree vesting the exclusive privilege in the actual inventor, and may require the

applicant to pay over to the actual inventor the profits derived by him from the invention.

On petition of any person interested, and proof that the exclusive privilege is not worked in India, or that the reasonable requirements of the public cannot be supplied, or that any person is prevented from using or working an invention of which he is possessed, the Governor-General may order, or may himself grant, licences in such terms as he may deem just.

Assignments may be made for any local area.

The fees payable under the Act are as follows :

	Rupees
Application for leave to file a specification	10
Filing a specification	80
Extension of time for filing	20
Before the expiration of the 4th, 5th, 6th, 7th, and 8th years of the privilege	50
Before the expiration of the 9th, 10th, 11th, 12th, and 13th years	100
Application for extension for a further term	50
Continuance of term	100
Application for amendment	20
Petition for compulsory licence	50

JAMAICA.

The law of patents in this island is governed by the Act, chap. 80, of 1857.

Every inventor desirous of obtaining a patent must petition the Governor; the petition, accompanied by a declaration as to the invention, and a specification fully describing the same, is then referred to the Attorney-General, who gives a certificate of his allowance, upon which the Governor issues letters patent.

Drawings are to be furnished in duplicate.

The patent must be brought into operation in Jamaica within two years from the date of the patent.

The term of the grant is for fourteen years, and may be extended for a further period of seven years.

The patentee is at liberty to assign all or any part of his rights, and patents may be issued to assignees of any persons who have obtained patents in other countries.

The Act makes provision as to disclaimers, and provides that a patentee may add a specification or description of any improvement upon the original invention, and have the same annexed to the original specification.

Provisions are also made as to pleadings and costs in actions, as to the writ of *scire facias*, and as to the appointment of Commissioners.

If it is proved in any action that, by mistake, accident, or inadvertence, the patentee has claimed something of which he was not the inventor, the patent shall be deemed valid for so much of the invention as shall actually be his own. Treble damages are recoverable by a patentee from unlawful users of his patented invention. The wrongful marking of goods in imitation of a patentee's mark is subject to a penalty.

All applications for patents must be accompanied by a power of attorney, bearing the English stamp duty; proved as required by the local statute, 27th Victoria, chap. 17.

The letters patent bear a stamp duty of 6*l.* 10*s.*

The fee for reference to the Attorney-General is 5*l.*

LEEWARD ISLANDS.

The Leeward Islands consist of Antigua, Montserrat, St. Christopher, Nevis, Dominica, Anguilla, and the Virgin Islands. The law of patents is contained in the Acts No. 12 of 1876 and No. 16 of 1878. The Attorney-General, the Auditor-General, and the Treasurer of the Presidency of Antigua, with such other persons as may be appointed by the Governor, are the Commissioners of Patents. Patents are granted for the term of fourteen years on applications, including a petition, declaration, and specification. The proceedings in applications for patents are very similar to the proceedings under the British Patent Law Amendment Act of 1852. The patent becomes void with the expiration or determination of any earlier patent elsewhere for the same invention, and no patent granted in the colony after the determination of any earlier patent elsewhere is valid. The Acts provide for the printing of all specifications, registers of patents, and registers of proprietors. Actions for infringements are regulated by the Code of Civil Procedure. The Government fees amount to 28*l.* in the case of every unopposed patent. A duty of 10*l.* is payable at the termination of three years, and a duty of 20*l.* is payable at the end of seven years. The stamp duty on a disclaimer is 3*l.*, and a fee of 2*l.* is also payable to the Attorney-General in respect of each disclaimer.

MALTA.

An ordinance (No. 13 of 1889) enacted by the Governor with the consent of the Council provides for the protection of inventions in Malta.

Patents may be obtained by first and true inventors for mechanical contrivances, processes of manufacture, patterns or designs, for a term not exceeding fourteen years.

The applicant must file in the Chief Secretary's office two copies of a specification, containing a declaration that the applicant is himself, or is the authorised agent of, the true and first inventor, a description of the invention, illustrated with necessary drawings, and claims for the inventions or combinations claimed as new and for which a patent is asked.

A fee of 1*l.* is to be paid on each application, and every two years a further fee of 1*l.*, with 5 per cent. upon the profits which have arisen from the exclusive manufacture, the amount of which is to be declared by an affidavit of the applicant.

The patent is to cease whenever it is proved before the competent Civil Court that the invention claimed has been previously made publicly known in the islands or elsewhere, or that the applicant is not the first inventor or his representative.

The inventor may be required to assign his right, or to grant the use thereof, for a consideration to be determined by the Civil Court if the invention has not been put into action within twelve months subsequent to the concession, or if its working shall have been suspended for twelve months continuously.

Copies of specifications may be inspected in the Public Registry and in the Chief Secretary's office.

An inventor on filing his specification may request that it be not published, and may within a year file a second amended specification, modifying the first and setting out improvements of details.

Patents granted in the United Kingdom, in the Colonies, or in other countries may be extended to Malta for the unexpired term of the original patent.

MAURITIUS.

The law of patents for this colony is regulated by an ordinance of the Governor of Mauritius dated May 22, 1875. The Governor, with the consent of the Council of Government, is empowered to grant patents for inventions for a period not exceeding fourteen years, and for such further term, not exceeding fourteen years, as the Governor in Council may think fit. The patent may be applied for either by the inventor or by his executors, administrators, or assigns.

The application must be in the form of a petition and decla-

ration, and must be accompanied by a specification and drawings. These papers are referred to the Procureur-General; and if he approves of them, he is authorised to issue a certificate to that effect, and the inventor is thereby provisionally protected. A payment of 10*l.* is to be made to the Procureur-General upon the issue of his certificate. After the issue of the certificate the application is advertised in the Gazette, and any opposition thereto must be entered within one month from the advertisement. If there is no opposition the patent is sealed upon payment of 2*l.* to the Receiver-General, and upon deposit, in the office of the Colonial Secretary, of a printed copy of the petition and specification.

The patentee has power to petition the Governor for allowance to amend the specification. No patent is to be granted for an invention in respect of which a patent has been granted out of the colony and has expired. The importer into Mauritius of a new invention is not deemed an inventor unless he is the actual inventor. The use of an invention in public by the inventor, or by his servants or agents, or by any other person with his licence, for a period not exceeding one year prior to the date of the petition, is not deemed a public use within the meaning of the ordinance.

An inventor having obtained British letters patent may obtain a patent in Mauritius provided the application be made within twelve months from the date of the letters patent, although previously known or used in Mauritius, provided that such knowledge or use in Mauritius was not prior to the date of the British patent.

The ordinance also regulates the proceedings in cases of infringement of letters patent.

NATAL.

The law of patents for this colony is governed by the Colonial Act No. 4 of 1870, 'To provide for the granting in this colony of patents for inventions,' and is based on the provisions of the British Patent Law Amendment Act of 1852. The law No. 32 of 1884 provides for the extension to this colony of the provisions of the International Convention.

The power of granting letters patent for fourteen years is vested in the Lieutenant-Governor. Applicants are required to deposit in the office of the Attorney-General a description of the invention or a provisional specification; a certificate of such deposit is given to the applicant, whereupon the invention is protected for six months. In lieu of the provisional specification the appli-

cant may, if he thinks fit, deposit a complete specification with the Attorney-General. The applicant may give notice to proceed immediately after the deposit of his specification. This notice to proceed is advertised in the Government Gazette. After the expiry of the period allowed for oppositions, the Attorney-General grants his warrant, upon which letters patent are sealed. The letters patent are void unless certain duties are paid at the expiration of three and of seven years. The letters patent also expire with the determination of any British or foreign patent of an earlier date. Patentees are at liberty, with leave of the Attorney-General, to enter disclaimers or memoranda of alteration. The Lieutenant-Governor is empowered to grant prolongations of the original term not exceeding fourteen years. The law provides that a 'Register of Patents' and a 'Register of Proprietors' shall be kept.

All actions for infringements are to be brought in the Supreme Court.

The fees for sealing the letters patent are	£1	10s.
Third year's duty	.	5 0
Seventh year's duty	.	10 0

NEWFOUNDLAND.

The law of patents for this colony is defined by the Consolidated Statutes XV., chap. 54, sect. 1.

Inventors desirous of obtaining patents in Newfoundland must present a petition to the Governor for the grant, and must deliver into the office of the Colonial Secretary a specification of the invention, and, in case of a machine, a model also. The patent is granted upon this petition, after a reference to the Attorney-General.

The patent is granted for fourteen years, but may be extended for a further term of seven years. The invention must be worked in the colony within two years from the date of the grant.

The patent expires with the determination of any earlier patent elsewhere.

NEW SOUTH WALES.

The Acts of the Colonial Legislature relating to patents are dated December 6, 1832, June 19, 1879, and July 8, 1887.

Every person who, upon claiming to be the author or designer of any invention by his agent or assignee, shall be desirous of obtaining letters patent, shall pay to the Colonial Treasurer the

sum of 5*l.*, and shall, after such payment, lodge a petition to the Governor setting forth that he is the author or deviser of such invention, or the agent or assignee of the author or deviser, and specifying the particulars of such invention, and that he has paid to the Colonial Treasurer the sum of 5*l.*, whereupon, if the application is approved by the Minister of Justice, the Governor may grant letters patent.

Certificates of provisional protection may be obtained for twelve months, on payment to the Colonial Treasurer of 2*l.*

The Governor will grant letters patent to the holder of a certificate of provisional protection on a complete specification being filed, and on further payment of 3*l.* to the Treasurer.

Letters patent are dated and sealed as of the day of the deposit of the application for provisional protection, but no action can be taken in respect of any infringement committed before the deposit of the complete specification. Patents are granted for not less than seven or more than fourteen years.

Certificates of provisional protection and letters patent are assignable. Every assignment and licence must be registered in the office of the Examiner of Patents. Assignments executed in the United Kingdom or elsewhere (not being within the Australian colonies) must be registered within ninety days from the date of execution.

The Governor may appoint an examiner of patents, who, under the direction of the Minister of Justice, shall examine and report to that officer upon all petitions for letters patent.

The Act gives no power to amend specifications after the patent is issued, and there are no provisions for compulsory working.

* NEW ZEALAND.

The law of patents for this colony has been consolidated by Act No. 12 of 1889, upon the lines of the British Patents Act, 1883.

The Governor is empowered to appoint a Registrar and deputy Registrar of Patents, a place to be the Patent Office, and local offices, and Patent Office agents.

Any person may make application for a patent, and a patent may be granted to several persons jointly, of whom one only is the inventor. Patents may be obtained by the representatives of deceased inventors, if such applications are made within six months of the decease of the inventor. Mere importers cannot obtain patents.

Applications are to be made in the form set out in the schedule to the Act, and must be left at or sent by post to the Patent Office, or left at a local Patent Office.

The application must be accompanied by the declaration of the inventor, and by either a provisional or complete specification signed by the inventor; the specification must be limited to one invention.

The Registrar must examine every application, to ascertain whether the nature of the invention is described, that the papers are prepared as prescribed, and that the title sufficiently describes the subject-matter of the invention. The Registrar has power to refuse the application, or to require its amendment.

If a provisional specification has been first deposited, the complete specification must be lodged within nine months from the date of acceptance of the application, the Registrar must examine both specifications for the purpose of ascertaining that the complete specification has been prepared as prescribed, and that the invention is substantially the same as that described in the provisional specification. If the conditions have not been complied with, the Registrar may refuse to accept the complete specification until it is amended to his satisfaction, but such refusal is subject to appeal to the Court. The application is void if the specification is not accepted within twelve months from the date of application.

The acceptance is advertised in the Gazette, and oppositions may be entered, notice being lodged within two months of the advertisement.

The Registrar is empowered to hear the applicant and the opposer, and to determine whether the grant shall be made or not; this decision is subject to an appeal to the Court.

On the expiration of two months from acceptance, if there is no opposition, or, in case of opposition, if the determination is in favour of the grant, the Registrar is to seal the patent with the seal of the colony. Every patent is to be sealed as of the date of acceptance, but no proceedings can be taken in respect of an infringement committed before the publication of the specification. The patent when sealed covers the entire colony and its dependencies for fourteen years, unless the patentee fails to make the prescribed payments within the prescribed times. Every patent is to be granted for one invention only, but may contain more than one claim; but no objection can be taken to the patent on the ground that it covers more than one invention.

Power is given to the Registrar to allow enlargement of the

terms (not exceeding three months) for making the prescribed payments, where not made by accident, mistake, or inadvertence.

Inventions may be used during the term of provisional protection, without prejudice to the patent to be granted.

Amendments of the specifications may be made by leave of the Registrar subject to appeal to the Court, and applications for amendments may be opposed by any person. No amendment is to be allowed that will make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention originally claimed. Leave to amend is conclusive as to the right of the party to make the amendment allowed, except in case of fraud. Amendments may, by leave of the Court or a judge, be made during actions.

The Governor is empowered to order the patentee to grant licences, on such terms as he may think right, where it is proved that, by the default of the patentee to grant licences on reasonable terms, the patent is not being worked in the colony, or the reasonable requirements of the public are not supplied, or where any person is prevented from working to the best advantage an invention of which he is possessed.

The Governor may grant extensions of the term of patents for terms not exceeding seven, or, in exceptional cases, fourteen years, upon the report of the Court that the patentee has not been adequately remunerated.

Revocations of patents may be obtained on petition to the Court. The proceedings with respect to revocations are substantially similar to those contained in the British Act. The proceedings with respect to infringements are also substantially the same as in the English Courts.

A Register of Patents is to be kept, containing the names and addresses of grantees of patents, notifications of assignments and licences, and of extensions, amendments, and revocations.

Patents may be assigned or licensed for the whole colony, or for any particular part of it.

The exhibition of any invention at industrial or intercolonial exhibitions will not prejudice the patent right on the prescribed proceedings being taken.

The Registrar may require the patentee to furnish a model, on payment to the patentee of the costs of its manufacture.

A patent will not prevent the use of an invention for the navigation of a foreign vessel within the colonial jurisdiction; but this protection does not extend to vessels of any foreign state having patent laws which prevent the use of such inventions in

British vessels in waters within the jurisdiction of such foreign states.

The Governor has power to deal with applications for patents for improvements in instruments or munitions of war, so that the same may be kept secret, pending a reference to her Majesty's Principal Secretary of State for the War Department.

By an Order in Council the provisions of sect. 103 of the British Patents Act, 1883, is applied to New Zealand, and any person who has applied for protection in England or in any foreign state a party to the International Convention is entitled to a patent in the colony in priority to other applicants, and such patents shall take effect from the same date as the application in England or such foreign state, provided that the application in the colony is made within twelve months from the date of the English or foreign application; and the benefit of the same provision is extended to all other colonies brought within the same provisions.

The registers under the Act are open to public inspection, and extracts may be obtained of all entries therein. Entries in the registers may be corrected by the Court.

Appeals from the Registrar are heard before the Court sitting at Wellington.

Every person making false writing in registers is guilty of a misdemeanor.

The Registrar has power to correct clerical errors, to call and examine witnesses on oath, papers and documents, to require the parties to make deposits to meet costs, to order payment of costs, and to adjourn hearings; in opposed cases he must have the applicant and the opposer and their witnesses. The Registrar is required to make an annual report.

No person is entitled to call himself a patent agent unless registered as a patent agent in pursuance of the Act, under a penalty of 20*l.*

The Governor in Council is empowered to make general rules, as to publishing copies of specifications, drawings, amendments, and other documents; and as to publishing and selling indexes and abridgments of specifications, providing for the inspection of Patent Office documents, the registration of patent agents, and generally for regulating the business of the Patent Office, and all things placed under the direction or control of the Registrar.

No provisions for compulsory working are imposed.

Penalties are imposed on persons falsely representing articles to be patented.

The fees prescribed on applications for and renewals of patents are :

On lodging application with provisional or with complete specification	£ 0 10s.
On filing complete specification	0 10
On application to amend	1 0
On obtaining letters patent	2 0
On or before the expiration of the fourth year	5 0
On or before the expiration of the seventh year	10 0
On presenting petition for extension of term	2 0

QUEENSLAND.

The law of patents for this colony is defined by Acts No. 13 of October 13, 1884, and No. 5 of September 4, 1886. The Act of 1884 established a Patent Office for the colony under the control of a Registrar of Patents.

The provisions of the Act are to a great extent similar to those of the British Act of 1883, and the applications and proceedings thereunder bear a strong resemblance to those of the mother country. When an inventor is out of the colony, application for the patent may be made by his assignee.

Applications may be made, accompanied by either provisional or complete specifications ; these applications are referred to examiners, who report thereon to the Registrar, and the Registrar may upon this report either refuse applications or require them to be amended. The complete specification must be left within nine months from the application. The examiner compares the complete with the provisional specification and reports to the Registrar thereon. Unless the complete specification is accepted within twelve months from the date of application the application becomes void. These dates can, however, be extended on application and payment of prescribed fees.

The grants may be opposed, the Registrar hearing and deciding on oppositions subject to appeals to the law officers.

Patents are dated as of the day of application. No proceedings for infringements can be taken until after the grant of the patent.

The patent is granted for the term of fourteen years, subject to the payment of the duties mentioned below ; the times for making the payments may be extended for three months.

Powers are given for amending specifications and for disclaiming any actions, and for the grant of compulsory licences, and for the revocation of patents similar to those in force at home.

A register of patents is kept, in which all deeds, licences, etc., must be entered.

The Governor in Council has power to grant extensions of the terms of patents for terms not exceeding seven or, in exceptional cases, fourteen years, the powers given being very similar to those of the Privy Council with respect to British patents.

Patents bind the Crown, but officers of the Crown may use the invention for the Crown service on terms to be agreed on with the approval of the Minister, or, in default of agreement, terms settled by the Minister after hearing the parties.

Provision is made for the protection of patentees by legal proceedings, and remedy is given to persons aggrieved by groundless threats of legal proceedings

The representatives of a deceased inventor may obtain patents.

The exhibition of an unpatented invention at industrial or international exhibitions will not prejudice patents subsequently obtained in due time.

The Minister has power to compel the patentee to furnish a model of his invention on payment to the patentee of its cost.

The patent will not prevent the use of an invention for the purposes of the navigation of foreign vessels in Queensland waters.

In case her Majesty makes an Order in Council to apply the provisions of the 103rd section of the British Act of 1883 to Queensland, the international arrangements for the protection of the inventions are adopted, and similar arrangements are made with respect to India or any other British possession where provisions exist for protecting inventions patented in Queensland.

The Governor in Council has power to make general rules for the regulation of the business of the Patent Office.

Persons falsely representing articles to be patented are liable to fines not exceeding 5*l.* in each case, and there is also a penalty (not exceeding 20*l.*) imposed on an unauthorised assumption of the royal arms.

No conditions for compulsory working are imposed.

The fees to be paid are as under :

On application for provisional protection	£2	0s.
On filing complete specification	3	0
or		
On filing complete specification with first application	5	0

Before the end of four years	£ 5 0
Before the end of eight years	10 0
Or in lieu of the 5 <i>l.</i> and 10 <i>l.</i> fees :	
Before the expiration of each of the 4th, 5th, 6th, and 7th years	1 0
Before the expiration of each of the 8th and 9th years	1 10
Before the expiration of each of the 10th, 11th, 12th, and 13th years	2 0

ST. HELENA.

Under Ordinance No. 3 of 1872, British letters patent may be extended to this island. The patent right is only granted to grantees of a British patent, his executors, administrators, or assigns. The duration of the patent is limited to that of the British patent. To obtain protection the applicant must deposit certified copies of the British patent and specification in the Registry of the Supreme Court of the island. These documents are open to public inspection. A fee of 1*l.* 1*s.* is payable on filing the specification.

It is provided that all cases of doubt or difficulty not provided for by the ordinance shall be guided and governed by the English law.

SOUTH AUSTRALIA.

The patent law of this colony is now embodied in several Acts, namely, 'The Patent Act, 1877' (which was passed December 21, 1877), and the Acts No. 101 of 1878, No. 201 of 1881, and No. 421 of 1887.

Every applicant for letters patent must present a petition and declaration, together with specification and drawings in duplicate. These must be signed by the applicant, who may be either the inventor or his assignee, or legatee or executor of a deceased inventor; the declaration being made before any competent authority, and the specifications and drawings attested by two witnesses. The place and date of signature must also be stated in every case. The documents may be signed under power of attorney from the applicant. The exhibition of an invention within six months of the date of filing the petition is not a ground for the refusal of a patent.

Provisional protection can be obtained for twelve months. Patents are granted for fourteen years, and expire with the de-

termination of any earlier foreign patent. Extensions may be obtained for any term not exceeding seven years. A fee of 20*l.* is payable upon such extension. The invention protected may be used in foreign vessels navigating the colonial waters, notwithstanding the patent. The Government may use the patented invention on payment of an agreed royalty. In case of difference the amount to be paid is settled by arbitration. When a patent is deemed defective in consequence of the specification being insufficient, or by the patentee having claimed more than he had a right to claim, the Commissioner may, on being satisfied that the error arose from inadvertence, accident, or mistake, and was not fraudulent, and upon the surrender of the patent and the filing an amended specification, grant a new patent for the unexpired term of the original grant. A fee of 10*l.* is payable upon such a grant. Disclaimers or memoranda of alteration may also be filed, a fee of 2*l.* 10*s.* being payable on each application. Confirmation of an invalid patent may be obtained when it is proved, or has been found by the verdict of a jury, that the patentee was not the true and first inventor by reason of some other person having invented the same prior to the date of the patent. A fee of 50*l.* is payable for such confirmation. A caveat may be filed, and the person filing the same will be entitled to notice of any application being made for a patent for a similar invention, within twelve months from the date of filing. There is a fee of 1*l.* payable upon each caveat.

Patents may be revoked by the Governor if, after three years from the date of the patent, it is proved that neither the patentee nor his assignee or licensee has used the patented invention to a reasonable extent for the public benefit. No revocation under this clause has up to this time taken place.

Proceedings may also be taken to revoke a patent by *scire facias*.

All assignments and licences must be registered in the Register of Proprietors. The registration fee is 1*l.* in each case.

Penalties are imposed for unauthorised use of the name of a patentee, or for counterfeiting his stamps, mark, or devices.

Fees of 2*l.* 10*s.* each have to be paid at or before the expiration of the third and seventh years respectively.

STRAITS SETTLEMENTS.

The ordinance for granting exclusive privileges to inventors is No. 12 of 1871, dated November 15, 1871.

Exclusive privileges may be obtained by actual inventors or first importers of inventions not publicly used or known in the colony. An invention shall be deemed new if it shall not, prior to the time of applying for leave to file a specification, have been publicly used by other than the inventor in the United Kingdom or the colony; but inventors having obtained British or British-colonial patents may obtain exclusive privileges during the remainder of the term for which such British or British-colonial patents may have been granted.

Exclusive privileges are obtained by inventors petitioning the Governor in Council for leave to file a specification, whereupon the Governor may make an order authorising the petitioner to file a specification. If the specification be filed within six months after the date of the Governor's order, the Governor may grant the petitioner an exclusive right to use the invention in the colony for the term of fourteen years, and for such further term, not exceeding the term of fourteen years, as the Governor may direct, upon petition presented to him at any period not more than one year, and not less than six months, before the expiration of the original term of the exclusive privilege. Errors, defects, or insufficiency in specifications may be corrected by disclaimers or by filing amended specifications.

Actions for infringement of the exclusive privileges may be maintained in the Supreme Court of the colony; and the rules regulating such proceedings appear to be greatly in favour of the holders of exclusive privileges. Appeals from the Supreme Court may be made to her Majesty in Privy Council.

The stamp on a petition for the grant of an exclusive privilege is 50 dollars. No further duties are payable.

TASMANIA.

The law of patents in this colony was established by an Act passed November 5, 1858, amended by an Act passed in 1883. Patents are always granted for fourteen years. They expire with the determination of any earlier foreign patent for the same invention. They will not prevent the use of the invention in foreign ships resorting to the colony. There is no provision for compulsory working. Although the law provides for the grant of provisional protection, it is only granted on very full specifications.

The proceedings to obtain patents are very similar to those at home, and the provisions with respect to actions, disclaimers,

etc., are also much the same. Patents may be repealed by action of *scire facias*.

The Government fees are about 7*l.* 10*s.* on application, and a stamp duty of 15*l.* is to be paid at the expiration of the third year, and 20*l.* at the expiration of the seventh year of the grant. By law No. 2 of October 20, 1884, after reciting section 104 of the Patents Act (United Kingdom), 1883, it is enacted that any person who has applied for protection for any invention in the United Kingdom shall be entitled to a patent for his invention in priority to other applicants, and such patents shall have the same date as the protection obtained in the United Kingdom, provided the colonial application is made within seven months from the application for protection in the United Kingdom; publication in Tasmania within that period shall not invalidate the patent.

TRINIDAD.

The ordinance for granting exclusive privileges to inventors is No. 25, dated September 2, 1867.

On application to the Registrar-General of the island, and on delivery to him of a declaration, accompanied by a specification, he will issue a certificate, which must be advertised in the Official Gazette. The specification may be delivered open or in a sealed envelope. In the latter case the Registrar-General will, at the end of six calendar months from the date of the certificate, or at an earlier day at the request of the patentee, break the seal of the envelope and register the specification.

The certificate vests in the applicant the exclusive right to the invention within the island for fourteen years; but if at any time during that term it shall be made to appear that the invention is not new as to the public use and exercise thereof in the island, or that the invention is prejudicial or inconvenient to the public, then the applicant's exclusive privileges will become void.

The fees payable to the Registrar-General on leaving the declaration and specification, and for publication of same in Gazette, amount to 10*l.* 10*s.*

Disclaimers may be entered, a fee of 2*l.* being payable on each entry.

The patentee has the like remedies against infringers as the grantee of any letters patent would be entitled to in the like case in England.

VICTORIA.

The Act 53 Vict. cap. 84, passed November 25, 1889, coming into operation March 1, 1890, consolidates the law of patents in this colony and repeals all former Acts. This Act is, in most respects, similar to the British Patents Act, 1883, but there are differences which will be mentioned.

The Governor in Council is empowered to appoint and remove a Commissioner of Patents, and also as many examiners as may be necessary. The Commissioner is to have a seal with which all patents are to be sealed.

Any person, whether a British subject or not, may apply for a patent. The applicant may be the actual inventor; or his assigns; or the actual inventor jointly with the assigns of a part interest in the invention; or the legal representatives of a deceased inventor, or his assigns; or (where the inventor is not resident in the colony) any person to whom the invention has been communicated by the actual inventor, his legal representatives, or assigns.

The application must be made in the form given, and must be accompanied by either a provisional or complete specification. The application is referred by the Commissioner to an examiner, who must ascertain and report whether the nature of the invention is fairly described, and whether the application, specification, and drawings are prepared in the prescribed manner, and whether the title sufficiently indicates the subject-matter of the invention, and whether, to the best of the knowledge of the examiner, such invention is not novel, or is already in the possession of the public, with the consent of the inventor, and upon such matters as the Commissioner may require. On the report of the examiner, the Commissioner may refuse the application, or require its amendment. The applicant has power to appeal from any adverse decision to the Law Officer, who is required to hear the applicant and the Commissioner, and to decide whether the application shall be accepted or not.

If a complete specification is not left with the application, it may be left any time within nine months from the application; if not so left, the application is deemed to have been abandoned. The Commissioner has power to extend the time for leaving the complete specification for one month.

The complete and provisional specifications are referred by the Commissioner to an examiner, who is to ascertain whether

the complete specification is prepared in the prescribed manner, and whether the complete specification describes substantially the same invention as that described by the provisional specification.

The Commissioner may refuse the application upon this report, but such refusal is subject to appeal to the Law Officer.

The examiner's reports are not to be published or open to public inspection.

The Commissioner must advertise the acceptance of the complete specification, and the application is then open to public inspection, and any time within two months from the date of the advertisement any person may give notice of opposition to the application, on the ground of the applicant having fraudulently, or without his authority, obtained the invention from him, or from a person of whom he is the legal representative or assignee; or on the ground that the invention has not been communicated to the applicant by the actual inventor, his legal representative, or assigns (if not resident in Victoria); or on the ground that the invention has been patented in Victoria on an application of prior date; or on the ground of want of novelty, or of the invention having been already published or publicly used, or that the complete specification describes 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 and complete specifications, but on no other ground.

The opposition is heard and determined by the Commissioner, there being an appeal from his decision to the Law Officer. If the Commissioner is satisfied with the novelty of the invention, and there is no opposition, or, in case of opposition, if the determination is in favour of the applicant, the Commissioner issues a warrant for the sealing of the patent, and the patent is sealed as soon thereafter as may be. The patent is sealed as of the day of application, but no legal proceedings can be taken in respect of any infringement committed before the publication of the complete specification.

Inventions are protected from the consequences of use and publication, between the date of application and the date of sealing the patent. No proceedings can be taken for infringement until the patent has been granted.

Every patent covers the entire colony, and is for fourteen years, subject to payments of 2*l.* 10*s.* before the expiration of the third and of the seventh years of the term.

An applicant or patentee is empowered to amend the specifi-

cation, and the amendment may be opposed, these proceedings being similar to those in force in England.

A patentee can also apply to amend during the progress of legal proceedings for infringement or revocation.

Where an applicant, patentee, petitioner, or objector is dissatisfied with the decision of the Law Officer, he can appeal to the Supreme Court.

A Register of Patents is to be kept, containing in chronological order a statement of all patents granted, with the names and addresses of the grantees, notifications of assignments and licences, memoranda of the deposit, and filing of specifications, and disclaimers, of amendments of patents, and specifications, and of the expiry, revocation, or other determination of patents.

Prolongations may be obtained of patents for inventions of merit which have not been remunerative, for a term not exceeding fourteen years.

Confirmation of invalid patents may also be obtained, in cases where it has been found by a court of law that a portion of the invention was, unknown to the patentee, old at the date of the application.

Proceedings may be taken in the Supreme Court for the revocation of patents, upon grounds similar to those of the British Patents Act of 1883, with the additional ground, in the case of patents for communications, that the invention was not communicated by the actual inventor or his assignee.

Patent rights are good against the Crown, but may be used for the public service on terms agreed upon or settled by arbitration. The proceedings and pleadings in actions for infringements, or revocation, are very similar to the British proceedings. Remedy is given to any person aggrieved by groundless threats of legal proceedings.

The Act contains clauses for enabling the Governor in Council to make arrangements for the mutual protection of inventions with any of the other Australian Colonies, New Zealand, or Fiji, and also for the purpose of applying the provisions of sect. 103 of the British Patents Act of 1883 to the colony.

Patents for foreign inventions may be granted at any time within one year of the date of the foreign patent, notwithstanding prior use in Victoria during that period, providing such use has not been with the consent of the inventor.

A patent may be obtained by the representatives of a deceased inventor, if the application be made within twelve months of the death of the inventor.

The exhibition of inventions at industrial or international exhibitions will not prejudice patent rights, if the exhibitor gives the Commissioner one month's notice of his intention to exhibit, and application for the patent is made within twelve months from the opening of the exhibition.

The patent will not prevent the use of the invention in foreign ships in the colonial waters, but this provision does not apply to the protection of subjects of foreign states not conferring reciprocal advantages.

Penalties are imposed on persons marking goods with the name of a patentee, without leave in writing of the patentee; or who mark goods 'Patent' with the intention of imitating the stamps or marks of the patentee; or who put to sale as patented in Victoria any article not patented there, for the purpose of deceiving the public.

WESTERN AUSTRALIA.

The law of patents in this colony is comprised in an Act to amend and consolidate the law relating to patents for inventions which passed the Colonial Legislature, November 26, 1888.

The Patent Office is attached to the department of the Registrar-General. Any person may apply for a patent, and a person not the inventor may join in the application and be a co-patentee. A patent will also be granted to the legal representatives of a deceased inventor. The application must be accompanied by either a provisional or complete specification. The application is referred to an examiner, and upon his report the Registrar will accept or refuse the application. The complete specification must be left within nine months from the date of application. Persons interested may oppose the grant on the ground of the opposer being interested in an application of prior date, or that the examiner has reported that the specification comprises the same invention as is described in a previous application. The proceedings before the Registrar are subject to appeal to the Attorney-General. Specifications are not published unless the applications are accepted. Provisional protection is granted for the period between the date of application and the sealing the patent.

Patents are granted for fourteen years, but cease in case the prescribed payments are not duly made.

The Registrar has power to grant leave to amend specifications, and his decision in applications for amendments is subject to appeal to the Attorney-General.

The Governor in Council can grant licences in cases where he is satisfied that by the patentee's default to grant licences the patent is not worked in the colony, or that the reasonable requirements of the public are not supplied, or where any person is prevented from working or using to the best advantage any invention of which he is possessed.

A Register of Patents is kept, and all assignments, licences, etc., must be registered therein.

The Governor in Council may prolong the term of the patent for a further term not exceeding seven or, in exceptional cases, fourteen years.

Proceedings may be taken for revocation of patents, the proceeding by *scire facias* being abolished.

A patent is valid against the Crown, but the Crown officers may use the invention by agreement, or, failing agreement, on terms to be settled by the Court.

The proceedings relating to infringement are similar to those in force at home. Remedy is granted against patentees in case of groundless threats of legal proceedings.

Provision is made for the protection of unpatented inventions at industrial or international exhibitions.

No person can receive a patent for an invention which has been previously patented in Great Britain or any other country, but the Governor is empowered to grant letters of registration to the holder or assignee of any such patent upon payment of 15*l.*, and such letters of registration shall be deemed to be letters patent issued under the Act, and shall have the same force as letters patent. The law does not compel any working of the invention.

The fees payable before the expiration of four years and of seven years are 4*l.* in each case, and a fee of 20*l.* is payable on every extension beyond fourteen years.

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