

transfer of designs, to the piracy of designs, to the mode of recovering penalties, to actions for damages, to cancelling and amending registrations, to the limitation of actions, to the awarding of costs, to the certificate of registration, to the fixing and application of fees of registration, and to the penalty for extortion, shall be applied and extended to this present Act as fully and effectually, and to all intents and purposes, as if the said several clauses and provisos had been particularly repeated and re-enacted in the body of this Act.

Respecting appointment of Registrars, clerks, &c.

VII. And be it enacted, That so much of the said first-mentioned Act as relates to the appointment of a Registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be, and the same is hereby repealed; and for the purpose of carrying into effect the provisions as well of this act as of the said first-mentioned act, the Lords of the Committee of the Privy Council for the consideration of all matters of Trade and Plantations may appoint a person to be Registrar of designs for articles of manufacture, and, if the Lords of the said Committee see fit, an Assistant Registrar and other necessary officers and servants; and such Registrar, Assistant Registrar, officers, and servants shall hold their offices during the pleasure of the Lords of the said Committee; and such Registrar shall have a seal of office; and the Commissioners of Her Majesty's Treasury may from time to time fix the salary or other remuneration of such Registrar, Assistant Registrar, and other officers and servants; and all the provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the Registrar, Deputy Registrar, clerks, and other officers and servants thereby appointed and therein named, shall be construed and held to apply respectively to the Registrar, Assistant Registrar, and other officers and servants to be appointed under this Act.

Of drawings, and descriptions, size of paper or parchment on which same must be made, must be drawn geometrically to scale, certificate to be made and owner of design inscribed thereon, drawings to be numbered, &c.

VIII. And be it enacted, That the said Registrar shall not register any design for the shape or configuration of any article of manufacture as aforesaid, unless he be furnished with two exactly similar drawings or prints of such design, with such description in writing as may be necessary to render the same intelligible, according to the judgment of the said Registrar, together with the title of the said design, and the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode, or place of carrying on business, or other place of address; and every such drawing or print, together with the title and description of such design, and the name and address of the proprietor aforesaid, shall be on one sheet of paper or parchment, and on the same side thereof; and the size of the said sheet shall not exceed twenty-four inches by fifteen inches; and there shall be left on one of the

said sheets a blank space, on the same side on which are the said drawings, title, description, name, and address, of the size of six inches by four inches, for the certificate herein-mentioned; and the said drawings or prints shall be made on a proper geometric scale; and the said description shall set forth such part or parts of the said design (if any) as shall not be new or original; and the said Registrar shall register all such drawings or prints from time to time, as they are received by him for that purpose; and on every such drawing or print he shall affix a number, corresponding to the order of succession in the register: and he shall retain one drawing or print, which he shall file at his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give a ready access to the designs so registered, he shall keep a proper index of the titles thereof.

IX. And be it enacted, That if any design be brought to the said Registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered under this present Act, it shall be lawful for the said Registrar to refuse to register such design, otherwise than under the present Act, and in the manner hereby provided: and if it shall appear to the said Registrar that the design brought to be registered under the said first-mentioned Act, or this Act, is not intended to be applied to any article of manufacture, but only to some label, wrapper, or other covering, in which such article might be exposed for sale, or that such design is contrary to public morality or order, it shall be lawful for the said Registrar, in his discretion, wholly to refuse to register such design: Provided always, that the Lords of the said Committee of Privy Council, may, on representation made to them by the proprietor of any design, so wholly refused to be registered as aforesaid, if they shall see fit, direct the said Registrar to register such design, whereupon and in such case the said Registrar shall be and is hereby required to register the same accordingly.

Registrar has power to refuse to register certain designs. Owner may appeal to Privy Council.

X. And be it enacted, That every person shall be at liberty to inspect the index of the titles of the designs, not being ornamental designs, registered under this Act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this Act in that behalf; and every person shall be at liberty to inspect any such design, and to take copies thereof, paying such fee as aforesaid, but no design, whereof the copyright shall not have expired, shall be open to inspection, except in the presence of such Registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of such design, nor without paying such fee as aforesaid.

Designs open to inspection, under certain regulations. Expired design public.

STATUTES OF FRANCE

RELATING TO LETTERS PATENT.

Louis Philippe, King of the French, to all to whom these Presents shall come, greeting: We have proposed, the Chambers have adopted, We have ordered, and do order as follows.

CHAPTER I.

GENERAL ARRANGEMENTS.

Patents for invention and discovery.

ART. 1.—Any new invention or discovery, in any branch of manufacture, entitles its author, upon the conditions and for the terms hereinafter mentioned, to the exclusive right of putting the said invention or discovery into operation, for his own benefit.—This right is secured by documents, granted by the government, under the name of Brevets of Invention.

In what the same shall consist.

ART. 2.—The following shall be considered as new inventions or discoveries:—The invention of new manufactures; and the invention of new means, or the novel application of known means, for the purpose of obtaining a result, or a manufactured product.

What are not subject of protection.

ART. 3.—The following cannot be protected by Brevet:—1st. Pharmaceutical compositions or remedies of any kind; these being subject to laws and regulations made for that purpose, and more particularly to the decree of the 18th August, 1810, relating to secret remedies. 2nd. Financial or monetary plans or combinations.

Duration and tax.

ART. 4.—The duration of Brevets shall be five, ten, or fifteen years. Each Brevet shall be subject to a fixed tax, namely, 500 fr. for five years, 1,000 fr. for ten years, and 1,500 fr. for fifteen years. This tax must be paid by annuities of 100 fr. each under penalty of forfeiture, if the patentee allows one year to elapse without paying the same.

CHAPTER II.

ON THE FORMALITIES RELATING TO THE DELIVERY OF PATENTS.

SECTION 1.—*On the Applications for Patents.*

ART. 5.—Persons wishing to obtain Brevets of Invention, must deposit under seal, at the office of the Secretary of the Prefecture, in the department in which they reside, or in any other department, on choosing a representative residing there:—1st. A petition to the Minister of Agriculture and Commerce. 2d. A description of the discovery, invention, or application, forming the subject of the petition. 3d. The drawings or specimens necessary for the elucidation of the description. And, 4th. A list of the documents deposited.

Petition, specification, and drawings, and endorsement.

ART. 6.—The demand, or petition, must be confined to one principal object, with the details thereof, pointing out the purposes to which it is applicable. It must mention the term for which the petitioner wishes to obtain his patent, which must be within the limits fixed in Article 4, and must contain neither restrictions, conditions, nor reservations. It must set forth a title, giving a correct and concise idea of the object of the invention. The description must not be written in any foreign language (i. e. *it must be in French*,) and must be written without any alterations or additions. All words which are struck through, as wrong, must be counted and attested, and all corrections properly referred to. It must not contain any weights or measures other than those contained in the table annexed to the law of the 4th July, 1837. The drawings must be in ink, and drawn to a scale. A duplicate of the description and drawings must be annexed to the petition. All the documents must be signed by the petitioner, or some person appointed by him, and, in the latter case, a document, empowering him, must be annexed to the petition.

But one invention can be applied for under one demand. Must state term desired. What language—corrections of papers—weights and measures. How drawings must be made. Of powers of Attorney.

ART. 7.—No application will be received, except on the production of a receipt, certifying the payment of a sum of 100 fr. on account of the fees payable on the patent. A certificate or memorandum, entered, free of expense, by the Secretary-General of the Prefecture, in a register kept for that purpose, and signed by the petitioner, will verify each application, pointing out the day and hour when the documents were deposited. A copy of this certificate or memorandum will be delivered to the person depositing, upon payment of the expense of the stamp.

First fee must be paid on application, and certificates given.

ART. 8.—The patent shall date from the time of the deposit prescribed in Article 5.

Patent dates from.

SECTION 2.—*On the Delivery of Patents.*

Transmission of papers to Ministers of Agriculture and Commerce.

ART. 9.—Immediately after the enrolment of the petition, and within five days from the date of the deposit, the Prefect will transmit the documents, under the seal of the inventor, to the Minister of Agriculture and Commerce, together with a certified copy of the certificate or memorandum of deposit, the receipt verifying the payment of the tax, and, if necessary, the power or warrant mentioned in Art. 6.

Patents delivered in the order of date of application.

ART. 10.—On the arrival of the documents at the office of the Minister of Agriculture and Commerce, the demands will be opened and enrolled, and the patents delivered in the order in which the demands or petitions are received.

Novelty not examined or guaranteed. Of what the patent consists. Cost of copies and certificates.

ART. 11.—Patents, which have been demanded in the regular manner, will be delivered, without previous examination, at the risk and peril of the inventor, and without guaranteeing either the reality, novelty, or merit of the invention, or the correctness or sufficiency of the description. An order from the Minister, verifying the regularity of the demand, will be delivered to the petitioner, and will constitute the patent. To this will be annexed the certified duplicate of the description and drawings mentioned in Art. 6, after it has been examined and found to agree with the original. The first copy of the patents shall be delivered free of expense. Any copy of which may be subsequently required by the patentee, or his assignees, will cost 25 francs. The expense of drawings, if any, will be defrayed by the patentee.

When informal will be rejected, and fees returned in certain cases.

ART. 12.—All demands or petitions which shall not be according to the formalities prescribed by Nos. 2, and 3, of Art. 5, and by Art. 6, will be rejected. One half of the sum paid will go to the Treasury, but the whole of the sum will be allowed to the petitioner, if he presents his petition within three months from the time when notice is given to him that the patent is refused.

ART. 13.—When, under Art. 3, patents cannot be granted, the fees will be returned.

Lists published.

ART. 14.—A list of all patents granted will be published every three months, by royal order, in the *Bulletin des Lois*.

Prolongation.

ART. 15.—The term of patents can only be prolonged by a law made for that purpose.

SECTION 3.—*On Certificates of Addition.*

Of additions, alterations and improvements, on original patent, tax, &c.

ART. 16.—The patentee or his assignees may, during the whole term of the patent, make any alterations, improvements, or additions, and for this purpose, must go through the formalities prescribed in Art. 5, 6, and 7. These alterations, improvements, or additions, must be verified by certificates, delivered in the same form as the original patent, and will have the same effect, from the

date of the demands or petitions, as the original patent, with which they will expire. A tax or fee of 20 fr. shall be paid for each certificate of addition. All the assignees of a patent shall be beneficially interested in any certificates of addition, obtained by any one of them.

ART. 17.—Any patentee who, for any alteration, improvement, or addition, would wish to obtain a new patent for five, ten, or fifteen years, instead of a certificate of addition, expiring with the original patent, must comply with the formalities prescribed in Art. 5, 6, and 7, and pay the tax mentioned in Art. 4.

For a new patent of improvement.

ART. 18.—None other than the patentee or his assignees, acting as above mentioned, can, for the space of one year, legally obtain a patent for any alteration, improvement, or addition to the subject of the original patent. Nevertheless, any person wishing to obtain a patent for any alteration, addition, or improvement upon a patented invention, may, in the course of the year, draw up and present a petition, which will be transmitted to and remain under seal with the Minister of Agriculture and Commerce. At the expiration of the year, the seal will be broken, and the patent granted. The preference will, nevertheless be given to any alterations, improvements, or additions for which the patentee himself may, in the course of the year, solicit a certificate of addition, or a patent.

When other than the patentee makes an application for a patent of addition or improvement.

ART. 19.—Any person taking a patent for any discovery, invention, or application, which may interfere with the subject of another patent, shall not be allowed to work the invention already patented; and, on the other hand, the proprietor of the original patent cannot use the invention forming the subject of the subsequent patent.

Of the rights of conflicting patentees.

SECTION 4.—*On the Transfer and Assignment of Patents.*

ART. 20.—A patentee may assign the whole or any part of his patent. The transfer of the whole or part of a patent, either for a consideration, or not, can only be effected by a notarial deed, and on payment of the whole of the duty determined by Art. 4. No transfer will be valid, as regards a third party, until it is enrolled at the office of the Secretary of the Prefecture, in the department in which the deed was executed. The enrolment of transfers, and all other deeds connected with any change in the proprietorship of the patent right, will be effected on the production and deposit of an authentic extract from the deed of transfer. A copy of each certificate of enrolment, accompanied by the above-mentioned extract from the deed, will be transmitted by the Prefect to the Minister of Agriculture and Commerce, within five days from the date of the certificate.

Assignments, how made, and conditions to be observed.

ART. 21.—A register shall be kept at the office of the Minister of Agriculture and Commerce, on which shall be inscribed the dif-

Register and enrolment of transfers.

ferent transfers which may be made of each patent; and every three months all the transfers enrolled shall be published by royal order, as prescribed in Art. 14.

Rights of Assignees.

ART. 22.—The assignees of a patent; and those who may have received from the patentee, or such as are empowered by him, the right of using the invention or discovery, shall have the full benefit of any certificates of addition which may be subsequently granted to the patentee or those empowered by him. On the other hand, the patentee or his licensees shall have the full benefit of any certificates of addition which may be subsequently granted to the assignees. Any persons having a right to profit by the certificates of addition, may obtain a copy thereof, on paying a fee of 20 fr.

SECTION 5.—*On the Inspection and Publication of the Descriptions and Drawings of Patents.*

Public to have the inspection of the drawings, models, &c., and copies under regulation of Art 50.

ART. 23.—The descriptions, drawings, specimens, and models of patents granted, will remain, until the expiration of the patent right, deposited at the office of the Minister of Agriculture and Commerce, where they will be open for inspection, free of expense. Any person may, at his own cost, obtain a copy of the said descriptions and drawings, according to the forms which shall be determined by the regulations that will be established under the authority of Art. 50.

Patents and annual lists published.

ART. 24.—After payment of the second annuity, the descriptions and drawings will be published, either wholly, or in part.—There will also be published, at the commencement of each year, a catalogue, containing the titles of all patents granted in the course of the preceding year.

Descriptions and drawings open to inspection free of expense.

ART. 25.—All descriptions and drawings, as well as the catalogue mentioned in the preceding article, will be deposited at the offices of the Minister of Agriculture and Commerce, and the Secretary of the Prefecture of each department, where they may be inspected, free of expense.

Of expired patents.

ART. 26.—On the expiration of the patents, the original descriptions and drawings shall be deposited in the Royal Conservatory of Arts and Trades.

CHAPTER III.

ON THE RIGHTS OF FOREIGNERS.

Of Foreigners, same formalities required.

ART 27.—Foreigners may obtain patents for inventions in France.

ART 28.—The formalities and conditions determined by the

present law, will be applicable to patents demanded or granted, according to the preceding article.

ART. 29.—The author of an invention or discovery already patented in a foreign country, may obtain a patent for the same in France; but the duration thereof must not exceed that of the patents previously obtained elsewhere. Patents to expire with foreign patents.

CHAPTER IV.

ON THE INVALIDITY AND REPEAL OF PATENTS, AND ON PROCEEDINGS CONNECTED THEREWITH.

SECTION 1.—*On the Invalidity and Repeal of Patents.*

ART. 30.—Patents shall be null and void when granted under the following circumstances, viz:—1st. If the discovery, invention, or application, be not new. 2d. If the discovery, invention, or application, be not proper subject-matter for a patent, according to Art. 3. 3d. If founded upon purely scientific or theoretical principles, methods, systems, discoveries, or ideas, without explaining the application thereof to the arts or manufactures.—4th. If the discovery, invention, or application, is found to be contrary to public order or safety, or to the morals or laws of the kingdom, without prejudice, in this case, and in that of the preceding paragraph, to the penalties which might be incurred by the manufacture or sale of prohibited articles. 5th. If the title under which the patent is demanded, shall point out any other object than the true subject of the invention. 6th. If the description annexed to the patent be not sufficient to allow of the invention being carried out thereby; or, if it does not point out, clearly and fully, the true means employed by the inventor to effect the same. 7th. If the patent has been obtained contrary to the terms of Art. 18. Certificates of addition obtained for alterations, improvements, or additions, which have nothing to do with the original patent, will be null and void. What voids a patent.

ART. 31.—No discovery, invention, or application, will be reckoned to be new to which sufficient publicity shall have been given, either in France or any other country, to enable it to be put in operation before the date of the deposit of the demand. Of previous publication.

ART. 32.—Patentees will be deprived of their rights under the following circumstances:—1st. Upon non-payment of the annuity before the commencement of each year during the term of his patent. 2d. If the patentee does not put his invention or discovery to work in France within two years from the date of the signature of the patent, or shall have ceased to work the same during When the tax is not paid. When invention must be put in activity. When not worked for

two years. If same goods are imported.

two consecutive years, unless he shall, in either case, assign good reason for so doing. 3d. If any patentee shall introduce into France articles manufactured in a foreign country, similar to those protected by his patent. Models of machines, the introduction of which is authorised by the Minister of Agriculture and Commerce, under the circumstances mentioned in Art. 29, are exceptions to this rule.

Fine for illegally stamping unpatented articles, as patentee.

ART. 33.—Any person who, in his placards, advertisements, prospectuses, marks, or stamps, shall call himself a patentee, without being in possession of a legal patent, or after the expiration of a patent, or who, being a patentee, shall set forth the same without these words, "*without authority from the Government,*" shall be punished by a fine of from 50 to 1000 francs. On the offence being repeated, the fine may be doubled.

SECTION 2.—On Proceedings for Repealing Patents.

Before what tribunal repeal cases shall be tried.

ART. 34.—An action for the repeal of a patent can be instituted by any person having an interest in so doing. These actions, as well as all disputes relative to the ownership of patents, will be tried before the *Civil Tribunals de Première Instance*.

Tried at residence of patentee.

ART. 35.—If the petition is presented against the patentee, and one or more assignees or licensees, at the same time, it will be tried before the tribunal of the place where the patentee resides.

How trial conducted.

ART. 36.—The affair will be conducted and judged in the manner prescribed for summary matters, by Art. 405, and the following articles, of the Code of Civil Practice. It will be communicated to the Attorney-general (*Procureur du Roi*.)

Where Government Officers may interfere.

ART. 37.—In any case tending to the forfeiture of a patent, the public officers may become the intervening parties, and take measures for obtaining the absolute repeal of the patent; they may even, themselves, institute proceedings for rendering the patent null and void, in the cases mentioned in Nos. 2, 4, and 5, of Art. 30.

Licensees must be made party to the suit.

ART. 38.—In the cases mentioned in Art. 37, all licensees of the patent, whose titles shall have been registered at the department of Agriculture and Commerce, in conformity with Art. 21, must be made parties to the suit.

When patent declared void, published.

ART. 39.—When the nullity or absolute repeal of a patent shall have been definitively pronounced by judicial authority, notice to that effect must be given to the Minister of Agriculture and Commerce, and the repeal of the patent shall be published in the form mentioned in Art. 14, in reference to the granting of patents.

CHAPTER V.

ON INFRINGEMENTS, AND PROCEEDINGS AND PENALTIES
CONNECTED THEREWITH.

ART. 40.—Any attempt against the rights of a patentee, either by manufacturing the article, or employing the means forming the subject of his patent, constitutes an act of infringement, and shall be punished by a fine, varying from 100 to 2000 francs.

Fine for infringement.

ART. 41.—Any person knowingly receiving, selling, or exposing for sale, or introducing into the French territory, one or more counterfeit articles, shall be liable to the same punishment as infringers.

Persons selling or introducing illegally patented goods.

ART. 42.—The penalties fixed by this law cannot be accumulated, *i. e.*, not more than one penalty can be inflicted at one time. The highest penalty only shall be inflicted for all previous offences on the first proceeding.

Only one fine for each offence.

ART. 43.—On a repetition of the offence, besides the fine, an imprisonment of from one to six months may be inflicted; and for this purpose a previous conviction, for one of the offences mentioned in this law, within the last five years, must be proved. An imprisonment, varying from one to six months, may also be inflicted if the infringer is a workman, or person having been employed, in the workshop or the establishment of the patentee; or if the infringer, by entering into a partnership or arrangement with a workman or person employed by the patentee, shall have obtained from the latter a knowledge of the process described in the patent. In this case, the workman or person employed may be proceeded against as an accomplice.

On repetition of infringement imprisonment added. Of workmen and accomplices.

ART. 44.—Article 463 of the Penal Code is applicable to the offences alluded to in the preceding articles.

ART. 45.—An action at law, for the imposition of the above-mentioned penalties, can never be instituted by the Government, except upon the complaint of some aggrieved party.

Party complaining must be the injured one.

ART. 46.—The legal tribunal, before whom an action for infringement is tried, shall decide and give judgment upon the objections made by the defendant; whether they relate to the nullity or avoidance of the patent, or to questions connected with the proprietorship of the said patent.

Of defence to patent case.

ART. 47.—Patentees may, by virtue of an order from the President of the *Tribunal de Première Instance*, proceed with the proper officers, and take an inventory, describing all articles suspected to be infringements, either with or without seizing them. The order shall be granted upon a simple demand, and upon the production of the patent: it shall contain, if necessary, the name of some person competent to assist the officer in his description.—When a seizure takes place, the said order shall require security of the petitioner, and this security must be forthcoming before the

Inventory taken of pirated goods. Security must be given when a seizure takes place. Foreigners must always give security.

seizure can take place. Security shall always be required of a foreign patentee, who may require a seizure. A copy of the inventory, or the document describing the articles which are seized, as well as of the order, and the document proving the deposit of the security, shall be left with the defendant, upon pain of an action for damages against the officer.

Plaintiff must proceed within eight days with the action after seizure.

ART. 48.—In default of the plaintiff proceeding by civil or other action within eight days (besides allowing a day for three myriamètres* of distance between the place where the articles described or seized were found, and the residence of the infringer, receiver, introducer, or vendor,) the seizure or description shall be of no effect, and without prejudice to the damages that may be claimed, according to the form prescribed by Art. 36.

Infringers' goods and tools forfeited to patentee.

ART. 49.—The confiscation or forfeiture of all articles condemned as infringements, and all tools, apparatus, and utensils employed in their manufacture, shall (even in cases where no damages are given) be pronounced against the infringer, receiver, introducer, or vendor. The forfeited articles shall be handed over to the proprietor of the patent, without reference or prejudice to further damages, or without being condemned to advertise, if thought necessary.

CHAPTER VI.

PARTICULAR AND TEMPORARY ARRANGEMENTS AND REGULATIONS.

Law to take effect in three months after ratification.

ART. 50.—Royal ordinances, making any regulations in the administration of public business, shall decree the arrangements necessary for the execution of the present law, which shall not come into effect until three months after its promulgation.

Colonies included.

ART. 51.—Ordinances issued in the same manner may extend the application of the present law to the colonies with such modifications and alterations as may be deemed necessary.

Repeal of former laws.

ART. 52.—The following laws shall be repealed from the day on which the present law shall come into force, viz: the law of the 7th Jan. and 27th May, 1791, that of the 20th Sept. 1792, the decree of the 17th Vendemiaire, in the year VII, the decree of the 5th Vendemiaire, in the year IX, the decree of the 25th Nov. 1806, and 25th Jan. 1807, and all arrangements or regulations made previous to the present law relative to patents of invention, importation, and improvement.

Unexpired patents to continue their original terms.

ART. 53.—All patents of invention, importation, and improvement, actually in operation, and issued in conformity to the laws anterior to the present, or prolonged by royal ordinance, shall retain their effect during the time that shall have been originally assigned to them as their duration.

*A myriametro is equal to about six English miles.

ART. 54.—Proceedings commenced before the promulgation of the present law, shall be finished or completed conformably to the previous laws. Any action, either for infringement or repeal of a patent, if not yet commenced, shall be carried on or conducted according to the regulation prescribed in the present law, even when the patents in question shall have been previously obtained. Proceeding commenced under old law shall be completed under the same

The present law having been discussed, deliberated upon, and adopted by the Chambers of Peers, and Deputies, and sanctioned by us this day, will be put into execution as a law of the country.

Done at the Palace of Neuilly, the 5th day of the month of July, in the year 1844.

LOUIS PHILIPPE.

STATUTES OF BELGIUM

RELATING TO LETTERS PATENT.

Laws of the 25th January, 1817, concerning the granting of Exclusive Privileges for Inventions and Improvements in objects of Art and Industry.

WE, William, by the grace of God, King of the Netherlands, Prince of Orange, Nassau, Grand Duke of Luxemburg, &c. &c. &c.

To all to whom these presents shall come, greeting :

The King's
preamble.

Whereas we have taken into our consideration the importance of fixing certain general rules for the granting of exclusive privileges for inventions and improvements in objects of art and industry :

Having heard our Council of State, and in common accord with our States General, have ordained as we do ordain by these presents :

Patents to be
granted
foreign inven-
tions as well
as domestic.

ART. 1.—There shall be granted by us within this kingdom, for inventions and real improvements in certain branches of art and industry, as well as on the first introduction or putting into activity in this country of such foreign objects or inventions and improvements, exclusive rights for a stated term by letters patent, on our being applied to for that purpose.

To be without
prejudice to
others, and
void if not
new.

ART. 2.—These letters patent shall be granted without prejudice to any other party, and thus shall have no value when it shall appear that the invention or improvement for which any one may have obtained a patent, had been used or employed by any other in this kingdom before the granting of the letters patent.

Duration and
cost.

ART. 3.—Patents of invention shall be granted for the terms of five, ten, or fifteen years. The dues or taxes to be paid by the applicant shall be proportioned to the duration of the patent and the importance of the invention or improvement, but shall never exceed the sum of 750 florins, nor be less than 150.

Prolongation
of patents.

ART. 4.—A patent of invention for the term of five or ten years may likewise be prolonged at the expiration of the term, should

there exist sufficient reason to favor such demand, but its duration shall never exceed the term of fifteen years.

ART. 5.—Patents of importation, for the introduction or the application of inventions or of improvements made in foreign countries, for which the authors may be the patentees, cannot be granted for a longer term than that of the duration of such patent in the foreign country, and contains the express clause that the objects mentioned shall be manufactured in the kingdom.

Imported inventions to bear same date as their patents. Shall be manufactured in the Kingdom. Rights of Patentees in case of infringement.

ART. 6.—Patents of invention guarantee to their possessors or assigns the authority,

To manufacture and sell exclusively through all the kingdom, during the term of the patent, or to cause or license to be made and sold by others, the objects of which the patent consists :

To proceed against, before the courts, such persons who may be guilty of any infringements on his invested rights, to the effect of obtaining the confiscation, to their profit, of all objects made in infraction of his rights, and not yet sold, and of the price of the goods which are already sold, as likewise to institute an action for damages and interests, to the extent of the wrong done.

Goods or machines forfeited to Patentee.

ART. 7.—Any person demanding a patent of invention is required to deposit an exact detailed description, signed by himself, of the object or secret for which he wishes to obtain a patent, accompanied by the necessary plans and designs. This description will be published after the expiration of the term of the duration of the patent, whether as an original one or under a prolongation thereof, or when the patent may have become annulled for any of the before-mentioned causes. The government may, nevertheless, defer this publication, if, for important reasons, it should think fit.

What documents are required. Process published at the expiration or forfeiture of patent.

ART. 8.—A patent of invention shall be declared null for any of the following causes :

When declared void.

When it shall appear that the petitioner has wilfully omitted some part of his secret, or has given a fraudulent explanation in his specification.

Fraud, or omission.

If it should appear that the object for which a patent has been granted, has been previously printed and published in some work.

Not new.

When the party who may have obtained a patent has not made use of his privilege within two years of the grant, unless for some weighty reasons, of which the government will judge.

Not put in practice.

If any person, after having obtained a patent of invention, should obtain one in any other country.

If patented in other countries.

If it should appear that the invention, for which the patent is granted, be dangerous in its nature or application to the security of the kingdom or of its inhabitants.

If dangerous to government.

ART. 9.—An account shall be kept separate of the dues paid by those who obtain patents of invention, and the produce shall be employed as premiums of encouragement for the national arts and industry.

Premiums.

ART. 10.—Are abrogated or annulled by these presents, the laws and regulations existing as to patents of inventions and other simi-

Previous enactments annulled.

lar exclusive rights. It is to be observed, nevertheless, that those to whom patents of invention have been granted prior to this day, shall be maintained in possession of all their rights.

Execution of the law.

Ordered, that the present law shall be inserted in the "Staatsblad," and that our ministers and other authorities whom it may concern, shall require its strict execution.

Given at Brussels the 25th January, 1817, the fourth year of our reign.

(Signed,)

GUILLAUME.

Law of 17th August, 1827.

Law respecting delinquents.

We, Guillaume, having seen the report of our Minister of Interior, dated the 16th of June, No. 103, on the measures to be taken to put an end to the neglect of persons who obtain patents of invention, to pay the dues on such patents, and to claim their possession :

Having heard our Council of State,—

Seeing the law of 25th January, 1817, (Official Journal,) we agreeing with the above advice, we have found good, and enact to authorise our Minister of Interior:—

When dues must be paid.

1st. To require of the demanders of patents on depositing the petition and document, to give a declaration by which they engage to accept the patent if it be accorded, and to pay the dues within three months from the date thereof, and to submit in the event of the not fulfilling this engagement, to have their patent annulled, and the invention made public.

Must put invention in activity.

2d. To require of the persons who shall have obtained a patent, an engagement to put the object which constitutes their patent into activity within the limited term required by the law, on pain of seeing the invention made public.

A copy of this act, as likewise the advice of the Council of State, shall be transmitted for execution to our Minister of Interior, and for information to the Council of State.

Done at Laeken, the 17th August, 1827.

GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

Regulation for the execution of the Law of 25th January, 1817, and the delivery of Patents of Invention, Importation, and Improvement.

Patents of importation—how prepared and address.

ART. 1.—Those who wish to obtain a patent of invention, importation, or improvement, must deliver, at the Secretariat of the provincial government, a petition to the King, containing the general object of his demand, his name, Christian name, and domicile, as

likewise the term for which he desires to obtain a patent, and for which the object may already have been patented in a foreign country.

There must be added under seal an exact description detailed Description and signed by him, of the object or secret for which the patent is and plans. demanded, accompanied by plans and designs in conformity with Art. 7, of the law of 25th January, 1817.

ART. 2.—The proper officer of the provincial government will To be endorsed by government officer, of the exact date of the deposit of the petition and accompanying of date of deposit. pieces: and the declaration (procès-verbal) shall be signed by him and by the petitioner, to whom there must be delivered a copy.

ART. 3.—The governor of the province will immediately, or at Gov. to address latest, within the term of ten days from the date of the deposit, Minister of Interior. address the demand to the Minister of Interior.

ART. 4.—The Commissary-General will present the petition to How petition the King with his report; and when it is considered that the demand to be presented is of that nature that it may be granted, the patent is joined to the report for the signature of his Majesty. ed to the King.

ART. 5.—When the King shall judge proper not to accord the If refused, demand, or to send it up for the opinion of the Royal Institution petitioner, of the Netherlands, or of the Royal Academy of Sciences and notified. Belles Lettres at Bruxelles, information shall be given to the petitioner.

ART. 6.—The patent (Form No. 2,) shall contain the descrip- Of forms. tion of the invention; it shall indicate the rights which it gives to the proprietors, according to Art. 6, of the law of the 25th Jan. 1817, and shall expressly mention that the government, in granting the patent, guarantees in no wise the priority nor the merit of the invention, and that it reserves the faculty of declaring the patent null for one of the causes indicated in Art. 8 of the law.

A patent of importation for an object patented in a foreign Regulation country shall contain, likewise, the express declaration that the of foreign in- government does not guarantee the truth of the assertion of the ventions when petitioner respecting the duration of the patent of which it is an previously patented importation. It will, likewise, contain the clause, prescribed by abroad. Art. 5 of the law, that the objects mentioned, and in which the The invention must be manu- patent consists, shall be made in the country. factured in the country.

ART 7.—Any person wishing to procure a prolongation for a Demands for extension of patent, to whom ad- patent, of five or ten years, (Art. 4,) should make his demand to dressed. the Commissary-General of instruction in the arts and sciences, Patents of ad- who will make his report to the King. dition how granted.

These prolongations will be likewise signed by the King.

ART. 8.—Any proprietor of a patent, who by a new invention has improved that for which he has obtained a patent, may obtain a patent of addition, for the term for which his former patent has to run, or, on the terms fixed by Article 3 of the law of 25th January, a new patent for the exercise of his new means may be obtained.

Must pass through the same formalities as at first.

ART. 9.—To obtain this patent he must pass through the same formalities as for the first. With respect to the dues to be defrayed, this will be regulated proportionably to the length of time which he has still to enjoy his patent, and in proportion to the importance of the improvement.

When patents are granted for improvements on unexpired patents which do not originate with the owners. The rights of each party.

ART. 10.—If any person discover a means of improvement, on an invention already patented, he may obtain patents for the exclusive exercise of such means of improvements, without his being permitted, however, under any pretext, to use, or cause to be used, the original invention, as long as such patent shall be in use; and reciprocally without the original patentee being allowed to make use of the new improvement until the patent for the same is expired.

Must involve principle.

Are not admitted, as objects of improvement, mere alterations in form or proportion, nor ornaments, of whatsoever kind they may be.

How transfers of patents must be made.

ART. 11.—Any proprietor of a patent, who may wish to transfer his patent, wholly or in part, to another party, is required first to obtain the authority of the King. He must, under pain of nullification, register the transfer at the Secrétariat of the provincial government, where a procès-verbal, in conformity with Form No. 3, will be made up, which shall be transmitted directly to the Commissary-General of Instruction in the Arts and Sciences. This procès-verbal shall be entered in the register, or book of enrolment, of which mention will be made hereafter.

When patents are inherited.

ART. 12.—Likewise, those who by right of succession become proprietors of a patent, shall, before taking possession of their rights, have the same registered at the Secrétariat of the province, where a procès-verbal shall be made up in conformity with Form No. 4, which shall be transmitted directly to the Commissary-General of Instruction in the Arts and Sciences. This procès-verbal shall be registered or enrolled, as will be mentioned hereafter.

Patents expired or annulled, published.

ART. 13.—On the expiration of a patent, or when a patent shall have been declared null for any of the causes provided in Art. 8 of the law of the 25th January, the Commissary-General of Instruction shall take suitable measures to publish such inventions or improvements.

Sometimes the patent is not made known at its expiration.

ART. 14.—If at the expiration of a patent, or in consequence of one of the cases provided in Art. 8, and if the Commissary-General of Instruction does not think proper, for any political or commercial reasons, to publish the discovery, he shall make his report to the King, who shall decide whether it shall be made public or not.

How the patent is delivered after being granted.

ART. 15.—The Commissary-General of Instruction shall forward the letters patent of invention or importation, granted and signed by the King, to the governor of the province where the domicile of the patentee is recorded, informing him of the amount which is required to be paid for the patent. The governor will then

deliver the patent to the patentee, on his proving, by showing the receipt, that he has paid the tax required.

ART. 16.—The list of charges to be paid for patents is regulated in the following manner:— Government dues.

For a patent of five years, 150 florins.

For one of ten years, 300 or 400 florins, according to the importance of the invention.

For a patent of fifteen years, 600 or 750 florins, according to the importance of the invention.

For the transfer of a patent, 9 florins.

ART. 17.—When nullification shall be pronounced for one of the causes named in Art. 8, of the law of 25th January, 1817, the dues paid for the patent shall be returned in proportion to the term which it may have still to run. When patent annulled some of the dues returned.

ART. 18.—The Minister of Finance will hand annually to the Commissary-General of Instruction an exact statement of amounts paid for patents. The Commissary-General will then propose to the King the employment of the funds, according to Art. 9 of the law of 25th January, 1817. Fund derived from the patent tax, reported to the Commissary-General of Instruction.

ART. 19.—There shall be kept open, at the Commissary-General's of Instruction, a register, in which the patents granted shall be entered, as likewise the certificates of grants and the transfer of rights. This register may be consulted by those persons who desire to demand patents. Registration of patents and transfers.

ART. 20.—There shall be inserted in the official papers the patents granted, and the names of those persons who have obtained them. Names of patentees, and title of patent published.

DUTCH STATUTES

RELATING TO LETTERS PATENT.

Difference between the Belgian and Dutch laws.

Charges.

Written obligation to pay dues required.

Prolongation seldom granted.

Secure patent before publication.

Patentees should be careful as to foreign patents.

Tax for patents of improvement afterwards returned.

THE patent laws of the Netherlands are exactly the same as those already given with regard to Belgium. The law of 25th January, 1817, and 17th August, 1827, are precisely the same for both countries, but with this remarkable difference in practice,—that the above laws are strictly adhered to, and taken in their plainest and most literal sense, by the Dutch Government. The charges are the same; for five years, 150 florins; for ten, 300; for fifteen, 600; but fifteen years is not frequently demanded for patents of importation; because, as the patent must expire with the foreign one of which it may be an importation, we should sometimes be paying for fifteen years while only enjoying twelve or thirteen. The government requires the petitioner to give a written engagement to pay the dues for patents up within three months of its date; but it is only in January of the second year that an imperative demand is made for the payment: so that from thirteen months to two years can always be obtained for the payment.

Prolongations of all kinds are rarely granted, and with great difficulty.

Care should be taken to secure your patent before it be published in any work.

A patentee cannot, after obtaining a patent in Holland, solicit one in another country, without endangering his Dutch patent.

On demanding patents of additional improvements, it is necessary that the whole of the tax be paid just as with a new patent; but nearly the whole of it is afterwards returned, as the law does not warrant a diminution of the tax, but a reward for rendering the invention more perfect is legal. An additional patent, however, is never granted until the dues on the first patent have been paid up.

DUTCH WEST INDIAN STATUTES

RELATING TO LETTERS PATENT.

Regulations for the Granting of Exclusive Privileges for Inventions and Improvements, in Objects of Art and Industry, in the West Indian Possessions of the Kingdom of the Netherlands.

In the name of the King, the Governor-General of the Dutch West Indian possessions: To all to whom these presents shall come, greeting: The decree.

Be it known,

It having been found necessary to establish certain fixed laws, respecting the granting of exclusive privileges for inventions and improvements, in the West Indian Settlements; having heard the Colonial Council, as far as regards the Colony of Surinam, on the 18th March, 1843; We have approved and decreed, according to the authority granted by royal decree, of the 8th May, 1844, No. 60:—

ART. 1.—On petitioning the Governor-General for that purpose, exclusive privileges shall be granted for new inventions in the kingdom of the Netherlands, or in its foreign possessions, in any branch of the arts or manufactures, or for any real improvement, during a certain term, by letters patent. Governor-General petitioned for a Colonial patent.

ART. 2.—Similar exclusive privileges shall be granted on the first introduction or putting into activity, in the West Indian possessions, of inventions and improvements of foreign origin. Colonial patent granted for invention of importation.

ART. 3.—The petition to the Governor-General for such purpose shall contain a general elucidation of the object; further, the name and address of the petitioner, and likewise the term for which the patent is desired, and whether the same object has been patented abroad. What the petition shall set forth.

ART. 4.—The same petitioner is required to hand in with his petition, a precise, explicit, and detailed description of the secret, (signed and sealed with his own hand,) of what the invention consists, with the necessary drawings; which description, after the expiration of the term of the original or prolonged patent—or in case, for any of the reasons named in Art. 5 to 20 of this regula- Drawings and description.

To be published at expiration. Must be put in operation within two years.

lution, it may have become annulled—shall be made public, unless the Governor-General shall, for weighty reasons, think proper to delay such publication: with the petition shall be further deposited an undertaking, that the petitioner will, within the term of two years after the granting of the patent, establish, or cause to be established, in the colonies of the West Indian possessions, a shop or factory, where the said apparatus or machinery in which the patent consists, may be procured or repaired.

Obligation must be signed to claim the patent within three months and pay charges. Failure to do so, causes an exposure of the secret.

ART. 5.—At the same time with the presentation of the petition for a patent, an engagement shall likewise be signed by the petitioner, whereby he shall bind himself, within the space of three months from the date of the patent, (if granted,) to claim the same and to pay the charges; while in the event of his not complying with this condition, he will expose himself to the nullification of his patent, and the consequent publication of his secret. The above-named term of three months shall commence on the day, on which the authorities at the place where the party resides, shall have given information to the petitioner of the patent having been granted, if the petitioner be a resident in some West Indian possession, distinct from Surinam.

Package must be endorsed in form No. 1, and receipt taken.

ART. 6.—On the package containing the description and drawing of the invention, must be, as far as possible, written and signed by the petitioner, a declaration according to the Form No. 1; and on its deposit, a receipt for the same shall be given by the Secretary of the Governor.

Must be new in the colony.

ART. 7.—Patents shall be granted without prejudice to any other person's right or possession: and this will have no force, if it shall be found that the invention, in which the patent consists, previous to the granting of the patent, was in use or had been put into activity by other persons in the colony.

Term of grant.

ART. 8.—Privileges shall be granted for a term of five, ten, or fifteen years, and will be only available within the colony.

May be prolonged.

The term, for which a patent has been granted, may be prolonged, when very sufficient cause can be shown for such prolongations: nevertheless, the whole period shall not exceed the term of fifteen years, and when desired, it must be demanded by a petition to the Governor-General.

Patent tax.

ART. 9.—The privilege shall be subject to the following dues:

For a term of five years, 150 florins, or £13; for ten years, 300 florins, or £26; or 400, or £34 10s., according to the importance of the invention; for a term of fifteen years, 600 florins, or £52; or 700 florins, or £60, in proportion to the importance of the invention; for a transfer by inheritance or purchase, 20 florins, £1 15s.

Home patents cover the W. I. Colonies, without any dues except registration fees.

ART. 10.—Should a privilege have been previously granted in the Netherlands for the same object, and the dues have been paid thereon, the privilege granted in the West Indies will not be subject to any other charges than the usual stamp and registration fees.

ART. 11.—If any patent should become void for any of the causes indicated by § F. of article 20, the dues which may have been paid thereon shall be returned, in proportion to the time which the patent has yet to run. Part of dues returned if patent is annulled.

ART. 12.—Patents for the first introduction of inventions or real improvements made in other countries, shall, inasmuch as they may be patented or privileged there, only be granted for a term not exceeding the duration of such patents or privileges in the foreign countries in question, and on the express condition alone, that the patented object shall be manufactured within the colonial possessions. The government, in granting a privilege as above, does not guarantee the truth of the representations in the petition, as regards the duration of the foreign patent, of which it may be an importation. Patents of importation to expire with their foreign dates. Must be manufactured in the Colonies.

ART. 13.—Proprietors of patents who may introduce improvements on the object of their patent, may have patents for such improvements, either for the term of their original patent, or for any of the terms fixed by Art. 8. Additional improvements granted.

ART. 14.—To obtain such a patent the proceedings must be taken as for procuring other patents. Same process as for a new patent.

ART. 15.—If any person should have invented an improvement on a patent already existing, he can obtain a patent for such improvement; without, however, having any right to make use of the former invention under any shape whatsoever, as long as it shall not have ceased to exist. Likewise, on the other hand, the first inventor shall not make use of the subsequent invention of another party. Patents of improvement, when made by other than first patentee. Respective rights of each.

Shall not be considered as improvements, alteration of shapes, of proportions, nor any kind of ornaments.

ART. 16.—Proprietors of patents, who may wish to transfer the whole or part of their privileges to other parties, shall be required first to demand the approbation of the Governor-General. Such transfer being conceded, a procès-verbal shall be made up, of the register or enrolment-book of which we shall presently speak. Of transfers—how made.

ART. 17.—Those who may become proprietors of a patent by succession, shall be required, before taking possession of such property, to give information thereof to the Governor-General of such succession, and notice of the same shall be made in the register alluded to in the last paragraph, while those parties interested shall receive information of the same. Proprietors of patents by succession—how secured.

ART. 18.—With the petition to solicit the approbation of the Governor-General to the transfer of the patent, or with the communication of the succession thereof by the death of the patentee, a document shall be handed over to prove that the amount of the dues payable on such occasions, by Art. 9 of the law, has been remitted to the treasury. The successor of such patent, shall prove that the dues have been paid.

ART. 19.—A patent or privilege authorises a possessor or his representative Privileges under patent.

To manufacture or sell, or cause to be manufactured or sold,

exclusively within the Dutch West India Possessions, the objects of which the patent consists, for the whole duration thereof ;

Can prosecute for infringement.

To prosecute such persons as may infringe the privileges of the patentee, to the confiscation, to his benefit, of the manufactured and yet unsold objects of his patent, as well as of the proceeds of such as have been sold, and the recovery of such damage and loss as the patentee may have sustained.

When a patent can be declared void.

ART. 20.—A patent shall (save in the case of Art. 5,) be declared void for any of the following causes :—

When it shall appear that the patentee has dishonestly withheld, or erroneously represented, any part of the description or drawing.

If previously published.

When it shall appear, that the object for which the patent is granted was published in any work before the patent was granted.

If not put in activity in time.

When it shall appear that the patentee has not made use of his patent within the space of two years from the date of the grant ; unless for some reason which the government may think sufficient to warrant the delay, and the patentee shall, accordingly, deliver to the government a proper certificate, attesting that he has put his invention into activity.

If subsequently secured in any other country.

When the possessor of a patent shall have obtained a patent in any other country, after having obtained one in the Dutch Colonies.

When factories are not built to construct, &c.

When the proprietor of a patent in the Dutch West India possessions shall not, within two years of the grant of the patent, have established such shop or factory as may be necessary to furnish and repair the apparatus or machine, in which the patent consists, at reasonable prices.

When dangerous to government.

When it may appear that the object in which the patent consists, is, in its application, opposed to the safety and security, as likewise to the interest of the government or of the inhabitants of the colony.

When a successor to the grant has failed to comply with the laws.

When it shall appear that the patented invention or improvement, having become the property of another by transfer, succession, or inheritance, shall be carried out and worked by the successor, without having taken the measures indicated by Art. 16 and '17 for these cases.

Patent to be made public on their expiration.

ART. 21.—On the expiration of the term for which a patent may have been granted, or when it may have been declared void for any of the before-mentioned reasons, the Governor-General shall take the necessary measures to make the invention or the improvement public, unless for certain political or commercial interests it may be considered not advisable, in which case it shall be submitted to the Home Department of the kingdom of the Netherlands.

Of transfers.

ART. 22.—The Governor-General shall, on each occasion of a transfer of a patent, give information of the same to the administration of the colony.

Registration of transfers.

ART. 23.—A register shall be kept of the patents granted and

transferred, where they shall be entered according to Form 3.—
Those persons who wish to demand patents, may previously inspect
this register.

ART. 24.—Publication of patents granted, with the names of Manner of
the parties who obtain them, shall take place in the "Gazette of publishing
Surinam;" and that no one may pretend ignorance of the grant, patent.
it shall be published in the usual way in the Government paper.

Done at Paramaribo, 4th July, 1844.

B. I. ELIAS.

AUSTRIAN STATUTES

RELATING TO LETTERS PATENT.

WE, Francis, by the grace of God, Emperor of Austria, &c.
Whereas, since our ordinance of 1820, December the 8th, concerning the granting of patents, some doubts have existed as to the efficiency and clearness of the same, we have caused it to be examined, and it has pleased us to resolve as follows:—

SECTION I.

*Of the Object of Patents; their Refusal, and Mode of Application for the purpose of obtaining them.**

For what object grants are made.

ART. 1.—All new discoveries, inventions, and improvements, national or foreign, within the whole range of industry, may obtain the protection of a patent in the Austrian dominions, whether the same be applied for by natives or foreigners.

Medicines not patentable.

ART. 2.—No patent will be granted for the preparation of aliments or medicine†.

Patents of importation.

For new inventions and improvements of foreign countries, which are desired to be imported into the Austrian states, a patent may, (as far as such new inventions in such foreign country are secured by patents) be granted to such patentee, or to his lawful assigns, but only for the term of the duration of the foreign patent, and in no case for a longer term than fifteen years, unless by our special consent.

Must terminate with the foreign grant.

The importation into the Austrian states of an invention or an improvement, cannot be the object of an exclusive privilege but

*An Austrian patent does not extend to Hungary and Transylvania unless expressly desired, in which case three sets of drawings and three specifications must be sent in, one in German, and two in the Latin language.

† But any apparatus or vessels, by, or in which such aliments or medicines are prepared, may be patented.

for so long as the same invention or improvement shall be patented in the foreign country.

ART. 3.—Any person desirous of obtaining a patent for any invention or improvement, is required to present his petition to the government authority of the district in which he resides, and the said petition is to set forth the substance and nature of his invention; to state the number of years for which it is desired to be extended; to pay in proportion to the same, one half of the tax hereafter mentioned; and to annex, under his seal, a minute description of the invention or improvement. How to petition for patent.

ART. 4.—The government office of the district must deliver to the petitioner a receipt or certificate in the Form of B., stating the name and residence of the petitioner, the day and hour of the application, the discharge of the tax paid, and the substance and nature of the object of the petition. Receipt of date of application.

ART. 5.—From the date and hour stated as above, commences the priority of the patent: all objections or opposition, on the ground of similar discoveries, &c., made after that time will be invalid and of no avail, and cannot invalidate the novelty of the invention thus regularly described by the petitioner. Hour of registration proves priority.

ART. 6.—Upon the cover of the sealed description, the officer of the district, under the signature of the petitioner, is to state the name and residence of the petitioner, day and hour of the application, the tax paid, together with the substance and nature of the object expressed in the petition, immediately after its being presented in the Form C., and transmit the same, without delay, within three days at farthest, to the government of the province, remitting the tax paid to the office in the usual way. Of the endorsement of papers.

ART. 7.—The provincial government, without attending either to the novelty or utility of the discovery, has merely, and exclusively, to examine and pronounce whether the discovery may, in any manner, prove detrimental to the public, or be in opposition to the laws of the country. According to the result of such examination, the provincial government will refuse the patent, or demand the grant thereof. The title, conformable with model D., is thereupon delivered to the petitioner; and the insertion in the papers, and the publication at the place of residence of the patentee, shall then take place. In the event of the office refusing the patent, the petitioner may recur to the imperial chamber. Novelty not examined, but may be refused for other causes. Can appeal.

ART. 8.—The patent being granted and published, the deposited sealed description (if not expressly desired by the patentee to be kept secret,) shall be opened in the office, transcribed in the register, prescribed Art. 23, and be open to the public eye: but if the patentee, in his petition for the patent, or before its being granted, desires its being kept secret, then the description shall remain so sealed during the term of the patent. The opening of the specification can only take place in such cases where it relates to preparation of aliments or medicine, which, according to the law, should be submitted to the College of Medicine. Patentee, if he desires, can keep his papers secret until term expires, except for medicines.

Then an-
nulled.

All patents granted for objects, in opposition to the existing laws of police and public health, or against the interest of the state, are null in law.

SECTION II.

Of the Rights and Advantages connected with Patents.

Rights of
patentee.

ART. 9.—The patent assures and guarantees to the patentee the exclusive use of his invention, such as it has been represented and described in his specifications, and for the term for which it is demanded.

Of factories,
partnerships,
assignments,
and bequests.

ART. 10.—The patentee is entitled to establish any workshops or factories, to engage and employ all such work-people as he may find requisite to carry out his privilege to its full extent, and consequently to form establishments, stores, and warehouses for the manufactory, as well as sale and disposal of the proceeds; to authorise or license others to use his invention; to take partners at pleasure; to carry and exercise his invention to any extent; to dispose of, to bequeath, sell, let, or alienate the same in any way whatsoever, and to apply for patents in other countries.

Improvements
patentable.
Rights of par-
ties under
such.

ART. 11.—Patents for improvements or alterations of any invention already patented, are exclusively confined to that individual improvement or alteration, and confer no right upon the patentee to any other part of the invention under a prior patent, or any mode of performance already known; as, on the other hand, the original inventor is not allowed to profit by any improvements patented by any other person, without first arranging with such patentee.

SECTION III.

Duty, fees, &c.

ART. 12.—The tax on patents is levied in proportion to the duration of the same, while it is left to the option of the petitioner to fix the term, which can be prolonged until its utmost extent of fifteen years.

List of fees.

ART. 13.—The tax upon patents of invention or improvements is fixed for the first five years at ten florins convention money per year, and consequently for the first five years, 50 florins; for the sixth year, 15; for the seventh, 20; for the eighth, 25; for the ninth, 30; for the tenth, 35; for the eleventh, 40; for the twelfth, 45; for the thirteenth, 50; for the fourteenth, 55; for the fifteenth, 60. Total for the utmost term of fifteen years, 425.

How fees
paid.

ART. 14.—One half of the tax due for the whole term of the patent, is to be paid (as in Art. 3,) upon the first application for the same, and the remaining half is to be discharged according to

the directions in Art. 3, at the commencement of each year, under penalty of forfeiture.

ART. 15.—For the purpose of facilitating the mode of obtaining patents for the introduction of inventions by way of trial, it is left to the choice of such as have obtained patents, for any term under fifteen years, to demand, before the expiration of the said term, a prolongation to the full extent of fifteen years, on condition that he pays one half of the tax due for the number of years thus prolonged, immediately on obtaining the prolongation, and the remaining half according to the rate at the beginning of each year, under penalty of cancelling the prolongation. Prolongation of patents, and fees to be paid for such.

ART. 16.—No tax once paid is ever refunded, neither will any reclamations for the restitution of the same be admitted, though the patent may, from ulterior circumstances, be subsequently cancelled, unless the government should think proper to annul or refuse the patent, in which case the tax will be refunded. No tax refunded unless refused or annulled.

ART. 17.—The patentee, besides the above tax, will have to pay a fee of three florins for each patent, together with the cost of the proper stamp, as also the fees for the examination, whether the object be pernicious or not. Stamp and examination fees.

SECTION IV.

Of the Commencement, Duration, Extent, Mode of Publication, and Expiration of Patents.

ART. 18.—The maximum extent of term for a patent is fifteen years. The granting of a longer term is reserved to us, and cannot, but in extraordinary cases, be demanded on the report of the provincial authorities. Patents granted for fifteen years.

ART. 19.—The term of a patent begins from the date of the patent; but its power, relative to the punishment of infringers, does not commence until the day of its advertisement in the public journals. When valid against infringers.

ART. 20.—The power of the patent extends to all parts of the empire where the present ordinance is in force. Extent of country secured.

ART. 21.—The patent becomes void—
If the description, or statement of the invention for which the patent has been demanded, is found to be deficient in one or more qualifications, as required in Art. 3. May be annulled for defective description.

If it should be legally proved that the invention or improvement previously to the day and hour of the deposition could not be considered as a new one in this empire, according to the limits given in Art. 25, D. or that the invention has only been imported from a foreign country, and that the importer is not the lawful owner of the foreign patent or his assign. If not new—or lawful owner, if an importation.

SECTION V.

Of the Enrolment of Patents.

Where regis-
tered, and for
what purpose.

ART. 22.—For the purpose of enabling such persons as desire to apply for a patent to obtain information concerning patents already granted, for their own satisfaction and security, a registry of the patents demanded is kept in the offices of all the provincial governments, in which are to be entered all the patents as they are granted, the names of the patentees, their residence, the date of the official certificates, and of the patent: also the term for which it is granted. On this registry a special column is to be reserved for observations. The general registry is kept at the department of the Minister of Commerce.

Alienation of
patent must
be noticed.

ART. 23.—A notice in due form of any alienation whatever of a patent must be transmitted to the Provincial Governments respectively.

If patent is
worked under
another name,
must be
registered.

ART. 24.—If the patent should be worked under any other name than that of the patentee, such name is always to be notified to the proper officer, who will inscribe it in the registry, by the side of the name adopted.

SECTION VI.

Penalties and Proceedings in Case of Dispute.

ART. 25.—The patent being founded on the specification of the invention given in by the patentee, it is by the specification alone that the invention can be judged in the event of contestation.

How patents
are cancelled.

ART. 26.—The questions of patents being cancelled from their being prejudicial to the public, from not having been put into activity, or from the patentee having encroached on other patents, will be judged of by the civil authorities, with the reserve of an appeal to the superior courts within the term prescribed by law.

Patent law-
suits before
whom, and
how tried.

ART. 27.—All cases of trespass or infringement; the application of legal penalties; damages for injury sustained; contentions for the lawful possession of patents, whether arising from priority of invention or any other title, all will be pleaded before the regular judges in the regular courts, and in the usual form of proceeding in differences touching the novelty of an invention already known before the issuing of the patent, as well as touching the question whether it had been imported from a foreign country without being suitable for being patented, according to Art. 2. As the judgment does not regard and interest two patentees, it comes under the jurisdiction of the political authorities, as in Art. 26.

Cause must be
brought before

ART. 28.—It is the judge residing where an infringement takes

place, or is supposed to take place, to whom the patentee must refer in the event of his demanding that an injunction may issue. If the specification be in conformity with Art. 8, and kept from public inspection, the infringer, for the first offence, subjects himself only to an injunction; but in the other case, when the specification has been open to the public, and reiterated trespass on his patent right has taken place, the patentee is entitled to claim immediate confiscation of the imitated objects, either at the place of residence of the infringer himself, or at that of any one else where they should be found, even when imported from a foreign country, and the judge to whom he applies must maintain his rights according to law.

judge of the district in which infringement is made. What penalties are inflicted for infringements, and to what extent injunction and confiscation can be carried.

He must follow the rules of the law of procedure, and observe, as much as the analogy will allow, the dispositions and ordinances regarding prohibition and seizure. He will take care that unnecessary and irreparable damages be not inflicted on the defendant, and in all cases that the sequestration be confined to the objects infringed.

ART. 29.—Infringements on patents, the description of which has not been open to the public, as in Art. 8, does not subject the offender to any penalty for the first offence, but only to an injunction to abstain from such fabrication. On a repetition of the offence after such injunction, there shall be imposed a fine, which may be carried to the amount of 100 ducats, half to the profit of the patentee, and half for the poor. The products of the infringement shall be, besides, confiscated to the profit of the party injured, as in the same case as patents exposed to public inspection, and punishable as such.

Penalty when patent has not been made public.

ART. 30.—Are revoked from the date of the present law, the law of 8th December, 1820; as also all and every subsequent act or regulation, but without prejudice to those rights legally acquired by such laws.

Revocation of former laws.

FRANÇOIS.

Vienna, 31st March, 1832.

PRUSSIAN STATUTES

RELATING TO LETTERS PATENT.

Ordinance of 1st December, 1815.—No. 47.

As it is necessary to inform the public of the conditions established in order to obtain in the States of the Prussian Monarchy patents of invention for the exclusive enjoyment of an invention, whether new, considerably improved, or introduced from a foreign country, I hereby convey to the knowledge of the public, in pursuance of an Order of the Cabinet of the 27th September of this year, that—

Patents for invention.

ART. 1.—Every citizen or member of a commune may obtain patents of invention.

What a patent covers.

ART. 2.—Every thing newly invented, or brought to perfection, or simply imported for the first time from a foreign country, may become the object of a patent.

To whom petition must be made, and how prepared.

ART. 3.—He who wishes to obtain a patent of invention ought to make a request for the same to the provincial government, subjoining thereto an exact description of the invention, either in writing, or by a model and designs, and as much as possible by these three means united; and he must declare, if he desires to have the patent for the entire monarchy, or a part only of the kingdom, and for what space of time.

How examined and delivered.

The government will cause the request to be examined by competent persons, and will make a report to the Minister of Finance, who will examine anew the request of the petitioner, as well in respect to the request of a patent as to its extent and duration.—He will thereupon deliver the patent, and look carefully to the preservation of the models, designs, and descriptions.

Term of patent.

ART. 4.—The shortest duration of a patent shall be for six months, and the longest for fifteen years.

Must make public within six weeks, or grant annulled.

ART. 5.—Every individual who shall have obtained a patent, must, at latest within six weeks, cause the object thereof to be announced in the public papers of the provinces for which the patent shall have been granted. In cases wherein this publication shall not have taken place within the delay above designated, the patent shall be held to be annulled.

ART. 6.—He who shall have obtained a patent must make use of it within six months, at latest, under the penalty of a nullification thereof. Must be put in activity within six months.

ART. 7.—In order to encourage industry, there shall be no duty payable for a private patent. The sole expenses shall be the incidental ones, and of the stamp. Of the duty to be paid.

It is to be understood that he who shall have obtained a patent must pay the contributions prescribed by the law.

ART. 8.—When any one can prove that he has discovered, or brought to perfection, in the same manner, sooner, or at the same time, an object for which a patent has been granted to another, this patent cannot prevent the first in any manner from making use of his discovery. Of rival claimants.

ART. 9.—He who shall consider himself aggrieved by any one, in respect of his patent rights, must make complaint to the provincial government under the jurisdiction of which the person of whom he has to complain may be domiciled, and the government will pronounce *en dernier resort* as to his complaint, with the reservation of an appeal to the Minister of Finance, and according to the mode prescribed below. How prosecute for grievances.

ART. 10.—He who shall be convicted of having occasioned any prejudice to the rights obtained by means of a patent, shall pay the expense occasioned by the inquiry; and the use and application of the thing for which the patent shall have been granted, shall be prohibited to him during all the duration of the same; and it shall be notified to him, that in case of a repetition of the offence, he shall be punished by the confiscation of the machinery, materials, and objects manufactured, so that the objects confiscated shall be handed over to the person who shall have obtained the patent, to the end that he may apply them to his own use; and he shall have, besides, the privilege of bringing an action for damages against him who has invaded his rights. Of suits at law for infringement.

(Signed,)

BULOW.

Paris, 14th October, 1815.

Confirmation (of the 29th June, 1843,) for giving effect to the law of the 21st September, 1842, agreed upon between the Governments united under the Zollverein and Trade League, respecting the granting of patents and privileges of invention.

THE following uniform law has been agreed upon and determined by the Governments of the Zollverein League, for the granting of patents and privileges of invention, under the law of the 21st September, 1842, to be in force during the continuance of the said League, and for the bringing about of a closer conformity with the provisions agreed upon by the Zollverein Governments, for the observance of general principles in the granting of patents and privileges of invention. Law of Zollverein Trade League.

Each state to grant patents after their own regulations.

It is, however, reserved in general to each several State of the League, to act after its own judgment, as respects the granting of patents or privileges of invention, to be issued for new inventions in arts and trade, whether they be native (patents for invention) or foreign (importation patents;) and, also, to determine on and make all regulations respecting the same. The States parties thereto pledging themselves on the one hand, to set aside, as far as possible, all existing restrictions on commerce between the United States, arising out of similar privileges; and on the other hand, to obtain an equality in the essential points in all the States of the League, in pursuance of the agreement made on their entering into the voluntary League, resolve to bring into operation the following principles (general laws) respecting patents.

Patents granted only for novel inventions, and must be unknown, in any manner whatever, to the public.

ART. 1.—Patents shall only be granted for such objects as are essentially new and original. Patents shall not be granted for objects which, before the day of the issue thereof, have been already carried out, become current, or in any manner been made public within the jurisdiction of the League. Patents shall especially be refused for all inventions, which, in the periodical works of this or any foreign country, be they written in German or in any foreign language, have already been described, or exhibited by drawings, in such a way that competent persons may thereby carry the same into effect.

Each state decides the novelty of the object.

It is left to each particular State to decide on the novelty and originality of the object, for which a patent is demanded.

Patents granted in one state precludes a patent being got in any other, except by the inventor.

For an object, the *acknowledged* invention of a subject of one of the Zollverein States, and already by the favour of such State protected by a patent, no patent shall be granted in any other State of the League, save to the inventor himself, or his attorney by power.

Patents for additional improvements.

ART. 2.—Under the regulations expressed in Art. 1, a patent may be granted for the improvement of an object already made known, or of one already patented, provided the proposed alteration contains something new and original. In case, however, of a patent being granted for the improvement of an object already patented, the original patent shall not thereby be prejudiced or annulled; still less shall the new patentee acquire thereby a right to share in the use or profits of the originally patented object.

Cannot import the same.

ART. 3.—The grant of a patent shall not hereafter give a right to

The importation of objects similar to those for which the patent is granted.

To prevent fraudulent use of the same.

To forbid or prejudice the purchase and sale of the same; much less shall the patentee thereby acquire a right.

To forbid the use, or consumption, of similar objects, if such are not procured from himself, or with his consent elsewhere, with the single exception of the case.

When the objects in question are machines and instruments for manufacture, and the promotion or exercise of any trade, but not

when the objects in question are common articles of trade, employed and consumed by the public in general. Each state to grant a patent within its own jurisdiction, for the exclusive employment of any new manufactured machine, &c., to the exclusion of the rest.

ART. 4.—On that account it is left to the Government of each State of the Zollverein to confer by the grant of a patent on the patentee within its own jurisdiction,

The right to the exclusive transfer or carrying out of the object in question.

In like manner is left to each separate Government of the Zollverein the right to authorise, within its own jurisdiction, any patentee exclusively employing

A new method of manufacture ; or,

New machinery or instruments for the purpose of manufacture, to interdict to all such persons as shall not have acquired from him the right to employ the patented method, or shall not have obtained from him the patented object, the employment of such method, or the use of such object.

ART. 5.—In each State of the Zollverein the subjects of the other States shall be treated in all respects as its *own subjects*, as well with regard to the granting of patents as the protection of the rights thereby established.

Each state to regard patents as distinct subjects. Patent granted by one state may be refused by another.

The issuing of a patent in one State shall, however, in no wise be a valid reason why a patent for the same object should not be refused in another State. The determination of the question, whether an object deserves a patent or not, is left to the free judgment of each separate State within the united territories of the Zollverein, according to the limitations and provisions by it found advisable ; this judgment being in no way forestalled or anticipated by any previous determination of another State. The grant of a patent does not confer on the subject of any one of the States the right to the substantial establishment and exercise in another State, of the trade or profession to which the patented object belongs.

The right thereto must be specially acquired according to the constitutional laws of that State.

ART. 6.—If, after the grant of a patent, information is obtained that the claim of the inventor to novelty and originality is not *well founded*, the said patent shall forthwith be annulled.

May be annulled for want of novelty—good, if known only by private individuals

In case the patented object has been previously known only to private individuals, by whom the secret is kept, the patent, provided there be no other and distinct circumstances brought forward for its nullification, shall remain in force ; but so far as regards the above-mentioned persons it shall be without effect.

ART. 7.—The grant of a patent in any State of the Union with the general description of the object, the name and dwelling of the patentee, and also the term of the patent, shall be published in the Gazettes appointed for official communications.

Must be published in the Official Gazette of the Union.

In like manner shall be published the extension of a patent, or the expiration of the same by the effluxion of the term for which it was originally granted.

Each Gov. of the Union annually to report lists of patents granted respectively by them.

ART. 8.—The united Governments of the Zollverein shall, at the end of each year, respectively communicate to each other a full and complete list of the patents granted during the course of the same.

The above treaty, after having been ratified by all the contracting parties, is hereby published and declared.

For the Minister of Foreign Affairs.

(Signed,)

GR. V. ALVENSLEBEN.

Berlin, 29th June, 1843.

RUSSIAN STATUTES

RELATING TO LETTERS PATENT.

By the grace of God, we, Alexander the 1st, Emperor and Autocrat of all the Russias, &c. &c.

Regard being had to the petitions which have been presented to us, relative to the privileges accorded for different inventions and discoveries in arts and manufactures, and desirous of establishing a permanent order which may reconcile the interests of individuals with the emulation of the inventors and the public advantage.

After having heard the opinion of the Council of the Empire, We have judged it right to decree as follows:—

I.—*Of the Purport of Privileges for Inventions and Discoveries.*

ART. 1.—The privilege accorded for inventions and discoveries in arts and manufactures, is a certificate, which states that the invention therein-mentioned has been in due time presented to the government as the property of the person named in the said privilege. Privilege set forth in a certificate.

ART. 2.—In granting such a privilege, the government does not warrant that the invention or the discovery belongs in fact to the person who makes the application, but certifies only the peculiarities of the invention or discovery at the time of its presentation. Does not warrant the invention.

ART. 3.—The privilege conceded by the government does not take from any one the right to prove, according to law, that the invention or the discovery therein-mentioned does not belong to the person who has presented it as his own. Patentee can be made to prove ownership

ART. 4.—But until this proper ownership has been legally brought in question, the person who has obtained the privilege has claims to the following rights:— What is secured to the patentee by the above grant.

1. He may, during the time specified by the privilege, avail himself of the invention or discovery as an unalterable and exclusive property.

2. Introduce this discovery or invention, employ it himself, or

sell it to others, as well as make over or transfer the privilege itself.

3. To prosecute before the tribunals every infringer, and recover from him an indemnity for all losses which he may have sustained.

4. Every production, exactly like in all its parts to the invention or discovery, shall be esteemed an infringement, even when some modifications, of little importance, and foreign to the essential parts thereof, shall have been introduced into it.

ART. 5.—At the same time the person who desires a privilege shall be bound,

1. To present to the government an exact description of his invention or discovery, with all the essential details; the way of using it, its manipulation, with the plans and designs which belong to it, without concealing any thing which may have relation to its effective execution.

2. To pay the charge fixed for the privilege.

ART. 6.—There shall be no privilege granted for the discoveries, of which the exact and detailed description above-mentioned shall not have been given.

ART. 7.—In like manner there shall be no privilege granted for those objects which are neither of advantage for the state or to individuals, and which may have an injurious tendency to either.

ART. 8.—Privileges may be granted for inventions and discoveries made in foreign parts, but of which the detailed description has not been published, and of which the use has not been introduced into Russia.

ART. 9.—Privileges granted for the like introductions and applications have the same force as those conceded for inventions made in Russia, so long as it shall not be proved that the object invented had been introduced into Russia before the privilege, and been put in practice there, or that during the time when the petition was presented to demand the privilege, this invention had been described in the public papers or in books, so that the object might be perfected and put to work without the new description.

II.—Order to Pursue in Granting the Privileges.

ART. 10.—The person who desires to obtain a privilege ought to present a petition to the Minister, annexing thereto the description mentioned in the 5th Art., which ought to specify the advantage to be derived from this invention or discovery.

ART. 11.—The Minister of the Interior, after having examined the petition in the Council of his Ministry, and after being convinced that the invention or discovery may really be of some utility, presents in that case only his opinion to the Council of the Empire.

ART. 12.—Whilst examining the petition presented for the pur-

Covenants made by patentee.

If description be defective.

Must be useful and not dangerous to the state.

Foreign inventions patented.

Must be new in the kingdom.

To whom petition must be made.

Petition presented to Council of the Empire.

Examination

pose of obtaining a privilege, the Ministry of the Interior is bound to ascertain to inform itself, in the first instance, if a privilege has not been already granted for the like inventions or discoveries; and in the case where there shall be more than one petition for the same discovery, the privilege is to be granted to him who has first presented himself, and the later petitions to be rejected. to ascertain if a prior patent has been granted.

III.—*Form of the Privileges.*

ART. 13.—The privilege, or patent, is to bear—1. The name of the inventor. 2. The date of the presentation. 3. The description of the invention. 4. The term of the privilege. 5. The charge to pay for it. 6. The signature of the Minister of the Interior. 7. The seal of the Ministry of the Interior. Subscriptions, signatures, and seals.

ART. 14.—The privileges are to be written on parchment, and the expenses to be comprised in the charge to be paid for obtaining them. Engrossed on parchment.

IV.—*Of the Term and Charge.*

ART. 15.—The privileges are to be granted, according to the request for the same, for three, five, and ten years, but not longer. Term of grant.

ART. 16.—The charge to be received—for three years, 300 roubles. For five years, 500 roubles. For ten years, 1500 roubles. Tax.

V.—*Of the nullification of the Privileges.*

ART. 17.—The privileges are to be suspended—1. Through the effluxion of the term. When annulled.

The actual charges for patents of invention are, for three years, 300 roubles, or £15; for five years, 500 roubles, or £25; for ten years, 1500 roubles, or £75.

For patents of importation, or objects already patented elsewhere—for four years, 800 roubles, or £40; for five years, 1000 roubles, or £50; for six years, 1200 roubles, or £60.

Patents of importation are never granted for a longer term than six years.

2. If it shall be proved before the Tribunals that the same invention or discovery, at the time that the petition to obtain a privilege on account thereof was presented, had been described in the public papers, or in works which have appeared in Russia, or elsewhere, so that it may be put in practice without a new description. Want of novelty.

3. If it shall be proved before the tribunals that the invention or discovery has already been introduced into Russia in a manner exactly similar before the grant of the privilege. If before introduced.

4. If it shall be proved that it is impossible to attain the aim proposed in following the description published, even according to the direction of the inventor. If unsuccessful.

When expired, to be made public.

5. The expiration of the term of the privilege is to be immediately published by the Ministry of the Interior, in the Gazettes of the two capitals, and then all have a right to use the discovery for which the privilege has been granted.

VI.—*Of the Proceedings before the Courts of Law.*

How conflicting parties are to be heard.

ART. 18.—Questions relative to privileges are to be examined in the Council of the Ministry of the Interior, to which shall be associated skilful persons according to the choice of the parties, pleading in equal number on each side.

ART. 19.—The affair is to be determined by the majority of voices.

May appeal.

ART. 20.—The opponents may appeal against the judgment to the Senate, where the affair is to be decided according to the established order.

Date of law.

ART. 21.—All the regulations of this ukase are in full vigor from the date of its publication.

Sventsiany, 17th June, 1812.

Signed, in the original, by the proper hand of his Majesty,

ALEXANDER.

Printed at St. Petersburg by the Senate,
1st July, 1812.

His Imperial Majesty has deigned to confirm, and order to be put in execution, the opinion of the Assembly-General of the Council of the Empire concerning the affairs relative to privileges, and remaining without decision by reason of the non-presentation of the information required.

For the President of the Council
of the Empire.

Prince ALEXIS KOURAKIN.

(Signed,
24th April, 1829.

BAVARIAN STATUTES

RELATING TO LETTERS PATENT.

THE dispositions, which regulate in Bavaria the grant and rights of patents of invention are,

The articles 48 to 60 of the Instruction published the 28th December, 1835, in execution of the 12th Art. of the Law of the 11th Sept. of the same year, relative to Industry and the Ordinance of the 15th August, 1834 ; of which this is a recapitulation.

Instruction of the
28th December, 1835.

ART. 50.—The patent is a guarantee to the patentee of the exclusive use and profit of his discovery, according to the terms of the description, and for the period therein-mentioned. Exclusive right guaranteed.

ART. 51.—The patentee has the right, in submitting to the regulations of police, to form establishments for the working of his discovery ; to give to this operation all the extent it is capable of ; to employ therein such processes and means as he may think expedient ; to form dépôts for its products ; to take to himself partners ; to assign his patent, in whole or in part, according to the forms established by law. Every transfer of the patent ought to be notified to the Minister of the Interior. Of manufacturing, assignments, transfers, &c.

ART. 52.—A patent for an improvement does not give any right to the patentee as to the principal object to which this improvement applies ; and in the case where the principal object shall be patented, the patentee shall have no right over the improvement. Patents of addition.

ART. 53.—The manufacture or sale of a patented product without the consent of the patentee, affects his rights ; and he may, in consequence, claim the interposition of the Judicial Police, in order to put an end to the infringement, and obtain the provisional seizure of the products which are the objects of his patent, whether they are found at the manufacturer's, or his depositories, or come from a foreign country. Goods can be seized for infringement.

Commencement, Duration, Expiration, and Tax of Patents.

ART. 54.—The maximum of the duration of patents is fixed at fifteen years. It commences from the day of the warrant of the title ; nevertheless, the action of the patentee against the counter- Longest term and date of patent.

feiter does not commence but from the day of publication in the official papers.

ART. 55.—The patent ceases as well for the first patentee as for his assigns—

1. If the working of the patent, or its products, are found to be injurious to the state, or to the public health or welfare.

2. If there be legal proof that the discovery, &c. was known or described before the day and at the hour of the procès-verbal of deposit; and that in either case it had been put in use within the kingdom; or if the titular of an anterior patent shows that the patent subsequently granted is identical with his own.

3. If the description given by the patentee does not fulfil the conditions prescribed (Art. 48, No. 1.) for the validity of the patent.

4. If the titular of the patent does not comply with the special obligations imposed on him by the consequence of the delivery of the title; if he do not pay, when due, the second moiety of the tax; or if, in case of assignment, the assignee omits the declaration prescribed by Art. 51.

ART. 56.—For the purpose of facilitating to inventors the trial of their discoveries, &c., patents for a shorter period may be delivered than that which is fixed by the law for a maximum; and it is optional with the inventors to obtain the prolongation thereof to the extent of fifteen years, by means of a declaration to be made before the expiration of the first patent.

If the prolongation is not claimed in time, the patent becomes extinct by the expiration of the first period which has been assigned to it.

ART. 57.—The obtaining of patents is subject to the payment of a tax, regulated according to each particular case; and, unless the patentee prefers to pay it immediately, it is payable half upon the delivery of the title, and half within the three months which follow the effluxion of the first half of the patent, under the penalties imposed in case of omission. (Art. 55, No. 4.)

If a patent be annulled before the expiration of its term, there shall be no return of the tax unless the nullification results from considerations of public policy. (Art. 55, No. 1.)

The amount of tax received is to be addressed every three months to the Minister of the Interior by the provincial authorities, with a list of the patents for which the tax has been paid. The Minister of the Interior is to order the publication of this list in the official paper.

Of the Registration of Patents and publication of Inventions.

ART. 58.—With a view to facilitate the verifications, there ought to be opened, and constantly ready for inspection, a register for the inscription of patents granted, with the specification of the name of the patentee, of the place of his domicile, of the day and hour of the deposit, of its description, of the date of the delivery

When a patent is annulled. If dangerous.

Not now.

Description defective.

For several other causes.

Short patents granted to test value, and extended, if desired.

When fees must be paid.

If annulled, when fees are returned.

Authorities to account each three months to the Minister of Interior, and lists published.

Register for public inspection.

of the object, and of the duration of the patent ; as also the changes of property, or forfeiture, which may happen before the term fixed for its duration.

ART. 59.—Extracts from this register ought to be inserted periodically in the most widely-circulated gazettes, in the journals of industry, and in the advertising papers in the provinces. The Minister of the Interior ought to take care that the most extended publicity be given to the description of the objects invested with a patent, immediately after the expiration of the three first years, to be computed from the day of the publication of the patent granted, in order to contribute the utmost possible to encourage the spirit of invention and extension of industry.

The greatest publicity to be given to patents, after three years of the date has expired.

The publication of discoveries, &c., at the term above fixed, cannot be postponed by the Minister of the Interior, but in extraordinary cases, and for well-grounded reasons, the patent sufficiently protecting the patentee against the infringement and violation of his privileges.

When such publication may be postponed.

To these dispositions the Ordinance of the 15th of August, 1834, has added an article relative to the delivery of the patent of importation ; it purports, that in the case of a request for a patent of importation for discoveries, or improvements applicable to arts already practised in Bavaria, these patents shall not be delivered only so long as the discovery or improvement shall be the object of a patent in a foreign country, and that this privilege does not exceed fifteen years.

Regulations respecting patents of importation.

The requests for patents, relative to objects already patented in one of the States of the Association of Customs (Zollverein), and presented by others than the titulars of patents existing in those States, shall be subject to the conventions, general or particular, entered into, or to be entered into, with the said States.

Further Ordinance for the better and more effectually determining of the law of September 11th, 1825, relating to patents, dated Monday, February 21, 1842.

Louis, by the grace of God, King of Bavaria, Count Palatine of the Rhine, Duke of Bavaria, Franconia, and Suabia, &c., &c.

It has seemed good to us, for the better carrying into effect of the statute of 11th of September, 1825, respecting patents, to command a thorough revision of the preceding ordinances and regulations, in accordance with general usage, and with a due regard to the principles thereunto laid down by the Government of the Zollverein States for that purpose assembled, and we thereupon ordain,

ART. 1.—For discoveries, inventions, or improvements in trade, whether the same be a new manufacture, or a new material used in manufacture, or a new process of manufacture, patents may be granted,

Patents granted for new inventions or improvements of utility.

If the object itself be new and original, or the alteration exhibited comprehends something new and original, and if the said alteration therein

Be of such consequence that the invention or improvement promises to be of general utility.

Patents of importation granted.

ART. 2.—Patents for the introduction of a discovery, invention, or improvement, made in any foreign country, are granted,

If the general requisites, indicated in Art. 1, letter *a*, exist; and if, likewise,

The object to be introduced is already protected by a patent in such foreign country.

When patents have been previously obtained of other states.

ART. 3.—For an object which is recognized as the invention of a subject or subjects of some other of the Zollverein States, and for which, by virtue of the same, a patent has already been obtained, a patent shall be granted only to the inventor himself, or his attorney by power, inasmuch as reciprocity is observed by the respective countries.

Foreign patents to be limited to their original time.

ART. 4.—No importation patent shall be granted for a longer term than that for which the original patent, by which the invention is protected in a foreign country, has to run, without prejudice, however, to the general regulations of the law of 11th September, 1825, respecting the longest term for which a patent may be granted.

Novelty not guaranteed, and what nullifies a patent.

ART. 5.—The granting of a patent is not to be considered consequent on a preceding official examination of the novelty and originality of the alleged invention or improvement (*does not in fact guarantee either the one or the other*), but the petitioner remains responsible for the correctness of his representations.

If it should afterwards appear that the patent object is not new and original, or that (saving the cases under Art. 2, letter *b*) the same has been already brought out, published, or in any other way made known, or that it has been already set forth in any periodical of this or any foreign country, be it written in German, or a foreign language, by the aid of descriptions or drawings, so that such improvement can by competent persons be carried into effect, then the patent that has been granted shall be void, and any loss or damage thence arising must be borne by the patentee.

Of patents of the Zollverein, and rights reserved.

ART. 6.—The subjects of any other State of the Zollverein, where reciprocal relations exist, shall enjoy, as far as regards the delivery of patents, and the protection of the rights consequent thereon, the same facilities as our own subjects.

Nevertheless, the possession of a patent in any other of the Zollverein States shall not give its possessor any right to an importation patent for the same object in Bavaria. On the contrary, we reserve the granting of such patents for our own consideration from time to time.

To whom demand must be addressed.

ART. 7.—Any person desirous to obtain a patent must present his petition thereon, either directly or indirectly, to our Minister of the Home Department.

The petition must recount in an exact, distinct, and complete manner,—

1. The Christian name and surname, the profession, dwelling, and legal domicile of the petitioner.

2. The general distinguishing features of the discovery or improvement in its most essential bearings.

3. If an exclusive right be demanded, for the manufacture, or exportation of the new object therein-mentioned, or, for the application of new machinery or mechanism; or, lastly, for the application of a new mode of manufacture.

4. The number of years for which such patent is demanded.

ART. 8.—The petition must always be accompanied by a detailed, true, and complete description, in the German language, whether original or translated, of the invention or improvement, and of the method to be observed with reference to the use thereof.

Must be in German, and accompanied with drawings, models, &c.

Where it shall be necessary for the understanding thereof, exact and neatly-executed designs, drawings, models, or patterns, must be annexed.

ART. 9.—In the description and arrangement, must be defined and set forth with the utmost precision those parts of the manufacture, material, or the process of manufacture, which are claimed as new and original.

Claims particularly set forth.

ART. 10.—The description may be annexed to the petition either sealed or not, as may seem good to the petitioner. The opening and examining of petitions always take place in an official manner before the granting of the patent. Nevertheless, especial care is taken to avoid premature publication.

Description sealed or not at petitioner's option.

ART. 11.—If an importation patent be applied for, then either the original patent granted in the foreign country, or a copy thereof, authenticated in due form, must accompany the petition.

Of patents of importation.

ART. 12.—On the deposit of the petition and the accompanying specification, the precise day and hour of such deposit shall be noted thereon by the proper authorities.

Precise day and hour noted, and certificate given.

The petitioner shall likewise obtain from the proper authorities, to whom he has presented his petition, a certificate, which, in case of necessity, shall serve as an attestation of his priority of right.

ART. 13.—Petitions which either do not contain the essential particulars mentioned in Sect. 7, or which do not contain a general description of the object for which a patent is required, will be put on one side, and will not establish for the petitioner any right of priority.

If defective, will be put on one side, or returned, without prejudice for conviction.

If the accompanying description, on the inspection of its contents, be found defective, it will be returned to the petitioner for completion within a limited period; without prejudice, however, to any existing right of priority in the petitioner.

ART. 14.—If petitions for patents be deposited with subordinate authorities, or any intermediate parties, such parties must forward the same with a notification of the day and hour of its delivery to the Home Department.

Of subordinate authorities, with respect to petitions.

They are answerable, also, for every neglect, as well as for any damage done to the seal of the sealed description by their subordinate officers.

When an application is refused.

ART. 15.—The grant of a patent demanded for any invention or importation, in conformity with the foregoing instructions, shall only be refused when, before such grant is issued, it shall appear

1. That the preparation of the new fabric, or the application of the new manufacturing material, or of the new process of manufacture, be inadmissible on the score of public health and safety, or dangerous to the commonweal, or contrary to the existing laws and ordinances.

2. That the object for which a patent is demanded be not new and original. Sect. 5.

3. That the regulations of Art. 3, do not oppose the grant thereof.

4. That a patent for the same object has not been before granted by us.

What the letters patent shall contain, and when delivered.

ART. 16.—On the granting of every patent an act will be delivered, in which shall be fully and correctly inserted the name of the petitioner, the object of the patent, and the exclusive right thereby conceded, with the number of years for which the same has been granted.

The delivery of this act shall take place only upon the payment of the amount of the Government charges.

Of the term of grant.

ART. 17.—No patent shall be granted for a longer term than fifteen years. If the same has been originally granted for a shorter term, before the expiration of that term a prolongation of it, till the completion of the longest allowed term of fifteen years, may be applied for and obtained.

Publication of lists.

ART. 18.—Every grant of a patent, as well as every prolongation thereof, shall be made public by insertion in the Gazette, with the public designation of the object of the patent, the name and domicile of the patentee, as well as the term of duration or prolongation of such patent.

Patent tax.

ART. 19.—The Government charges for patents shall be, for each of the first five years of the whole term, five florins; and for each of the following five years, ten florins, thus

The charges for a patent are as follows:—A patent of one year, five florins; two years, ten florins; three years, fifteen florins; four years, twenty florins; five years, twenty-five florins; six years, thirty-five florins; seven years, forty-five florins; eight years, fifty-five florins; nine years, sixty-five florins; ten years, seventy-five florins.

From the tenth to the fifteenth year this tax is augmented in the following progression:—A patent of eleven years, ninety-five florins; twelve years, one hundred and twenty-five florins; thirteen years, one hundred and sixty-five florins; fourteen years, two hundred and five florins; fifteen years, two hundred and seventy-five florins.

ART. 20.—If a patent granted for a short time be prolonged only, When pro-
longed. the charges for its prolongation are to be paid; these, nevertheless, are to be calculated according to the progressively increasing scale of the ensuing years.

ART. 21.—The tax shall be paid at the office of the Provincial Where tax to
be paid. Government through which the delivery of the patent deed takes place. The collector has to remit the amount thus paid every quarter to the Patent-Fund Office.

ART. 22.—A patent, according to the contents of the Act there- What is grant-
ed in the
patent. with delivered, save as excepted in the following Arts., gives the patentee the exclusive right of manufacturing, exporting, or employing, his invention, provided that no party has acquired such right from the patentee himself.

ART. 23.—A patent granted for the exclusive use or exportation What rights
are not con-
ferred. of any invention does not confer the right

To prevent or limit the importation of objects of a similar kind to those patented;

To prevent the sale or disposal of the same;

Or to interdict the use or consumption of similar objects not obtained from the patentee, or with his consent elsewhere furnished, saving the following regulations:—

ART. 24.—Patents for exclusive use

Of a new process of manufacture, or new fabric.

Of new machines or instruments for the improvement of trade or manufacture, give, without any limitation, the right to interdict to any third party, who has not procured such from the patentee himself, the use or employment of the patented invention.

What is inter-
dicted by the
patent.

ART. 25.—Whoever shall procure a patent for the improvement Of patents of
improvement. of an already patented invention, does not thereby acquire the right to prejudice the patentee of the original invention, but he may make an arrangement with the original patentee to use the same.

ART. 26.—Every holder of a patent is entitled to the full exer- Of manufac-
ture and sale cise of the privileges acquired by virtue of his patent, and may, regard being had to the existing laws, ordinances, and police regulations, establish an unlimited number of factories, and employ as many workmen as he shall think proper.

Nevertheless, he does not by that patent acquire an individual right to the actual exercise of the *trade or calling* to which the patented object appertains, but he has only the right thereto subject to the existing laws and ordinances specially thereupon laid down.

Nor does a patent confer on the patentee a legal title to be naturalized, or contract marriage.

ART. 27.—The patentee may, in conformity with the existing Of transfers,
records, &c. laws and ordinances, dispose of, or give up his interest in the patent.

A notification must be made of each transfer to the Minister of the Interior, within three months from the date of such transfer.

In case of the patentee's death, the patent devolves upon his heirs.

To obtain address for infringement.

ART. 28.—Every protection will be forthwith afforded by the magistrates in conformity with the law of Sept. 25, in case of any infringement of the patent, or any usurpation of the rights thereby acquired, at the request of the injured party, who also retains unimpaired his right to compensation for any encroachment upon his patent.

If conflicting parties solicit.

ART. 29.—If two or more parties should claim the exclusive right to an invention or improvement, the preference shall be given to him or them who shall have obtained the priority in the manner before indicated.

When annulled.

ART. 30.—Patents are void—

1. When, after the grant of the same, circumstances become known, which, if previously known, would have authorised its refusal under the provisions of Art. 15, Nos. 1, 3, 4.

2. If the provisions of Art. 5 (2) are neglected; but if the invention had been already known to some private parties, and there are no other grounds for annulling the patent, it shall remain in force except with regard to the above-named parties.

3. If it should appear that any essential part of the description on which the invention, improvement, or application depends, has been kept back or misrepresented.

4. When the patentee has not made use of his patent within three years; or, if it be granted for less than six years, within the first half of that term; or when the holder of an importation patent has not made use of it before the expiration of one year.

5. When the execution thereof shall have remained suspended during two complete years.

6. When the patent by which the object is protected in a foreign country (Art. 2, *b*) shall have expired.

7. By renunciation.

8. When, on a transfer, the prescribed notification shall not have been made within three months at the Home Department.

9. When the term for which the patent was granted shall have expired.

Void patents must be reported to the Home Department.

ART. 31.—If a patent be void for any of the causes indicated in Art. 30, 1—8, after an examination of the reasons for its nullification, the same shall be declared by the competent authorities; and as soon as its extinction has been legally effected, communication thereof must be made to the Home Department, which is charged with the publication of the same in the Gazette.

The King's prerogative.

ART. 32.—The granting of a patent is the exclusive prerogative of the King.

Before what authorities all suits and other novelties shall be brought.

ART. 33.—*The competent authorities* to whom shall be referred all disputes concerning patents, whether for manufacture, application, or execution, and all relating to the extension or nullification of patents, and all differences or questions which may arise between patentees and other parties, are *the respective Directors-General of Police*.

1. In provinces of the first class, the Magistrates of the province and the Lords High Commissioners. What authorities in the provinces.

2. Within manorial territories, the Magistrates of the Manor, or the Lords Commissioners, except in the cases affected by the regulations of Art. 87, of the Sixth Chapter of the Supplement to the Code. In manorial districts.

3. In large cities, which are immediately subject to the provincial governments, the Town Magistrates. In large cities.

4. In all other districts, the Country Courts or Assizes.

ART. 34.—In all the above-mentioned cases, summary justice will be rendered. It is incumbent, however, on the competent authorities, to find out and bring forward all deviations from the stipulated conditions, (independent of any *ex parte* statement that may be made,) for the purpose of a complete investigation. How tried, and judgment rendered.

ART. 35.—In case of appeal from the decision of any inferior court, it must be made to the one next above it. Appeals.

ART. 36.—All actions of appeal from the decision of an inferior court must be notified to such court before the expiration of fourteen days, verbally or in writing. Notice of appeal.

ART. 37.—The period of fourteen days is to be reckoned from the day of the publication of the decree of the Court of *First Instance*. Reckoned from day of publication.

ART. 38.—The grounds of decision must be appended to the judgments of both courts. Case made out.

ART. 39.—In the event of an action of appeal being brought, the operation of the patent shall be suspended. Operation of patent in such case.

ART. 40.—All actions of appeal against the decisions of the Second Instance being inadmissible, are not to except reconsideration. No reconsideration can be had.

The competent authorities in these matters must refuse to receive and register such appeals. The notaries who draw up such appeals shall be prosecuted. If such appeals made, notaries prosecuted.

ART. 41.—Just complaints are admissible only on the supposition of their conforming with Art. 12 of our Ordinance of Dec. 29, 1836, for the simplification of business in the Home Department. What grievances admissible.

ART. 42.—Disputes arising from the possession of a patent derived from a private title, belong to the jurisdiction of the ordinary civil judge. Disputes concerning title.

In individual cases, the right to indemnification for loss, and all that relates thereto, shall be determined according to the established general laws and ordinances.

ART. 43.—A register must be made in the Home Department of all patents granted, and constantly kept to authenticate the same. Of registration.

This register must contain—1. The Christian name and surname, the profession, dwelling and domicile, of the patentee. 2. The day and hour of the demand. 3. The date of the grant. 4. The object of the patent. 5. The term for which the patent is granted. 6. Any transfer or change of possession. 7. The date of the expiring thereof.

All persons shall be permitted to inspect this register who may feel an interest therein, especially such as are themselves soliciting a patent.

Expired patents published, and patents not carried into effect can be examined.

ART. 44.—After the expiration of a patent, the description of the invention shall be made public, whenever the said publication shall seem serviceable to the commercial interests of the country.

Every one shall have the right of inspecting the descriptions of such inventions or improvements as shall not have been carried into effect within the term above prescribed, provided that political considerations are not opposed thereto.

All other laws annulled which conflict.

ART. 45.—From the day of the promulgation of the present Ordinance for the better carrying into effect of Arts. 9, 10, and 11, of the law of Sept. 18, 1825, (so far as the last two concern patents,) all ordinances and regulations previously issued shall be void; without prejudice, however, to their application for judging such rights as are acquired by patents granted before that day.

Our Minister of the Home Department is charged with the execution of the present law, which is to be published in the Gazette and Provincial Journals.

(Signed,)

Louis.

STATUTES OF SAXONY

RELATING TO LETTERS PATENT.

Concerning the mode to be observed in granting patents of invention and privileges in the respective countries of the Zollverein Custom League, of the 31st July, 1843.

CONSIDERING that by the Convention of 21st September, 1842, between the respective Governments united under the Custom League, or Zollverein, the following general rules concerning the granting of patents of invention, or privileges, have been agreed upon, and the same are hereby published and made known to the public.

Dresden, 31st July, 1843,
Home Department.

In conformity with the agreement deposited at the conclusion of the Acts of the Zollverein concerning rules and regulations for the establishment of general principles, with respect to the granting of patents and privileges for inventions, the following conventions have been concluded between the Governments allied under the League of the Zollverein.

Although it is generally reserved to every particular country to make its own regulations concerning the granting of patents, whether of invention or importation, nevertheless, each respective Government of the League, being desirous to avoid on one hand restriction to free communication between the different countries, which might result from such privileges; and, on the other hand, to yield and conform to certain essential stipulations, have agreed to certain reservations made at the time of the conclusion of the Acts of union of the aforesaid League concerning the granting of patents or privileges.

ART. 1.—Patents will only be granted for such objects as are new and original. Patents will, therefore, never be granted for such objects as have previous to the granting thereof been in circulation or activity, or in any wise become known within the jurisdiction of the League.

Patents granted for novel inventions—
tests of novelty.

All objects which have already been published either by description, or drawing, in any work or journal of this or any foreign country, in such a manner that the execution or imitation thereof could be effected therefrom by a competent person.

The novelty or originality of a patent is always left to the decision of each individual country.

If any improvement be the invention of any subject of the Zollverein, and the inventor has obtained a patent in any kingdom of the League, no patent for such object will be granted in any other kingdom thereof, except to the inventor, or his attorney by power.

Patents of improvement.

ART. 2.—Referring to the stipulations of Art. 1, a patent may be granted for the improvement of an object already known or patented, provided the improvement comprehends or consists in the discovery of some new and original property; but in this case the former patent must not be prejudiced by such improvement; and the right of using the first patent must be acquired by the patentee for the improvement.

What a patent does not grant.

ART. 3.—The concession of a patent will not confer a right to import similar objects to those for which the patent has been granted.

To prohibit or restrain the sale of the same.

To prohibit the use and employment of similar objects which are neither bought of him, nor with his consent from others; but there will be an exception if the patent be granted for machines, mechanism, or instruments, and manufactures, but by no means of articles or materials of general trade, or articles of general and public consumption.

What rights under a patent.

ART. 4.—At the same time, each particular Government being a member of the Zollverein, may issue patents within its own jurisdiction—

1. For the exclusive manufacture or execution of any object.

2. For exclusively employing

A new method of manufacturing; or,

New machinery, mechanisms, or instruments for manufacturing, in such a way that the holder of a patent be entitled to interdict the application of his patented method, or the use of the patented article, to all those who have not purchased a license of the patentee to that effect.

Refers to Zollverein League.

ART. 5.—The subjects of each State of the Zollverein shall enjoy in every State of the said League the same privileges, as well with regard to the granting of patents as the protection of the rights obtained thereby.

But the concession of a patent in one State by no means guarantees the right of obtaining a patent in another State of the Zollverein. Each Government reserving to itself the right of refusing or granting, according to its own views; nor does the possession of a patent in one country of the Zollverein, in itself, confer a further right upon the subject of such country to form independent establishments in any other country, and carry on there the trade or calling to which the patent article appertains; the privilege to that effect must be specially obtained according to the regulations in such other State.

When patents are void.

ART. 6.—If, after the granting of a patent, it shall appear that

the pretension of its object to novelty and originality cannot be sustained, the patent shall be immediately annulled; but in cases where the invention has been known only to a few individuals, who keep the particulars thereof secret, the patent shall be held valid, provided there be no other reason for nullifying the same; but so far as regards such persons as were previously acquainted therewith it shall not be available.

ART. 7.—A patent granted in one State of the Union shall be openly declared and published in the papers appropriate to official communications, designating the objects thereof, the names and domicile of the patentee, the date, and length of time for which it has been granted. In like manner shall be announced the prolongation of the term of the patent or its nullification before the expiration of the period originally granted.

Published,
title, date, and
term.

ART. 8.—At the end of every year the several Governments of the Union shall make a full and complete declaration to the others respectively of the patents thereby granted in the course of the preceding year.

Each year full
lists inter-
changed
throughout the
League.

Although the Saxon Government reserves to itself the right of limiting the number of years for which a patent shall be granted, it is advisable that the petitioner should define the exact period for which he desires it; and adduce, in support of his petition, the advantages which will accrue to the trade and manufactures of the State by the introduction or adoption of his invention or improvement.

General
instructions

The charges of the Government for a patent are from five to fifty Prussian dollars, but may be higher under certain special circumstances, but not materially so.

The duration of, and charges for, a patent, depend greatly upon the importance of its object.

The applicant must address his petition to the Minister of the Interior, accompanied with a specification, drawings, and, if possible, samples of the object of the patent he solicits.

It is generally required, that persons residing in foreign countries should, in their petitions for a patent, nominate a native of, or other resident in, Saxony, in whose name the patent may be granted, as the titular holder, unless they be the subjects of some other State of the Zollverein: should, however, such persons not be provided with such a nominee at the moment of presenting their petition, it nevertheless will be expedient that they should take that measure, inasmuch as they will thereby secure a priority for their respective inventions.

STATUTES OF WURTEMBERG

RELATING TO LETTERS PATENT.

Official Gazette, Monday, May 5th, 1828.

Section 7th.—On Inventions and Patents.

Patents of invention.

ART. 143.—APPLICATION may be made to the Government for patents, either for the invention of a new manufacture, or of a new material used in manufacture, or of a new process of manufacture.

Effect of the same.

ART. 144.—No third person shall, without consent of the patentee, employ or make use of any invention for which a patent has been obtained from the Government, so long as such patent shall remain in force.

Form of application for a patent.

ART. 145.—Whoever is desirous of obtaining a patent for an invention, must make a return to the district office of his dwelling, or of the commune in which he wishes to establish the trade or manufacture based on his invention. To this return must be appended a full, true, and particular description of the said invention, with the drawings, models, sketches, or patterns, necessary for the complete understanding of the same; and in the said description shall be distinctly set forth the peculiar means, process, or qualities, which he claims as his invention. The description may be inclosed, sealed, and in this case it will not be opened at the district office.

Mode of official proceeding.

ART. 146.—A certificate shall be returned by the district office to the applicant for a patent, of the day and hour of his application. The petition itself, with the accompanying description, shall be forwarded to the Ministry of the Interior, with a notification of the date of the deposit thereof.

Grounds for refusing a patent.

ART. 147.—The grant of a patent shall be refused,—

1. If the preparation for which the same shall be required, or the process intended to be employed, shall appear to be incompatible with the existing laws.

2. For objects for which a patent has been previously granted.

3. If the pretended invention has been already brought into use in this country.

ART. 148.—A patent for the importation of an object invented in any foreign country can only be obtained when the aforesaid object, at the time of the petition,—

Patents of im-
portation.

1. Has not yet been employed by any one in this country; and when

2. The same has been brought into use in such foreign country under the protection of a patent of invention; and when

3. The same has not yet been made known through any public descriptions of such kind, that the object can be imitated by any competent persons.

ART. 149.—Patents will not be granted by the Government for a term exceeding ten years.

Limitation of
the term of
patents.

An exclusive privilege for a longer term can be obtained only by a special act of the legislature.

The grant of every patent shall be openly declared.

ART. 150.—The description sent in of the object for which a patent is demanded may, during the continuance of the patent, and without the consent of the patentee;

Respecting the
keeping secret
of the descrip-
tion sent in
with the ap-
plication for a
patent.

1. In case of dispute arising respecting the patent, be communicated to the authority competent to decide thereon at his desire.

2. It may be given for inspection to a third party, but under the following restrictions: provided

That, with respect to invention patents, the last year of the term of the patent be already entered upon; and, with respect to importation patents, the first half of the term of the patent be already elapsed.

That the party desirous of inspecting the description be a citizen of Wurtemberg, and a resident in the country.

That the person aforesaid can prove an interest entitling him to be made acquainted with the description.

That he deposit sufficient security, that during the continuance of the patent, he will not himself put into practice, or employ the object in question, without the consent of the patentee; nor supply the means or opportunity for the practice or employment of the same in this or any foreign country.

The patentee shall be advertised of the request for inspection before such request be granted. And a sufficient space of time shall be allowed him for the bringing forward of any objections to such inspection.

ART. 151.—A tax shall be imposed on patents, payable by equal instalments each year of the term for which the patent shall have been granted. Such tax may, in the whole, amount to from 50 to 200 florins.

Tax upon
patents.

The first instalment shall be paid on the delivery of the patent; the remaining instalments become due at the beginning of each new year of the term of the patent. The giving up of a patent before the expiration of the term for which it was granted, releases the patentee from the payment of such instalments as are not due at the period of the surrender thereof.

Prolongation
of the term of
a patent.

ART. 152.—Whoever has obtained a patent for less than ten years, may procure its prolongation, so as to complete the term of ten years, provided he demand such prolongation before the commencement of the last remaining year; or, in the case of importation patents, before the termination of the first half of the original term of the patent.

A fixed tax shall be imposed on the years of prolongation, according to the directions of Art. 151.

The prolongation of a patent shall be made public in the same way as the grant thereof.

Employment
of a patent.

ART. 153.—The patentee may, regard being had to the existing general laws, erect any number of warehouses or buildings for the exercise of his invention, without being confined to the place where he has acquired the rights of citizenship or domicile. He may also transfer to others, for the term of the duration of the patent, the right thereby granted him; or permit them to share in the use and profits of the same.

If the patentee should die before the term of the patent is elapsed, the right thereto devolves, for the remainder of the term, upon his heirs or legal representatives.

Penalties for
infringement
on patented
rights.

ART. 154.—Whoever shall, without the consent of the patentee, imitate a patented invention, or knowingly expose similar objects for sale, shall, on the complaint of the patentee, be condemned to forfeit for his use all the counterfeit objects in his possession, and at the same time to pay, as compensation to the patentee, the value of all the objects already disposed of, or already worked up; such value to be calculated at the selling prices thereof.

The like penalties shall on the complaint of the patentee, be inflicted on any one who shall import an imitation, made in a foreign country, of an object for which a patent has been obtained here.

Continuation.

ART. 155.—A mitigation of the foregoing penalties takes place in the case of an importation patent giving an exclusive right to the manufacture, but not to the sale of the articles manufactured by means of the imported invention.

In such case the patentee has the right to make his complaint, claiming forfeiture and compensation, (according to Art. 154,) against the imitator only, and the party who knowingly exposes to sale counterfeit objects manufactured in this country.

Continuation.

ART. 156.—In case any person, after the publication of the grant of a patent, shall, *unwittingly and in good faith*, employ a process similar to the patented invention, or expose for sale, or import from a foreign country, imitations of a patented object, the sale of the articles which remain undisposed of, and the further imitation of the same, till the expiration of the patent, shall, on the application of the patentee, be interdicted.

Improvement
of a patent
invention.

ART. 157.—The improver of a patented invention may practise or employ the same in the improved manner, without being hindered by the original inventor's patent; and he may obtain, for

the improved invention, a patent, provided the same does not infringe on the privileges of the original inventor.

ART. 158.—A patent shall be considered null and void,—

1. When before the period of the deposit of the description of the invention at the district office, either

Definition of the nullity of a patent.

Another party has already applied for a patent for the same invention in the manner before prescribed. (Art. 145.)

When the patented object has already been used or fabricated, either in this or a foreign country, without the protection of a patent of invention or importation; or is described in any printed publication so plainly that any competent person can, by means of the aforesaid description, make or use the same.

2. When the inclosed description (Art. 145) conceals any ingredient of the invention on which the complete employment of the same depends, or fraudulently misrepresents what has been made available as the basis and object of the patented invention.

3. When it shall be proved by any other inhabitant of this country, that the discovery has been made by him, and that the patentee has surreptitiously appropriated it to himself.

The regulation of No. 1, admits of the following limitation:—

In case it is certain that the invention had been already made use of by a third party before the application for a patent, but that such invention had been kept secret, then the patent granted subsequent to such discovery shall remain in force, but shall not apply to the party who had made use of the object of the patent before the application for the same.

ART. 159.—The patentee, who, with the intention to keep his invented process secret, after the expiration of the term of the patent, conceals or misrepresents, in the description given in, an essential part of his invention, is liable to punishment for the fraud; and if his invention be injurious to the public, to the further punishment incurred thereby.

Punishment for incorrect descriptions.

ART. 160.—An invention patent becomes void,—

1. By reason of the expiration of the term for which it has been granted.

Extinction of invention patents.

2. By voluntary renunciation of the rights thereby acquired.

3. If, after two years from the grant of the patent, the patentee has not, in this country, employed or carried on the object of the same; or if he has intermitted for two years the employment or carrying on of the same; unless he can, in either case, bring forward sufficient reasons for such non-employment or intermission of employment.

4. When the exercise of the patented trade is removed to a foreign country; and

5. When the preparation for which the patent has been obtained, or the means thereby intended to be employed, appears inconsistent with the existing laws.

ART. 161.—An importation patent becomes void,—

1. For the same reasons as an invention patent.

Extinction of importation patents.

2. When the patent, or one of the patents, by which an invention is protected in a foreign country, at the time of the grant of the importation patent, has become of none effect.

Publication.

ART. 162.—The nullification or the extinction of a patent, when the latter takes place before the expiration of the published term of the patent, shall be openly made known.

Making
known of the
description.

ART. 163.—Every citizen, after the extinction of a patent, is entitled to inspect the description accompanying the same. It is left to the discretion of the Government to make known the description by means of the public press.

STATUTES OF SARDINIA

RELATING TO LETTERS PATENT.

Royal Decree of the 28th February, 1826, by which His Majesty orders certain regulations in respect to exclusive Privileges.

CHARLES-FELIX, by the grace of God, King of Sardinia, &c. &c. &c.

We are informed that, amongst the persons whom we have honoured and encouraged by the concession of exclusive privileges, there are some who neglect altogether, or retard beyond all reasonable delay, the setting to work of the machines, and putting into a state of activity the manufactures for which they have obtained a privilege; and that, in consequence, industry in general derives no more any benefit from the protection and favour which we accord to the authors of useful discoveries, to those who improve them, or to those who are the first to import into our States the inventions which foreign countries enjoy. Wherefore, it appears to us right to enact certain measures, by means of which, while continuing efficiently to protect the inventors and importers of every useful art, native industry shall no longer have to suffer from the negligence pointed out above.

ART. 1.—The authors of discoveries, proper to create or improve any branch of industry, the importers into our States of foreign inventions, and the editors of works, which shall be deemed worthy thereof, may alone obtain a privilege. Of exclusive privileges.

We reserve to ourselves to recompense in another manner, if so be that they deserve it, the inventors or importers of discoveries, which, although likely to be of use, are not sufficiently important to merit the favor of a privilege.

ART. 2.—Patents shall be only for a time; their duration shall be computed from the date of the patent of concessions, but they shall not have effect with reference to the public but from the day of their publication. Duration of patents.

ART. 3.—Requests for privileges shall be addressed by the inter-mission of our Secretary of State for the Interior. The request shall contain the sort of industry or discovery which is to be the object of the privilege, the duration, and the place of working it; Petition and specification.

and, besides, the demand shall be accompanied by models, designs, figures, or illustrations, which may suffice to convey a complete and easy understanding of the thing.

Models and designs sent to Turin.

ART. 4.—When the letters patent shall be granted, the models, designs, figures, and descriptions above-mentioned, shall be sent to our Academy of Sciences at Turin, where they shall remain deposited.

Magistrates may demand contents of patent.

ART. 5.—The magistrates presiding over commerce, and all bodies, who, by the nature of their functions, shall have it amongst their duties to take cognizance thereof, may always demand a communication of the same.

When put in activity.

ART. 6.—In all patents granting a privilege shall be fixed a period within which the works of industry, which constitute the object of the patent, shall be put in execution.

How, when and where recorded.

ART. 7.—When the patents concede a privilege available throughout the whole extent of the State, they shall be recorded at all the Consulates and Tribunals of Commerce; but they shall be enrolled only at the Consulate of Turin, and the Consulate or Tribunal of Commerce of the district within which the privilege is restricted, when the same does not extend beyond the prescribed part of the country. Besides, all patents granting privileges shall be published in the places, and according to the ordinary forms, within three months from their dates, in default of which they shall be of none effect.

Must prove the putting of patents in activity in time.

ART. 8.—Those who have obtained a privilege ought to produce proof before the Consulate at Turin, and, besides, before the Consulate or Tribunal of Commerce of the district, in which they exercise their industry so privileged, that they have put it in operation within the period fixed by the letters patent.

Of previous grants.

ART. 9.—Persons who shall have obtained a patent before the date of these presents, and of which the duration has not as yet expired, must, within the space of three months, conform themselves to the conditions prescribed in the 7th and 8th Articles.

Must prove each year the continued use of patent, and give samples.

ART. 10.—The grantees must in every year verify before the Consulate or Tribunal of Commerce of the district, and in all cases before the Consulate of Turin, that they continue to maintain in activity the particular branch of industry for which they have obtained a privilege, and that they have, besides, presented and deposited at our Academy of Sciences at Turin, a sample of the manufacture of the preceding year, when the privilege has for its object some fabric or manufacture.

If manufacture prove inferior, right void.

ART. 11.—When the products of the industry invested with a patent shall be found to be inferior, the Academy of Sciences at Turin shall apprise our Secretary of State for the Interior thereof; and in case that the privilege extends to the entire State, the Minister shall give notice thereof to the Consulate at Turin, in order to have pronounced thereby the forfeiture of the same. If the privilege were limited to a part of the country, notice shall be given to the same end to the Consulate or Tribunal of Commerce of the district, always advising, besides, the Consulate at Turin.

ART. 12.—The Consulate of Turin, and the Consulates and ^{Magistrates to} Tribunals of Commerce of the district for which the privilege has ^{report delin-} been granted, shall make known regularly, and at the proper time, ^{quencies.} to our department of the Interior, if the grantees have, or not, complied with the obligations imposed upon them by the patent. Those who shall not have complied therewith, and shall not have fulfilled the conditions prescribed by the 7th, 8th, 9th, and 10th articles, shall forfeit their privilege.

ART. 13.—At the expiration of the duration of the privilege, and ^{Void and ex-} at all times when the grantees shall have forfeited their rights, the ^{pired patents,} Consulate of Turin shall make it known to the public by publica- ^{published in} tion; and every one may freely exercise the industry in question. ^{certain places.} When the question is about a privilege available only in a part of the State, besides the publication of the Consulate of Turin, there shall be a particular one made by the Consulate or Tribunal of Commerce of the district for which the privilege has been granted.

These publications shall always be inserted in the Piedmontese Gazette.

ART. 14.—The Consulates and Tribunals of Commerce are ^{Of frauds.} specially charged to take care that no fraud be committed to the prejudice of those who have obtained privileges.

ART. 15.—Our Academy of Sciences of Turin shall publish a ^{The Academy} list of privileges granted: mention shall be made therein of the ^{of Sciences} object and duration of such privileges. It is equally charged with ^{shall publish} the publication of the patents, the term of which shall have expired. ^{lists, &c.} This publication shall comprise the description of the processes of the industry, with the figures and designs necessary for the perfect understanding thereof.

ART. 16.—The epoch of the publication of these patents shall ^{When made} be fixed by our first Secretary of State of the Interior, who shall ^{public.} at the same time submit to us a way of meeting the expenses, which shall be required for the before-mentioned objects.

ART. 17.—Grants and renunciations in favor of third parties ^{Assignments—} shall be null and void, whenever they shall not have been in the ^{how made.} first instance approved by us; and in that case, the privilege, which shall have been the object of such grant or renunciation, shall be immediately regarded as revoked.

ART. 18.—We declare, exempt from the preceding conditions, ^{Of authors.} the authors of all books and designs, which shall be published in our States, in conformity with the laws in force in matter of the press. We will that they should enjoy the exclusive right of printing and selling their works during a period of fifteen years; on their making, nevertheless, an express declaration of a wish to avail themselves of this right; and on condition, that before every publication they shall have deposited a copy at the office of the Secretary of the Interior; and one also in each of the Libraries of the University of Turin, of our Academy of Sciences, and of our Archives of the Court.

We order all, whose duty it is, to observe and cause to be

observed, these presents; and to the magistrates of the Consulate of Turin, to enrol them; it being our will, that the copies printed at the Royal Printing-office should be regarded as authentic.

Given at Turin, the 28th February, 1826, and in the sixth year of our reign.

CHARLES-FELIX.

ROYAL DECREE,

By which his Majesty prorogues for three months the time fixed by Art. 7th of the Royal Decree of the 28th February, 1826, for the enrolment and publication of Letters of Privilege, and modifies some other dispositions of the same Decree.

CHARLES-FELIX, by the grace of God, King of Sardinia, &c.

Albeit, that we always remain in the firm intention of not granting particular privileges, but to those authors alone, designated in the first article of our Decree of 28th February, 1826, and that for objects really worthy from their well-established utility; we are willing also, on the other hand, that those who have already obtained the grant of any privilege, may also the more easily preserve the enjoyment thereof. To this end, we have judged it right to prolong the term fixed for the enrolment and publication of those privileges; and to modify at the same time some other dispositions of the same Decree.

In consequence, we have, by these presents, and of our full authority, and with the advice of our Council, ordered as follows:—

Term of Art. 7 extended.

ART. 1.—The term of three months fixed by the 7th Art. of our Decree of the 28th February, 1826, is extended to six months from the grant of the privilege.

Amendments respecting enrolments.

ART. 2.—The enrolment of these letters patent shall no longer take place at the Tribunals of Commerce of the Duchy of Genoa. Henceforward it shall be sufficient that they shall be enrolled by the Senate of Genoa, and the Consulates of Turin, Chambery, and Nice, according as they extend to our entire States, or shall be limited to the respective parts of our territories.

Shall be published in the chief towns.

ART. 3.—These letters patent shall be published in the chief towns of the provinces alone, and shall be obligatory in all the communes which are dependent thereon.

Of proofs of notice.

ART. 4.—The proofs and the notice, of which mention is made in 8th, 10th, and 11th Arts. of our Decree above-mentioned, shall be furnished only by the Senate of Genoa, and the Consulate aforesaid, which shall transmit forthwith to our Department of the Interior the information prescribed in the 12th Art.

Patentees of former inventions to conform within a certain time.

ART. 5.—Those who, after the publication of the Manifesto of the Consulate of Turin, of date 6th March last, shall have obtained the grant of any privileges, or a prolongation of those privileges, of which the expiration has been declared in the same Manifesto,

and which shall not have as yet fulfilled all the formalities of the enrolment and publication prescribed by our Decree of 1826, may supply the same by conforming themselves, to the end of April next, to the dispositions of the present Decree, without prejudice, however, to the rights of third parties acquired before the publication of these presents.

ART. 6.—All the other dispositions of our Decree of 1826, which are not specially derogated from by these presents, shall be maintained to their full effect. All other acts to remain in force.

We order and command, &c.

Given at Turin the 2d June, 1829, 9th year of our reign.

CHARLES-FELIX.

ROMAN STATUTES

RELATING TO LETTERS PATENT.

CONCERNING patents granted in the Roman States for invention, improvement, and importation, they may be extended over the entirety of the said States, or restricted to one part only.

Patents for invention.

They may be granted for

1st. A new kind of important cultivation.

2nd. A new useful art not previously known.

3rd. A new useful process of husbandry, or manufacture.

4th. A new natural production.

5th. A new application of a means already known.

Patents for improvements.

They may be granted for every useful improvement added to inventions already known, and practised in the Roman States.

Patents for importations.

They may be granted in two cases, to wit:

1st. For the introduction of inventions already patented in foreign countries, and of which the privileges are still extant.

2nd. For the introduction of inventions known and practised freely in foreign countries, but not yet practised or known in the Roman States.

What persons may obtain patents.

Every individual, citizen of the States of the Pope, or foreigner, man or woman, minor or major, may obtain patents of invention, improvement, or importation, on fulfilling the formalities prescribed for the concession of these titles.

Persons invested with patents in the Roman States, may afterwards, and without compromising their privileges, take out patents in a foreign country.

Duration of the privilege.

Patents of invention and improvement are granted for a lapse of time which varies from five to fifteen years.

Extent of the privilege.

The Government takes into consideration the importance of the invention or improvement, the amount of the expense of the first establishment, and the advantages which may be derived therefrom, in order to extend the privilege through all the Roman States, or to restrict it to a part only of those States.

Prolongation of the privilege.

Every individual having obtained a privilege of less than fifteen, or of less than five years, may obtain a prolongation of it, proportioned to its original duration, either when he shall prove serious and unforeseen damages experienced in the working thereof, or in case it shall be deemed that such a prolongation may be of public utility.

There ought to be formed a request containing the designation of the discovery, invention, method, or improvement in question, indicating the advantage which the State may expect from it, and, if need be, what damages may result from it to public or private interests.

Formalities to fulfil in order to obtain patents.

This request ought to be accompanied by a description, in duplicate, of the invention, discovery, &c., sufficiently clear and complete, in order that this invention may be put in practice by any cultivator or manufacturer. The whole is to be covered with an envelope, closed with the seal of the petitioner, and indicating the date of the day of the presentation, and the summary object of the request. This paquet is to be deposited in the hands of the local authority, which is bound to countersign the indication of the above date, and may neither retard or refuse the visa, which once affixed, establishes the priority of the discovery. The paquet is then transmitted to the Government, which causes the patent to be drawn up, to be published in the *Diario di Roma*, and notified to the Cardinals and Prelates of the Legations.

The patent granted shall be proof in law as well of the fact of the concession, as of the date of the privilege, without warranting either the merit or the utility of the invention which is the object thereof.

Rights of the patentee.

The patentee, from the date of the publication of his patent, shall have the exclusive right to put his discovery in practice without any person being allowed to interfere with him in the enjoyment of the same during all the term thereof.

He may, besides, during all the term of his patent, exercise his right therein, as in any other sort of property, assign it to another, associate with himself third parties for the working of it, and make partial concessions thereof. He shall have the right to prosecute, before the Tribunals, all counterfeiters, and to have them condemned in damages. The objects declared confiscated shall be one moiety for the benefit of the patentee, the other for the benefit of the informer, or of the Government.

He is bound to set to work his invention within the year of its grant; and not to suspend the same during the space of a year pending the term of his privilege.

Obligations of the patentee.

He is bound to pay the tax for the grant of his privilege, which ought to take place in two parts: the first, on receiving his title; the second, within the first month of the second half of the duration of his privilege.

The tax is fixed at so much a year, without any difference between the patents of divers duration; it varies, besides, according as the patent is for an invention or an importation. This tax is ten Roman crowns a year for patents of invention or improvement, and fifteen Roman crowns a year for patents of importation.

Tax for patents.

They may be brought by every individual, who, for default of priority, or any other cause, may wish to contest the patentee's right of property; but these actions must be brought within the

Actions for a forfeiture.

space of six months from the date of the patent, after which they shall not be allowed.

Causes of forfeiture.

The patent granted shall cease to be of any effect, as well in regard to the patentee, as with reference to third parties, in the following cases.

1st. If it is judged that the discovery may be injurious to the security, safety, and advantage of the public.

2nd. If it is judged that the pretended discovery was not new in the Roman States, at the epoch of the request for a patent.

3rd. If the method or the improvement were already known through the press, or had been in other countries the object of a patent of invention, without this circumstance having been declared in the request of the petitioner.

4th. If in the description presented, the petitioner is found to have dissembled, altered, or falsified any of the means necessary, useful, or more economical in the application of the invention.

5th. If a year has elapsed since the publication of the patent without the discoveries having been put in practice, or if the execution has been suspended during the like space of time.

6th. If the patentee suffers a month to elapse after the term fixed without paying the tax.

7th. If the examination of the samples, taken each year by the local authorities, shall make evident an alteration in the cultivation or manufacture of the patentee.

Cessation of the privilege.

After the expiration of the privilege, or in case of its forfeiture, the description is to be made public, and notified in the Legations and Sub-Legations, and the industry which has been patented becomes of free use in all the Roman States.

STATUTES OF PORTUGAL

RELATING TO LETTERS PATENT.

ART. 1.—AUTHORS of new inventions, national or foreign, shall have in Portugal exclusive rights of property. Patents of invention.

ART. 2.—Inventors to have right of property from the time of sealing the patent. Commences from the date of seal.

ART. 3.—The right of property shall be for fifteen years, at the option of the inventor, for less, but not for more. Term of grant.

ART. 4.—The rights of patents are transferable to other parties, by proper legal means, and pass to heirs, executors, and assigns. Of transfers.

ART. 5.—The government can, if they agree with the patentee after the patent be granted, purchase the right of patent for public use. Government can purchase.

ART. 7.—At the Secretary of State's Office for the Home Department, a register shall be kept of the patents granted; and the patent shall be the authentic document relating to the invention for which it is granted, but not a guarantee for the originality, priority, or merit of the invention. Of registration and guarantee.

ART. 8.—Inventors who wish to enjoy the right of property, shall pay to the collector of taxes, in the place where he wishes to exercise such right, the required tax; and deposit a copy or plan of his invention or importation, hitherto unknown in the province, and receive in return a document which shall give the title, and a certificate that a privilege for a similar invention has not been registered. With these documents application must be made to the Secretary of State's Office for the diploma: these documents must be given in within the space of ten days, and the diploma will be delivered within the space of twenty days. Tax, and other modes of procedure.

ART. 9.—The inventor shall deliver copies, drawings, models, &c., and also a description, under his seal, containing an exact account of the process of the new discovery, and receive in return a document, which shall be a signed copy of the one lodged. Drawings, models, &c.

ART. 10.—To such patentees who shall have previously obtained a patent in a foreign country, a patent shall be granted only for such term as shall make up fifteen years. Of foreign patents.

ART. 15.—The tax of 3200 rees per annum is to be paid for the privilege or patent, and the diploma is to be granted gratuitously. Tax per annum.

ART. 16.—Each patent shall contain one object only.

- No extensions.** ART. 17.—Patentees having once demanded a patent for a specific term, cannot afterwards procure a prolongation thereof.
- Must be publicly exhibited.** ART. 18.—Inventors are required to exhibit publicly, twice a month, the operation of their invention, previously giving three days' notice in the Government journals.
- If the process be chemical.** ART. 19.—If the process be a chemical one, a bond for 1,000,000 rees, or about 250*l.*, must be given, that at the expiration of the term of the patent the patentee will publicly exhibit his process three times; and if this is exactly complied with, the bond will be returned to him.
- Delinquents fined.** ART. 20.—If Art. 18 be not complied with, for the first offence half the amount named in Art. 19 shall be levied on him as a fine or forfeit; and for a second, the whole amount; and finally, for the third offence, the whole amount and the apparatus and implements.
- If Art. 19 be not complied with.** ART. 21.—If Art. 19 be not complied with, the patentee shall forfeit the whole amount of the bond, and have the substances under process and instruments seized.
- When right ceases.** ART. 22.—The patentee's right shall cease to exist for any of the following causes:—
 If the object be not put into activity within half of the term for which it is granted.
 If by the judgment of some tribunal it be declared void, or a nuisance; or,
 On the expiration of the term for which it was originally granted.
- Actions can be brought against patentee.** ART. 23.—Actions can be brought against the patentee if he does not exercise his rights before the expiration of half the term for which his patent is granted.
- Of rewards.** ART. 24.—Rewards are established for inventors of such things as are publicly useful, to be adjudged by arbitration.

Articles of the Penal Code relating to Patents.

ART. 368.—The appropriation of a new invention is considered piracy.

When new. ART. 369.—An invention may be considered new if introduced into Portugal, even although practised in other countries.

ART. 350 to 385.—Penalties for piracy and other criminal acts.

STATUTES OF SWEDEN

RELATING TO LETTERS PATENT.

Stockholm, 13th December, 1834.

Ordinance of His Majesty Charles John, King of Sweden and Norway, &c., concerning the mode of proceeding for the purpose of obtaining Letters Patent of Invention and Improvement in Mechanics, the Arts, &c.

ART. 1.—A PATENT guarantees to its possessor, or to his attorney by power, the exclusive right during its continuance of manufacturing the objects of which it consists; and, likewise, of selling those objects thus manufactured, after having been duly stamped by the patentee: and, likewise, to grant license to other parties for the manufacture and sale of the same objects. What guaranteed by patent.

ART. 2.—It is to be universally understood in the granting of patents, that they can never be granted for a principle, but only for its employment on the principles and in the manner claimed by the petitioner. Patent for principle not granted.

ART. 3.—Patents may be granted for—

Patents given for.

1. Objects of manufacture, or the arts.

2. Improvements on old inventions, provided they do not interfere with or infringe upon patents already granted.

3. Inventions introduced from foreign countries, but not in operation in this kingdom, unless the invention be exceedingly simple, or that the same had been published in some work so plainly that it could be executed from the description there given.

ART. 4.—The number of years for which patents are granted, Terms of grants.

For new and original inventions, fifteen years.

For an improvement on an invention, ten years.

For a patent of importation, five years.

Nevertheless, the above terms for patents of invention may be respectively curtailed or extended in proportion to the importance of the object for which the patent is desired. So, likewise, with regard to patents of importation, which may be prolonged to ten years, if it can be shown that the invention has been attended with considerable expense, and consists of complicated machinery.

ART. 5.—Any respectable person in Sweden may obtain a patent, whether a native or a foreigner; but if the latter, he is required, If a foreigner obtains a patent.

within one year from the date of the grant, either to establish himself in the kingdom, or to appoint some resident in the kingdom to whom the patent shall be transferred.

Time granted to prepare documents.

ART. 6.—If the invention for which a patent be desired is an original one, or one of improvement, and the petitioner has not prepared his drawings and description, he may make mention of that circumstance in his petition, and the College of Commerce will then grant one month's time to enable him to furnish the necessary documents; but if he should fail to produce such documents within the term specified, the priority of his first application will be lost, and he will have to present a second petition.

Of examinations and oppositions.

ART. 7.—The College of Commerce is at liberty to inspect the petition and drawings, and see that they are correct; and to allow other persons to inspect them also, to see if there are causes of opposition to the patent; but such opposition must be made within six months of the date of the patent, and its insertion for the third time in the Government paper (*Stats Tidningen*).

Conflicting applicants.

ART. 8.—Should, at any time, two persons make application for a patent of a similar description, that person who made the first application will have the preference.

Of the day on which granted.

ART. 9.—The same day on which a patent is granted, it must be placarded on the door of the Court of the College of Commerce, and it is from that day that the grant legally dates.

Must be published in the Government paper.

ART. 10.—The patentee is required to insert his specification three times in the Government paper (*Sweriges Stats Tidningen*), within the period of two months from the date of the patent.

How long after publication a patent may be opposed.

ART. 11.—Should any party think proper to oppose the patent, being able to prove that the invention was known and in operation previous to the application of the patentee, or that he has stated (for the purpose of obtaining a longer period of time) that the invention is an original one, while it can be proved that it is only an improvement on an invention introduced from a foreign country, in such case the opposition must be made within six months after the specification has been inserted for the third time in the Government paper.

Arbitrators decide conflicts.

ART. 12.—Should any opposition take place, (as referred to in Art. 11,) the same is left to arbitration. The arbitrators are to be five in number, two to be chosen by the patentee, two by the other party, and the fifth chosen by the four already chosen.

The decision of these arbitrators is without appeal.

If the party opposing be successful.

ART. 13.—It is imperative on the party who may oppose (if he should gain his cause) to communicate the decision to the President of the Chamber of Commerce within two months from the date thereof; and if he should neglect this, the decision will be void, and the opposer shall lose the benefit thereof.

During the arbitration.

ART. 14.—The patentee enjoys the full rights resulting from the patent pending the arbitration.

ART. 15.—All opposition made after the term limited in Art. 11, will be of no effect.

ART. 16.—The patentee is required to prove to the College of Commerce, within the period of two years, that he has put his invention into activity. But if he should find, that from the complication of the machinery, delay in procuring the parts, or other unforeseen events, he is unable to put it into activity by that time, he may make application to the College for a prolongation. The College will then take the application into consideration, and decide thereon. The patentee is afterwards required, once in every year during the term of his patent, to give proof to the College of his invention being in continued operation. Of putting and keeping patent in activity.

ART. 17.—If a patentee should discover that any party is infringing his rights, he may make application to any court, either in town or country; and the party who is found thus to have offended shall pay, for the first offence, 100 rix dollars, and for every further offence, 200; of which fine one-half shall be paid to the owner of the patent, and the other half for the use of the poor; but the articles thus illegally manufactured shall go to the owner of the patent alone. Of infringements.

ART. 18.—The patent itself is in every respect like other property, and can be sold and transferred at pleasure; with only the reserve, that in such cases information shall be given to the College of Commerce. Transferable.

STATUTES OF SPAIN

RELATING TO LETTERS PATENT.

ROYAL DECREE,

Establishing the rules and the manner according to which there shall be conceded exclusive privileges for the invention, introduction, importation, or improvement of objects connected with the useful arts.

CONSIDERING that a natural means of improving industry is to facilitate the augmentation and improvement of machines, instruments, works of art, apparatus, and processes, or mechanical and scientific methods; and that these means of production cannot be looked for, except their authors, introducers, and those who improve them, are assured of the ownership and enjoyment of the results of their ability or application, by means of legal provisions, which in assuring to private interests and to industry that equal protection which is due to the one and the other; protect the first against all usurpation, and prevent the injury which would result to the latter from the concealment and monopoly (which would be the consequence thereof) of inventions, which are calculated to procure advantages for it, I have deemed it right to lay down the uniform rules and mode, according to which shall be conceded for the future exclusive privileges for the invention, introduction, and improvement of objects connected with the useful arts of all kinds whatsoever; and having heard on this head the Council for the augmentation of the riches of the kingdom, and the advice of our Council of State, to which I have conformed myself, I find it right to decide, and do decide, that the following articles shall be observed and kept.

ART. 1.—Every person, to whatever class or country he may belong, who proposes to establish, or does establish, a machine, an apparatus, or a mechanical or chemical process, or operation, which may be new, wholly or in part, or which has not yet been established in the same manner or form in these kingdoms, shall have the exclusive ownership and use of the entirety of the said invention, or of a part thereof, which shall not yet have been put in practice in these kingdoms; and that according to the rules and

Patents for invention.

conditions hereafter laid down, the which are nevertheless to be subordinate to the laws, royal ordinances, and the rules and edicts of the police.

ART. 2.—In order to ensure the exclusive ownership to the party interested, there shall be delivered to him a royal patent of privilege, without a previous examination of the novelty or utility of the object, and without that the grant of the patent shall be in any manner regarded as an acknowledgment of such novelty or utility; the party interested shall remain subject to the result in conformity with the conditions hereafter stipulated in this present Royal Decree. Novelty not guaranteed.

ART. 3.—The royal patents of privileges shall be delivered for five, ten, or fifteen years, at the choice of the parties, when they solicit them for objects of their own proper invention, but only for five years, when they are solicited for importations from foreign countries. It is to be understood that the privileges granted for these last, and which shall be called patents of introduction, shall be granted for the execution and putting in practice of an invention in these kingdoms, but not for the importation of articles manufactured abroad, the which are submitted to the provisions of the tariff concerning the entry of foreign merchandize. Terms of native and foreign patents.

ART. 4.—A privilege granted for five years may be prolonged for five other years when there shall be good reason for doing so: the patents granted for ten and fifteen years cannot be prolonged. Of extensions.

ART. 5.—There shall be considered as capable of being the object of a patent of invention every thing which has not been practised in Spain, nor in any other country; that which shall not have been practised in Spain, but shall have been so in a foreign country, shall be the object of a patent of introduction. Nevertheless, all the inventions of which the models, or descriptions, in the Spanish language, shall have been deposited in the Royal Conservatory of Arts, cannot be the objects of a privilege unless three years shall have elapsed since their deposit, without their having been put in practice, in which case they may be the objects of a patent of introduction for five years only. What constitutes novelty.

ART. 6.—The parties interested ought to solicit the Royal Patent of Privilege by themselves, or by an agent, in the following manner, by means of a memorial conformable to Model 1, which ought to be remitted to the Intendant of the Province in which they reside; they may, nevertheless, if they prefer it, present it directly to the Intendant of Madrid. How petition for patent.

ART. 7.—The memorial ought to be accompanied,—
 1st. By a representation to my Royal person, written upon stamped paper, of the quarto size, and explaining the object of the privilege, purporting that it has been invented by the petitioner, or imported from a foreign country; and mentioning the period for which he solicits the privilege, conformably to the 3d Art. This representation shall be literally conformable to Model 2. The same representation must not comprise more than one invention. Kind of paper necessary to draft petition, specification, &c.—Must comprise but one invention.

Drawings and specification must be very accurate.

2nd. By a plan, or model, with a description and explanation of the invention, specifying what is the mechanism, or particular process, which it presents, and which has not yet been put in practice. The whole set forth with the greatest precision and clearness, in such a manner, that at no time there may be any the least doubt as to the identity of the invention, nor as to the particularity which it presents as not having yet been practised. The privilege cannot be granted but upon these conditions.

Of models, drawings, &c., how endorsed and sealed up.

ART. 8.—The models ought to be sent in a box, closed and sealed; the plans, descriptions, explanations, and other details, equally to be inclosed and sealed. In both cases, the whole ought to bear a superscription conformable to Model 3.

To whom packet addressed, and how subscribed.

ART. 9.—The Intendant shall write under this superscription, 'Presented,' sign it with his initials, seal the box, or the packet, and hand to the party interested a certificate of deposit; as also a dispatch, by which he will address to my Secretary of State, or to persons in his department, in such a manner that the party interested, or some other in his name, may take charge of the whole.

Where documents sent and opened.

ART. 10.—When I shall find it good to grant the Royal Patent of Privilege, the said documents shall be transmitted to my Supreme Council of State, which is now charged with the affairs, which were formerly examined by the General Junta of Commerce, Currency, and Mines, there the boxes and packets shall be opened, and the documents required by the 7th Art. being found therein, the Royal Patent of Privilege for the case in question shall be delivered conformably to Model 4.

Patent taxes.

ART. 11.—Before the delivery of this patent, the parties must present a receipt, certifying that they have paid to the Royal Conservatory of Arts the following sums:—

For a privilege of five years, 1000 reals vellon, say 10*l.* sterling.

For a privilege of ten years, 3000 reals vellon, say 30*l.* sterling.

For a privilege of fifteen years, 6000 reals vellon, say 60*l.* sterling.

For a privilege of introduction, or importation, 3000 reals vellon, or 30*l.* sterling.

There shall be paid, besides, 80 reals (16*s.*) for the cost of the grant of the Royal Patent.

When patent granted, documents resealed and sent to the Royal Conservatory of Arts.

ART. 12.—When the patent shall be delivered, the documents, inclosed and sealed as aforesaid, shall be remitted to the Royal Conservatory of Arts, and shall remain there deposited in a place destined for that purpose: they shall not be opened but in case of dispute, and by the order of a competent judge.

Grants published.

ART. 13.—The grants of patents shall be published in the Madrid Gazette.

There shall be a public registry of all patents.

ART. 14.—In conformity with the provisions of the 6th and 21st Arts. of the Royal Ordinance of 1824, instituting a Royal Conservatory of Arts, there shall be opened in that establishment a Register, in which all the Royal Patents of Privileges which have been granted shall be inscribed in order of date; with mention of

the date, names, pre-names, and domicile of the party interested, of the object of the patent, and the time for which it shall have been granted. This register shall be shown to all persons who desire to see it.

ART. 15.—The possessor of a privilege shall enjoy the use and exclusive property of the invention for which it shall have been granted (without its being permitted to any person to apply or practise it without the consent of the proprietor of the patent,) whether for the whole or for the part, which he shall have declared to be new, and not to have been put in practice before in these kingdoms, according to the manner in which he shall have presented his invention in the models, plans, and descriptions, which he shall have deposited, in order to be produced in evidence at any time. Rights possessed under the patent.

ART. 16.—The ownership shall date from the day and the hour of the presentation of the pieces to the Intendant; and in the case where two or more persons shall have solicited a patent for the same invention, that of him who shall have been the first to present the pieces shall alone be available. When patent shall commence,—conflicting claimants.

ART. 17.—The right conferred by the patent may be transferred, given, sold, or exchanged, and left by will, in the same way as any other sort of personal property. Of transfers.

ART. 18.—Every transfer ought to be effected by a public act, purporting whether the transfer of the right is extended to the whole kingdom, or only to one or many provinces, to cities, or particular districts; if the transfer, or renunciation, is absolute, or contains a reservation of the use of the privilege in favour of the proprietor; if the transfer comprises the right to transfer it anew, or not; and if the possessor has already transferred his privilege to one or more persons. How made.

ART. 19.—The person who makes the transfer shall be bound to address a notice thereof in Form to the Intendant, before whom the presentation for obtaining the patent shall have been made.—He, after having taken cognizance of the transfer, shall transmit this notice to the Council of State, who shall make a like communication to the Royal Conservatory of Arts, in order that the same may be entered in the register, of which mention is made in the 14th Art. The transfer shall be void if the notice is not remitted to the Intendant within thirty days after its execution. Must be registered.

ART. 20.—The duration of the privilege shall be computed from the date of the Royal Patent. Terminates with patent.

ART. 21.—The effect of this Royal Patent shall cease, and the privilege become null and without force— When patent annulled.

1st. When the period fixed by the grant shall have elapsed.

2nd. When the party interested shall not present himself in order to receive the Royal Patent within three months from the day on which he shall have presented his petition.

3rd. When he shall not have made use of the invention for which the patent has been granted, either on his own account, or

that of another, within a year and a day after the date of the patent.

4th. When the party interested abandons the invention; that is to say, when he ceases to make use of it for a year and a day without interruption.

5th. When it is proved, that the invention has been previously applied in any part of the kingdom, or it has been described in printed books, or in engravings, paintings, models, plans, or descriptions, to be found in the Royal Conservatory of Arts, or when it shall have been executed, or established, in another country, whilst the party interested shall have presented it as new and his own invention.

When a patent expires.

ART. 22.—When the duration of the grant of the privilege shall have run out, the Director of the Royal Conservatory of Arts shall make known the day of such expiration to the Council of State, and the latter shall declare its cessation.

A competent judge shall decide the validity of the patent.

ART. 23.—In all other cases of cessation which have been mentioned, a competent judge shall proceed, at the request of any party whatever, to the examination of the affair; if the cessation is proved, the judge shall give notice to the Council of State, in order that the cessation of the privilege may be publicly declared.

Who shall try patent matters.

ART. 24.—The judges who take cognizance of these matters shall be the Intendants in their respective provinces; the requests or complaints shall be addressed to the Intendant of the province where the defendant resides: the appeals shall be carried before the Council of State.

The patents published when annulled.

ART. 25.—When a privilege shall have been declared null for one of the causes mentioned in Art. 21, the box or packet of pieces deposited at the Royal Conservatory of Arts shall be opened by the Director of that Institution, and the whole shall be exposed to the inspection of the public. The cessation shall be announced in the Gazette.

Of trials and appeals.

ART. 26.—The possessor of a privilege obtained under any title shall have the right to cite and prosecute before the Tribunals any one who shall invade his right. The Intendant of the province where the defendant resides, shall take cognizance of these causes, and the appeals shall be carried before the Council of State.

Of infringers, and penalties.

ART. 27.—The fact being proved, the offender shall be condemned to the confiscation of all the machines, apparatus, utensils, and works of art, made in violation of the patent; and to the payment of a fine equal to three times the value of the said objects, according to a valuation to be made by a competent person, the whole to the profit of the possessor of the patent.

Of patents under former laws.

ART. 28.—The patents granted before this epoch shall remain in force according to the conditions of the grants; those which have been granted with a reservation that the conditions thereof shall be regulated by this royal decree, shall be subject to the provisions thereof.

Signed with my royal hand, at the Palace, 27th March, 1826.

To DON LUIS LOPEZ BALLASTEROS.

UNITED STATES STATUTES

RELATING TO LETTERS PATENT.

An Act to promote the progress of Useful Arts, and to repeal all Acts and parts of Acts heretofore made for that purpose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established and attached to the Department of State an office to be denominated the Patent Office, the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be, under the direction of the Secretary of State, to superintend, execute, and perform all such acts and things, touching and respecting the granting and issuing of patents for new and useful discoveries, inventions, and improvements, as are herein provided for, or shall hereafter be, by law, directed to be done and performed, and shall have charge and custody of all the books, records, papers, models, machines, and all other things belonging to said office. And said Commissioner shall receive the same compensation as is allowed by law to the Commissioner of the Indian Department, and shall be entitled to send and receive letters and packages by mail, relating to the business of the office, free of postage.

Organization of the patent office, and its government.

SEC. 2. *And be it further enacted,* That there shall be in said office an inferior officer, to be appointed by the said principal officer, with the approval of the Secretary of State, to receive an annual salary of seventeen hundred dollars, and to be called the Chief Clerk of the Patent Office, who, in all cases during the necessary absence of the Commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal, and of the records, books, papers, machines, models, and all other things belonging to the said office, and shall perform the duties of Commissioner during such vacancy. And the said Commissioner may also, with like approval, appoint an examining clerk, at an annual salary of fifteen hundred dollars; two other clerks, at twelve hundred dollars each, one of whom shall be a competent draughtsman; one other clerk, at one thousand dollars; a machinist, at twelve hundred and fifty dollars; and a messenger,

Of clerks and inferior officers, and their salaries.

Cannot take or hold any interest in patents.

at seven hundred dollars. And said Commissioner, clerks, and every other person appointed and employed in said office, shall be disqualified and interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments, respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been, or may hereafter be, granted.

Officers must give bonds for faithful performance of duties.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed in the said office, shall, before he enters upon the duties of his office or appointment, make oath or affirmation truly and faithfully to execute the trust committed to him. And the said Commissioner and the Chief Clerk shall also, before entering upon their duties, severally give bonds, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, with condition to render a true and faithful account to him or his successor in office, quarterly, of all moneys which shall be by them respectively received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office.

Patent and record seal—cost of certified copies of documents.

SEC. 4. *And be it further enacted*, That the said Commissioner shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books, papers, or drawings, belonging to the said office, under the signature of the said Commissioner, or, when the office shall be vacant, under the signature of the Chief Clerk, with the said seal affixed, shall be competent evidence in all cases in which the original records, books, papers, or drawings, could be evidence. And any person making application therefor may have certified copies of the records, drawings, and other papers deposited in said office, on paying, for the written copies, the sum of ten cents for every page of one hundred words; and for copies of drawings, the reasonable expense of making the same.

What a patent shall contain—specification and claims.

SEC. 5. *And be it further enacted*, That all patents issuing from said office shall be issued in the name of the United States, and under the seal of said office, and be signed by the Secretary of State, and countersigned by the Commissioner of said office, and shall be recorded, together with the descriptions, specifications, and drawings, in the said office, in books to be kept for that purpose. Every such patent shall contain a short description or title of the invention or discovery, correctly indicating its nature and design, and in its terms grant to the applicant or applicants, his or their heirs, administrators, executors or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, using, and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which shall be annexed to the patent, specifying what the patentee claims as his invention or discovery.

Sec. 6. *And be it further enacted,* That any person or persons having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not, at the time of his application for a patent, in public use or on sale, with his consent or allowance, as the inventor or discoverer, and shall desire to obtain an exclusive property therein, may make application, in writing, to the Commissioner of Patents, expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor. But before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same; and in case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination, which he claims as his own invention or discovery. He shall, furthermore, accompany the whole with a drawing or drawings, and written references, where the nature of the case admits of drawings; or with specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention or discovery is of a composition of matter; which descriptions and drawings, signed by the inventor, and attested by two witnesses, shall be filed in the Patent Office; and he shall, moreover, furnish a model of his invention, in all cases which admit of a representation by model, of a convenient size to exhibit advantageously its several parts. The applicant shall also make oath, or affirmation, that he does verily believe that he is the original and first inventor or discoverer of the art, machine, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen: which oath or affirmation may be made before any person authorized by law to administer oaths.

What are subjects of patents, and on what conditions granted.

How the specification must be made.

Of drawings, specimens, and models.

Oath, and citizenship.

Sec. 7. *And be it further enacted,* That on the filing of any such application, description, and specification, and the payment of the duty hereinafter provided, the Commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country, prior to the alleged invention or discovery thereof by the applicant, or that it had been patented

Examination as to novelty—if not new rejected, with reference to prior discovery.

or described in any printed publication in this or any foreign country, or had been in public use or on sale, with the applicant's consent or allowance, prior to the application, if the Commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor. But whenever, on such examination, it shall appear to the Commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented, or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. In every such case, if the applicant shall elect to withdraw his application, relinquishing his claim to the model, he shall be entitled to receive back twenty dollars, part of the duty required by this act, on filing a notice in writing of such election in the Patent Office; a copy of which, certified by the Commissioner, shall be a sufficient warrant to the Treasurer for paying back to the said applicant the said sum of twenty dollars. But if the applicant, in such case, shall persist in his claims for a patent, with or without any alteration of his specification, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as, in the opinion of the Commissioner, shall entitle the applicant to a patent, he may, on appeal, and upon request in writing, have the decision of a board of examiners,* to be composed of three disinterested persons, who shall be appointed for that purpose by the Secretary of State, one of whom, at least, to be selected, if practicable and convenient, for his knowledge and skill in the particular art, manufacture, or branch of science to which the alleged invention appertains; who shall be under oath or affirmation for the faithful and impartial performance of the duty imposed upon them by said appointment. Said board shall be furnished with a certificate in writing of the opinion and decision of the Commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented. And the said board shall give reasonable notice to the applicant, as well as to the Commissioner, of the time and place of their meeting, that they may have an opportunity of furnishing them with such facts and evidence as they may deem necessary to a just decision; and it shall be the duty of the Commissioner to furnish to the board of examiners such information as he may possess relative to the matter under their consideration. And on an examination and consideration of the matter by such board, it shall be in their power, or of a majority

How amend
if part is new.

Can withdraw
the case, with
part of the tax.
Model re-
mains.

To whom ap-
peals are
made, and
how.

Commissioner
must state the
grounds of his
rejection.

* NOTE.—This Board of Examiners is repealed by Sec. 12. Act, March, 1839

of them, to reverse the decision of the Commissioner, either in whole or in part; and their opinion being certified to the Commissioner, he shall be governed thereby in the further proceedings to be had on such application: *Provided, however,* That, before a board shall be instituted in any such case, the applicant shall pay to the credit of the Treasury, as provided in the ninth section of this act, the sum of twenty-five dollars; and each of said persons so appointed shall be entitled to receive for his services in each case, a sum not exceeding ten dollars, to be determined and paid by the Commissioner out of any monies in his hands, which shall be in full compensation to the persons who may be so appointed for their examination and certificate as aforesaid.

Tax on appeal, and pay of appeal board.

Sec. 8. *And be it further enacted,* That whenever an application shall be made for a patent, which, in the opinion of the Commissioner, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice thereof to such applicants, or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of priority of right or invention, on a hearing thereof, he may appeal from such decision, on the like terms and conditions as are provided in the preceding section of this act, and the like proceedings shall be had, to determine which, or whether either, of the applicants is entitled to receive a patent as prayed for. But nothing in this act contained shall be construed to deprive an original and true inventor of the right to a patent for his invention, by reason of his having previously taken out letters patent therefor in a foreign country, and the same having been published, at any time within six months next preceding the filing of his specification and drawings. And whenever the applicant shall request it, the patent shall take date from the time of filing of the specifications and drawings, not, however, exceeding six months prior to the actual issuing of the patent; and on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office, until he shall furnish the model, and the patent be issued, not exceeding the term of one year—the applicant being entitled to notice of interfering applications.

On interfering applications. How decided. Appeals from Commissioner's decision.

Patents taken first abroad. Dates of patents, and filing papers in secret archives, and notice.

Sec. 9. *And be it further enacted,* That, before any application for a patent shall be considered by the Commissioner as aforesaid, the applicant shall pay into the Treasury of the United States, or into the Patent Office, or into any of the deposite banks, to the credit of the Treasury, if he be a citizen in the United States, or an alien, and shall have been resident in the United States for one year next preceding, and shall have made oath of his intention to become a citizen thereof, the sum of thirty dollars; if a subject of the King of Great Britain, the sum of five hundred dollars; and all other persons the sum of three hundred dollars; for which payment duplicate receipts shall be taken, one of which to be filed in

Patent tax, and fund.

the office of the Treasurer. And the monies received into the Treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the Patent Fund.

Heirs may sue for patents where inventor is deceased before application.

SEC. 10. *And be it further enacted,* That where any person hath made, or shall have made, any new invention, discovery, or improvement, on account of which a patent might by virtue of this act be granted, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent shall devolve on the executor or administrator of such person, in trust for the heirs-at-law of the deceased, in case he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or might have been claimed or enjoyed by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation provided in the 6th section of this act shall be so varied as to be applicable to them.

Assignments must be recorded in Patent Office.

SEC. 11. *And be it further enacted,* That every patent shall be assignable in law, either as to the whole interest, or any undivided part thereof, by any instrument in writing; which assignment, and also every grant and conveyance of the exclusive right under any patent, to make and use, and to grant to others to make and use, the thing patented within and throughout any specified part or portion of the United States, shall be recorded in the Patent Office within three months from the execution thereof, for which the assignee or grantee shall pay to the Commissioner the sum of three dollars.*

Caveat, and caveat fees.

SEC. 12. *And be it further enacted,*† That any citizen of the United States, or alien who shall have been a resident of the United States one year next preceding, and shall have made oath of his intention to become a citizen thereof, who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the Treasury, in manner as provided in the ninth section of this act, the sum of twenty dollars, file in the Patent Office a caveat setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right, till he shall have matured his invention; which sum of twenty dollars, in case the person filing such caveat shall afterwards take out a patent for the invention therein mentioned, shall be considered a part of the sum herein required for the same. And such caveat

* This tax repealed by Sec. 8. Act, March 3d, 1839.

† From aught that has ever appeared to us to the contrary, during an extensive practice in the procurement of patents, the caveat appears to be a useless document, *securing* nothing, and *protecting* nothing, as any relevant testimony, ample provisions for the taking of which is made in other sections of the law, offered in a conflicting case, and which proves *priority*, will set aside the caveat or even an issued patent itself.—Eds.

shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposite the description, specifications, drawings, and model, in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat of such application, who shall within three months after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings, and model; and if, in the opinion of the Commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications. *Provided, however,* That no opinion or decision of any board of examiners, under the provisions of this act, shall preclude any person interested in favor of or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Uses of a caveat.

SEC. 13. *And be it further enacted,* That whenever any patent, which has heretofore been granted, or which shall hereafter be granted, shall be inoperative or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification, as his own invention, more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Commissioner, upon the surrender to him of such patent, and the payment of the further duty of fifteen dollars, to cause a new patent to be issued to the said inventor for the same invention, for the residue of the period then unexpired, for which the original patent was granted, in accordance with the patentee's corrected description and specification. And in case of his death, or any assignment by him made of the original patent, a similar right shall vest in his executors, administrators, or assignees. And the patent so re-issued, together with the corrected description and specifications, shall have the same effect and operation in law, on the trial of all actions hereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form, before the issuing of the original patent. And whenever the original patentee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery, which shall have been invented or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of original applications, and on the payment of fifteen dollars, as herein-before provided, have the same annexed to the original description and specification; and the Commissioner shall certify, on the margin of such annexed description and specification, the time of its being annexed and recorded; and

Surrender and re-issue—for amendments and corrections.—Executors and assignees have the right of surrender.

Of engrossing additions on patent, with the tax.

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

Action for
infringement,
damages.

SEC. 14. *And be it further enacted*, That whenever, in any action for damages [for] making, using, or selling the thing whereof the exclusive right is secured by any patent heretofore granted, or by any patent which may hereafter be granted, a verdict shall be rendered for the plaintiff in such action, it shall be in the power of the court to render judgment of any sum above the amount found by such verdict as the actual damages sustained by the plaintiff, not exceeding three times the amount thereof, according to the circumstances of the case, with costs; and such damages may be recovered by action on the case, in any court of competent jurisdiction, to be brought in the name or names of the person or persons interested, whether as patentee, assignees, or as grantees of the exclusive right within and throughout a specified part of the United States.

Defendant
may plead
general issue,
and test the
validity and
novelty of
patent.

SEC. 15. *And be it further enacted*, That the defendant in any such action shall be permitted to plead the general issue, and to give this act and any special matter in evidence, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, tending to prove that the description and specification filed by the plaintiff, does not contain the whole truth relative to his invention or discovery, or that it contains more than is necessary to produce the described effect; which concealment or addition shall fully appear to have been made for the purpose of deceiving the public, or that the patentee was not the original and first inventor or discoverer of the thing patented, or of a substantial and material part thereof claimed as new, or that it had been described in some public work anterior to the supposed discovery thereof by the patentee, or had been in public use or on sale with the consent and allowance of the patentee before his application for a patent, or that he had surreptitiously or unjustly obtained the patent for that which was in fact invented or discovered by another, who was using reasonable diligence in adapting and perfecting the same; or that the patentee, if an alien at the time the patent was granted, had failed and neglected, for the space of eighteen months from the date of the patent, to put and continue on sale to the public, on reasonable terms, the invention or discovery for which the patent issued; and whenever the defendant relies in his defence on the fact of a previous invention, knowledge, or use of the thing patented, he shall state, in his notice of special matter, the names and places of residence of those whom he intends to prove to have possessed a prior knowledge of the thing, and where the same had been used; in either of which cases, judgment shall be rendered for the defendant, with costs: *Provide*, however, That whenever it shall satisfactorily appear that the patentee, at the time of making his application for the patent believed himself to be the first inventor or discoverer of the thing patented,

If an alien has
failed to put
in activity
within eight-
teen months
from date of
grant.

the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been before known or used in any foreign country; it not appearing that the same, or any substantial part thereof, had before been patented or described in any printed publication: *And provided, also,* That whenever the plaintiff shall fail to sustain his action on the ground that in his specification or claim is embraced more than that of which he was the first inventor, if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award, as to costs, as may appear to be just and equitable.

Part of the invention proving old, does not void the patent.

SEC. 16. *And be it further enacted,* That whenever there shall be two interfering patents, or whenever a patent or application shall have been refused on an adverse decision of a board of examiners, on the ground that that patent applied for would interfere with an unexpired patent previously granted, any person interested in any such patent, either by assignment or otherwise in the one case, and any such applicant in the other case, may have remedy by bill in equity; and the Court having cognizance thereof, on notice to adverse parties, and other due proceedings had, may adjudge and declare either the patents void in the whole or in part, or inoperative and invalid in any particular part or portion of the United States, according to the interest which the parties to such suit may possess in the patent or the inventions patented, and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority of right or invention shall, in any such case, be made to appear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the Commissioner to issue such patent, on his filing a copy of the adjudication, and otherwise complying with the requisitions of this act: *Provided, however,* That no such judgment or adjudication shall affect the rights of any person, except the parties to the action, and those deriving title from or under them subsequent to the rendition of such judgment.

Of interfering applications, and appeal for remedy by bill in equity.

SEC. 17. *And be it further enacted,* That all actions, suits, controversies, and cases arising under any law of the United States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court; which courts shall have power, upon a bill in equity filed by any party aggrieved, in any such case, to grant injunctions, according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the United States, on such terms and conditions as said courts may deem reasonable: *Provided, however,* That from all judgments and decrees from any such court rendered in the pre-

Where patent suits cognizable—granting of injunctions and appeal to Supreme Court.

mises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the United States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of circuit courts, and in all other cases in which the court shall deem it reasonable to allow the same.

Conditions and proceedings necessary to obtain an extension of a patent—

SEC. 18. *And be it further enacted,* That whenever any patentee of an invention or discovery shall desire an extension of his patent beyond the term of its limitation, he may make application therefor, in writing, to the Commissioner of the Patent Office, setting forth the grounds thereof; and the Commissioner shall, on the applicant's paying the sum of forty dollars to the credit of the Treasury, as in the case of an original application for a patent, cause to be published in one or more of the principal newspapers in the city of Washington, and in such other paper or papers as he may deem proper, published in the section of country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury, shall constitute a board to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish to said board a statement, in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures, sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of said invention. And if, upon a hearing of the matter, it shall appear to the full and entire satisfaction of said board, having due regard to the public interest therein, that it is just and proper that the term of the patent should be extended, by reason of the patentee, without neglect or fault on his part, having failed to obtain, from the use and sale of his invention, a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent, by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate, with a certificate of said board of their judgment and opinion as aforesaid, shall be entered on record in the Patent Office; and thereupon the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented, to the extent of their respective interests therein: *Provided, however,* That no extension of a patent shall be granted after the expiration of the term for which it was originally issued.

Term of extension—
of extension—
Rights of assignees and grantees under the same.

SEC. 19. *And be it further enacted,* That there shall be provided, ^{Library.} for the use of said office, a library of scientific works and periodical publications, both foreign and American, calculated to facilitate the discharge of the duties hereby required of the chief officers therein, to be purchased under the direction of the Committee of the Library of Congress. And the sum of fifteen hundred dollars is hereby appropriated for that purpose, to be paid out of the patent fund.

SEC. 20. *And be it further enacted,* That it shall be the duty of ^{Exhibition of} the Commissioner to cause to be classified and arranged, in such ^{models.} rooms or galleries as may be provided for that purpose, in suitable cases, when necessary for their preservation, and in such manner as shall be conducive to a beneficial and favorable display thereof, the models and specimens of compositions and of fabrics, and other manufactures and works of art, patented or unpatented, which have been, or shall hereafter be, deposited in said office. And said rooms or galleries shall be kept open during suitable hours for public inspection.

SEC. 21. *And be it further enacted,* That all acts and parts of ^{All former acts} acts heretofore passed on this subject, be, and the same are here- ^{repealed.} by, repealed: *Provided, however,* That all actions and processes in law or equity sued out prior to the passage of this act, may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting and saving the application to any such action of the provisions of the fourteenth and fifteenth sections of this act, so far as they may be applicable thereto: *And provided, also,* That all applications for petitions for patents, pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof.

JAMES K. POLK,

Speaker of the House of Representatives.

W. R. KING,

President of the Senate pro tempore.

Approved July 4, 1836.

ANDREW JACKSON.

An Act in addition to the Act to promote the progress of Science and Useful Arts.

Be it enacted by the Senate and House of Representatives of the ^{Recording} *United States of America in Congress assembled,* That any person ^{anew of lost} who may be in possession of, or in any way interested in, any ^{patents.} patent for an invention, discovery, or improvement, issued prior to the fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, or in an assignment of any patent, or interest therein, executed and recorded prior to the said fifteenth day of December, may, without charge, on presentation, or transmission thereof to the Commissioner of Patents, have the same recorded anew in the Patent Office, together with the

descriptions, specifications of claim, and drawings annexed or belonging to the same; and it shall be the duty of the Commissioner to cause the same, or any authenticated copy of the original record, specification, or drawing, which he may obtain, to be transcribed and copied into books of record to be kept for that purpose; and wherever a drawing was not originally annexed to the patent and referred to in the specification, any drawing produced as a delineation of the invention, being verified by oath in such manner as the Commissioner shall require, may be transmitted and placed on file, or copied as aforesaid, together with certificate of the oath; or such drawings may be made in the office, under the direction of the Commissioner, in conformity with the specification. And it shall be the duty of the Commissioner to take such measures as may be advised and determined by the Board of Commissioners provided for in the fourth section of this act, to obtain the patents, specifications, and copies aforesaid, for the purpose of being so transcribed and recorded. And it shall be the duty of each of the several clerks of the judicial courts of the United States to transmit, as soon as may be, to the Commissioner of the Patent Office, a statement of all the authenticated copies of patents, descriptions, specifications, and drawings of inventions and discoveries made and executed prior to the aforesaid fifteenth day of December, which may be found on the files of his office; and also to make out and transmit to said Commissioner, for record as aforesaid, a certified copy of every such patent, description, specification, or drawing, which shall be specially required by said Commissioner.

Such recorded patents to be prima facie evidence in the courts, as originals.

SECTION 2. *And be it further enacted,* That copies of such record and drawings, certified by the Commissioner, or, in his absence, by the chief clerk, shall be *prima facie* evidence of the particulars of the invention and of the patent granted therefor, in any judicial court of the United States, in all cases where copies of the original record or specification and drawings would be evidence, without proof of the loss of such originals; and no patent issued prior to the aforesaid fifteenth day of December shall, after the first day of June next, be received in evidence in any of the said courts in behalf of the patentee or other person who shall be in possession of the same, unless it shall have been so recorded anew, and a drawing of the invention, if separate from the patent, verified as aforesaid, deposited in the Patent Office; nor shall any written assignment of any such patent, executed and recorded prior to the said fifteenth day of December, be received in evidence in any of the said courts in behalf of the assignee or other person in possession thereof, until it shall have been so recorded anew.

Commissioner in some cases may issue a new patent in place of the one destroyed by burning of the Patent Office.

SECTION 3. *And be it further enacted,* That, whenever it shall appear to the Commissioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of December, or was otherwise lost prior thereto, it shall be his duty, on application therefor by the patentee or other person interested therein, to issue a new patent for the same invention or

discovery, bearing the date of the original patent, with his certificate thereon, that it was made and issued pursuant to the provisions of the third section of this act, and shall enter the same of record: *Provided, however,* That before such patent shall be issued, the applicant therefor shall deposit in the Patent Office a duplicate, as near as may be, of the original model, drawings, and descriptions, with specifications of the invention or discovery, verified by oath, as shall be required by the Commissioner; and such patent and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification.

SECTION 4. *And be it further enacted,* That it shall be the duty of the Commissioner to procure a duplicate of such of the models destroyed by fire on the aforesaid fifteenth day of December, as were most valuable and interesting, and whose preservation would be important to the public; and such as would be necessary to facilitate the just discharge of the duties imposed by law on the Commissioner in issuing patents, and to protect the rights of the public and of patentees in patented inventions and improvements: *Provided,* That a duplicate of such models may be obtained at a reasonable expense: *And provided, also,* That the whole amount of expenditure for this purpose shall not exceed the sum of one hundred thousand dollars. And there shall be a temporary board of commissioners, to be composed of the Commissioner of the Patent Office and two other persons to be appointed by the President, whose duty it shall be to consider and determine upon the best and most judicious mode of obtaining models of suitable construction; and, also, to consider and determine what models may be procured in pursuance of, and in accordance with, the provisions and limitations in this section contained. And said Commissioners may make and establish all such regulations, terms, and conditions, not inconsistent with law, as in their opinion may be proper and necessary, to carry the provisions of this section into effect, according to its true intent.

Restoration of models destroyed by burning of Patent Office.

SECTION 5. *And be it further enacted,* That, whenever a patent shall be returned for correction and re-issue, under the thirteenth section of the act to which this is additional, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by that act, the sum of thirty dollars for each additional patent so to be issued: *Provided, however,* That no patent made prior to the aforesaid fifteenth day of December, shall be corrected and re-issued until a duplicate of the model and drawing of the thing, as originally invented, verified by oath as shall be required by the Commissioner, shall be deposited in the Patent Office. Nor shall any addition of an improvement be made to any patent heretofore granted, nor any new patent be issued for

Surrender and re-issue,—fees when several are to be issued instead. When duplicate models are required. Compensation for lost models.

an improvement made in any machine, manufacture, or process, to the original inventor, assignee, or possessor, of a patent therefor, nor any disclaimer be admitted to record, until a duplicate model and drawing of the thing originally invented, verified as aforesaid, shall have been deposited in the Patent Office, if the Commissioner shall require the same; nor shall any patent be granted for an invention, improvement, or discovery, the model or drawing of which shall have been lost, until another model and drawing, if required by the Commissioner, shall, in like manner, be deposited in the Patent Office. And in all such cases, as well as in those which may arise under the third section of this act, the question of compensation for such models and drawing, shall be subject to the judgment and decision of the Commissioners provided for in the fourth section, under the same limitations and restrictions as are therein prescribed.

Patents may be issued to assignees. Duplicate drawings required.

SECTION 6. *And be it further enacted,* That any patent hereafter to be issued, may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter, the applicant for a patent shall be held to furnish duplicate drawings, whenever the case admits of drawings, one of which to be deposited in the office, and the other to be annexed to the patent, and considered a part of the specification.

Disclaimers can be entered by patentee or assignee; shall not affect pending actions.

SECTION 7. *And be it further enacted,* That whenever any patentee shall have, through inadvertence accident, or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented, as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office, on payment by the person disclaiming, in manner as other patent duties are required by law to be paid, of the sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby, by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same.

Additional improvements recorded on issued patent, — and alterations of every kind

SECTION 8. *And be it further enacted,* That whenever application shall be made to the Commissioner for any addition of a newly discovered improvement to be made to an existing patent, or whenever a patent shall be returned for correction and re-issue,

the specification of claim annexed to every such patent shall be subject to revision and restriction, in the same manner as are original applications for patents; the Commissioner shall not add any such improvement to the patent in the one case, nor grant the re-issue in the other case, until the applicant shall have entered a disclaimer, or altered his specification of claim in accordance with the decision of the Commissioner; and in all such cases, the applicant, if dissatisfied with such decision, shall have the same remedy, and be entitled to the benefit of the same privileges and proceedings, as are provided by law in the case of original applications for patents.

subject patent to re-examination.

SECTION 9. *And be it further enacted*, (any thing in the fifteenth section of the act, to which this is additional, to the contrary notwithstanding,) That whenever, by mistake, accident, or inadvertence, and without any wilful default or intent to defraud or mislead the public, any patentee shall have in his specification claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the first and original inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid for so much of the invention or discovery as shall be truly and bona fide his own: *Provided*, It shall be a material and substantial part of the thing patented, and be definitely distinguishable from the other parts so claimed without right as aforesaid. And every such patentee, his executors, administrators and assigns, whether of a whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any infringement of such part of the invention or discovery as shall be bona fide his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But in every such case in which a judgment or verdict shall be rendered for the plaintiff, he shall not be entitled to recover costs against the defendant, unless he shall have entered at the Patent Office, prior to the commencement of the suit, a disclaimer of all that part of the thing patented which was so claimed without right: *Provided, however*, That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section, who shall have unreasonably neglected or delayed to enter at the Patent Office a disclaimer as aforesaid.

When claims have been made so broad as to include more than patentee is entitled to—patent not violated,—what remedy must be had.

SECTION 10. *And be it further enacted*, That the Commissioner is hereby authorized and empowered to appoint agents in not exceeding twenty of the principal cities or towns in the United States, as may best accommodate the different sections of the country, for the purpose of receiving and forwarding to the Patent Office all such models, specimens of ingredients and manufactures, as shall be intended to be patented or deposited therein, the transportation of the same to be chargeable to the patent fund.

Agents to transmit models.

SECTION 11. *And be it further enacted*, That instead of one examining clerk, as provided by the second section of the act to

Additional clerks, their compensation.

which this is additional, there shall be appointed, in manner therein provided, two examining clerks, each to receive an annual salary of fifteen hundred dollars; and, also, an additional copying clerk, at an annual salary of eight hundred dollars. And the Commissioner is also authorized to employ, from time to time, as many temporary clerks as may be necessary to execute the copying and draughting required by the first section of this act, and to examine and compare the records with the originals, who shall receive not exceeding seven cents for every page of one hundred words, and for drawings and comparison of records with originals, such reasonable compensation as shall be agreed upon or prescribed by the Commissioner.

Withdrawal
fees to foreign-
ers.

SECTION 12. *And be it further enacted*, That whenever the application of any foreigner for a patent shall be rejected and withdrawn for want of novelty in the invention, pursuant to the seventh section of the act to which this is additional, the certificate thereof of the Commissioner shall be a sufficient warrant to the Treasurer to pay back to such applicant two-thirds of the duty he shall have paid into the Treasury on account of such application.

Affirmations.

SECTION 13. *And be it further enacted*, That in all cases in which an oath is required by this act, or by the act to which this is additional, if the person of whom it is required shall be conscientiously scrupulous of taking an oath, affirmation may be substituted therefor.

Creation of the
patent fund
from fees ac-
cruing in the
office; these
appropriated
to defray its
expenses.
Annual state-
ment to be
made of condi-
tion of office.

SECTION 14. *And be it further enacted*, That all moneys paid into the Treasury of the United States for patents and for fees for copies furnished by the Superintendent of the Patent Office prior to the passage of the act of which this is additional, shall be carried to the credit of the patent fund created by said act; and the moneys constituting said fund shall be, and the same are hereby, appropriated for the payment of the salaries of the officers and clerks provided by said act, and all other expenses of the Patent Office, including all the expenditures provided for by this act; and, also, for such other purposes as are or may be hereafter specially provided for by law. And the Commissioner is hereby authorized to draw upon said fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act, governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress, in the month of January, annually, a detailed statement of the expenditures and payments by him made from said fund. And it shall also be his duty to lay before Congress, in the month of January, annually, a list of all patents which shall have been granted during the preceding year, designating, under proper heads, the subjects of such patents, and furnishing an alphabetical list of the patentees, with their places of residence; and he shall also furnish a list of all patents which shall have become public property during the same period; together with such other information of the state and condition of the Patent Office as may be useful to Congress or to the public.

Approved, March 3d, 1837.

A Bill in addition to an "Act to promote the progress of the Useful Arts."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in manner provided in the second section of the act to which this is additional, two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars. Assistant examiners.

SEC. 2. And be it further enacted, That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing, whenever the current business of the office requires it: *Provided, however,* That, instead of salary, a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office. Temporary clerks.

SEC. 3. And be it further enacted. That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office, and nine hundred copies to be deposited in the library of Congress, for such distribution as may be hereafter directed; and that one thousand dollars, if necessary, be appropriated, out of the patent fund, to defray the expense of the same. Patent lists.

SEC. 4. And be it further enacted, That the sum of three thousand six hundred and fifty-nine dollars and twenty-two cents be, and is hereby, appropriated from the patent fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office. Rent

SEC. 5. And be it further enacted, That the sum of one thousand dollars be appropriated from the patent fund, to be expended under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office. Books.

SEC. 6. And be it further enacted, That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided,* That the same shall not have been introduced into public and common use in the United States prior to the application for such patent: *And provided, also,* That in all cases every such patent shall be limited to the term of fourteen years from the date of publication of such foreign letters patent. Previously patenting abroad.

SEC. 7. And be it further enacted, That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor or any other person interested in such invention; and no patent shall be Prior use of an invention does not invalidate title to patent.

held to be invalid by reason of such purchase, sale, or use, prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

Assignments
to be recorded
free.

SEC. 8. *And be it further enacted,* That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyances of the whole or any part of the interest or right under any patent, be, and the same is hereby repealed; and all such assignments, grants, and conveyance shall, in future, be recorded without any charge whatever.

Agricultural
statistics.

SEC. 9. *And be it further enacted,* That a sum of money, not exceeding one thousand dollars, be, and the same is hereby, appropriated out of the patent fund, to be expended by the Commissioner of Patents in the collection of agricultural statistics, and for other agricultural purposes; for which the said Commissioner shall account in his next annual report.

Appeals from
Commissioner
or Chief Jus-
tice. Patentee
to defray all
the expenses.

SEC. 10. *And be it further enacted,* That the provisions of the sixteenth section of the before recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents or by the Chief Justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Proceedings
to be had on
appeals to the
Chief Justice
of the District
of Columbia.

SEC. 11. *And be it further enacted,* That in cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the Chief Justice of the district court of the United States for the District of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said Chief Justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioners, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set

forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office may be examined under oath, in explanation of the principles of the machine or other thing for which a patent, in such case, is prayed for. And it shall be the duty of the said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case: *Provided, however,* That no opinion or decision of the judge in any such case shall preclude any person interested in favor or against the validity of any patent which has been, or may hereafter be, granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Sec. 12. *And be it further enacted,* That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as may be just and reasonable. And so much of the act to which this is additional as provides for a board of examiners, is hereby repealed.

Regulations for taking testimony in contesting a patent. Repeal of board of examiners.

Sec. 13. *And be it further enacted,* That there be paid annually, out of the Patent Fund, to the said Chief Justice, in consideration of the duties herein imposed, the sum of one hundred dollars.

Fees of Chief Justice.

Approved, March 3d, 1839.

in Act in addition to an Act to promote the progress of the Useful Arts, and to repeal all acts and parts of acts heretofore made for that purpose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he hereby is, authorized to pay back, out of the patent fund, any sum or sums of money, to any person who shall have paid the same into the Treasury, or to any receiver or depository to the credit of the Treasurer, as for fees accruing at the Patent Office through mistake, and which are not provided to be paid by existing laws, certificate thereof being made to said Treasurer by the Commissioner of Patents.

Fees paid into Treasury by mistake.

Sec. 2. *And be it further enacted,* That the third section of the act of March, eighteen hundred and thirty-seven, which authorizes the renewing of patents lost prior to the fifteenth of December, eighteen hundred and thirty-six, is extended to patents granted prior to said fifteenth day of December, though they may have been lost subsequently: *Provided, however,* The same shall not have been recorded anew under the provisions of said Act.

Recording lost patents anew.

Sec. 3. *And be it further enacted,* That any citizen or citizens,

Ornamental

designs,
stamps, paint-
ings, &c.
Term of patent
and fees.

or alien or aliens, having resided one year in the United States, and taken the oath of his or their intention to become a citizen or citizens, who by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, or any new and original design for the printing of woollen, silk, cotton, or other fabrics, or any new and original design for a bust, statue, or bas relief or composition in alto or basso rilievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on, any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell, and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application, in writing, to the Commissioner of Patents expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent: *Provided*, That the fee in such cases, which by the now existing laws would be required of the particular applicant, shall be one-half the sum, and that the duration of said patent shall be seven years, and that all the regulations and provisions which now apply to the obtaining or protection of patents not inconsistent with the provisions of this act, shall apply to applications under this section.

Who can take
oaths when
patentee re-
sides abroad.

SEC. 4. *And be it further enacted*, That the oath required for applicants for patents may be taken, when the applicant is not, for the time being, residing in the United States, before any minister, plenipotentiary, charge d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public of the foreign country in which such applicant may be.

Penalty for
affixing the
word patent
on goods with-
out patentee's
consent—or
where there
is no patent.

SEC. 5. *And be it further enacted*, That if any person or persons shall paint, or print, or mould, cast, carve, or engrave, or stamp, upon any thing made, used, or sold by him, for the sole making or selling which he hath not, or shall not have obtained letters patent, the name or any imitation of the name of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without consent of such patentee, or his assigns or legal representatives; or if any person, upon any such thing not having been purchased from the patentee, or some person who purchased it from or under such patentee, or not having the license or consent of such patentee, or his assigns or legal representatives, shall write, paint, print, mould, cast, carve, engrave, stamp, or otherwise make or affix the word "patent," or the words

“letters patent,” or the word “patentee,” or any word or words of like kind, meaning, or import, with the view or intent of imitating or counterfeiting the stamp, mark, or other device of the patentee, or shall affix the same, or any word, stamp, or device of like import, on any unpatented article for the purpose of deceiving the public, he, she, or they, so offending, shall be liable for such offence to a penalty of not less than one hundred dollars, with costs, to be recovered by action in any of the circuit courts of the United States, or in any of the district courts of the United States having the powers and jurisdiction of a circuit court; one-half of which penalty, as recovered, shall be paid to the patent fund, and the other half to any person or persons who shall sue for the same.

Sec. 6. *And be it further enacted*, That all patentees and assignees of patents hereafter granted, are hereby required to stamp, engrave, or cause to be stamped or engraved, on each article vended or offered for sale, the date of the patent; and if any person or persons, patentees or assignees, shall neglect to do so, he, she, or they shall be liable to the same penalty, to be recovered and disposed of in the manner specified in the foregoing fifth section of this act.

Penalty for not stamping the patented goods.

Approved, August 29th, 1842.

FORMS AND FEES IN UNITED STATES.

FEES PAYABLE AT THE PATENT OFFICE.

All fees must be paid in advance—the amount fixed by law; except in the case of drawings, the expense of which will be communicated on application for the same.

Every applicant must pay into the Treasury of the United States, or into the Patent Office, or to any of the Assistant Treasurers, Treasurers of the Mint and Branch Mints, Collectors and Surveyors of Customs, and Receivers of Public Money.

If a citizen of the United States, as a patent fee	\$30 00
If a foreigner, who has resided in the United States one year next preceding the application for a patent, and shall have made oath of his intention to become a citizen	30 00
If a subject of the Sovereign of Great Britain	500 00
All other foreigners	300 00
On entering a caveat	20 00
On entering an application for an appeal from the decision of the Commissioner	25 00
On extending a patent beyond the fourteen years	40 00
For adding to a patent the specification of a subsequent improvement	15 00
In case of re-issues for every additional patent	30 00
On surrender of an old patent, to be re-issued, to correct a mistake of the patentee	15 00
For a disclaimer	10 00
For a Design Patent	15 00
For copies of patents, or any other paper on file, for each 100 words	10
For copies of drawings, a reasonable sum, in proportion to the time occupied in making the same.	

FORMS WHICH MAY BE USED IN MAKING APPLICATIONS AT THE PATENT OFFICE.

FORM OF PETITION.

(Form No. 1.)

To the Commissioner of Patents:
The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:—That your petitioner has invented a new (and improved mode of preventing steam-boilers from bursting,) which he verily believes has not been known or used prior to the invention thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid thirty dollars into the Treasury, and complied with other provisions of the said act. SEBASTIAN CABOT.

FORM OF SPECIFICATION.

(Form No. 2.)

To all whom it may concern:
Be it known that I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented a new and improved mode of preventing steam-boilers from bursting, and I do hereby declare that the following is a full and exact description:

The nature of my invention consists in providing the upper part of a steam-boiler with an aperture in addition to that for the safety-valve; which aperture is to be closed by a plug, or disk, of alloy, which will fuse at any given degree of heat, and permit the steam to escape, should the safety-valve fail to perform its functions.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction and operation; I construct my steam-boiler in any of the known forms, and apply thereto guage-cocks, a safety-valve, and the other appendages of such boilers; but, in order to obviate the danger arising from the adhesion of the safety-valve, and from other causes, I make a second opening in the top of the boiler, similar to that made for the safety-valve, as shown at A, in the accompanying drawing; and in this opening I insert a plug or disk of fusible alloy, securing it in its place by a metal ring and screws, or otherwise. This fusible metal, I, in general, compose of a mixture of lead, tin, and bismuth, in such proportions as will ensue its melting at a given temperature, which must be that to which it is intended to limit the steam, and will, of course, vary with the pressure the boiler is intended to sustain. I surround the opening containing the fusible alloy by a tube B, intended to conduct off any steam which may be discharged therefrom. When the temperature of the steam, in such a boiler, rises to its assigned limit, the fusible alloy will melt and allow the steam to escape freely, thereby securing it from all danger of explosion.

What I claim as my invention, and desire to secure by letters patent, is the application to steam-boilers of a fusible alloy, which will melt at a given temperature, and allow the steam to escape, as herein described; using for that purpose any metallic compound which will produce the intended effect.

Witness: { JOHN DOE,
 { RICHARD ROE,

SEBASTIAN CABOT.

When the application is for a machine, the specification should commence thus: (Form No. 3.)

Be it known that I, _____ of _____ in the county of _____ and State of _____, have invented a new and useful machine for—(stating the use and title of the machine; and if the application is for an improvement, it should read thus: a new and useful improvement on n, or on the, machine, &c.)—and I do hereby declare that the following is a full, clear, and exact description of the construction and operation of the same, reference being had to the annexed drawings, making a part of this specification, in which figure 1 is a perspective view, figure 2 a longitudinal elevation, figure 3 a transverse section, &c., (thus describing all the sections of the drawings, and then referring to the parts by letters.) Then follows the description of the construction and operation of the machine, and ending with the claim, which should express the nature and character of the invention, and identify the part or parts claimed separately or in combination. If the specification is for an improvement, the original invention should be disclaimed, and then the claim confined to the improvement.

FORM OF OATH.

COUNTY OF HAMPDEN, *State of Massachusetts, ss.*

On this _____ day of _____, 183 _____, before the subscriber, a _____ personally appeared the within named Sebastian Cabot, and made solemn oath (or affirmation) that he verily believes himself to be the original and first inventor of the mode herein described for preventing steam-boilers from bursting, and that he does not know or believe the same was ever before known or used; and that he is a citizen of the United States. Signed, _____ A. A.

(Form No. 4.)

FORMS OF APPLICATION FOR PATENTS ON DESIGNS, UNDER THE ACT OF AUGUST 29, 1842.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and _____ State of Massachusetts,

Form No. 5.)

RESPECTFULLY REPRESENTS:—That your petitioner has invented or produced (a new design or figure to be stamped or printed on fabrics, which, when thus printed, are termed embooses,) which he verily believes has not been known prior to the production thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid fifteen dollars into the Treasury, and complied with other provisions of the said act.

SEBASTIAN CABOT.

SPECIFICATION.

To all whom it may concern :

(Form No. 6.)

Be it known that I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented or produced a new (design or figure to be printed on fabrics, which, when thus printed, are termed calicoes,) and I do hereby declare that the following is a full and exact description of the same. [Here follows a description of the design or figure with reference to the specimen, or to a drawing of it, in all cases which admit of representation by drawings.] The specification to conclude with declaring what the inventor or producer claims to be expressed in terms which will give the character of the design, &c.

FORM OF OATH.

COUNTY OF HAMPDEN, *State of Massachusetts, ss.*

(Form No. 7.)

On this day of 184 , before the subscriber, a personally appeared the within named Sebastian Cabot, and made solemn oath (or affirmation as the case may be) that he verily believes himself to be the original and first inventor or producer of the design for figures to be printed on fabrics, which, when thus printed, are termed calicoes; and that he does not know or believe that the same was ever before known or used, and that he is a citizen of the United States.

Signed, A. B.

The phraseology of the title of this act having misled many persons, it is proper to add that it is an act in addition to the act of July 4, 1836, by which act all acts and parts of acts before made were *then* repealed. The title of the act of August 29, 1842, therefore, merely recites the title of the act of 1836.

EDMUND BURKE,

Commissioner of Patents.

PATENT OFFICE, November, 1846.

All communications should be addressed to the Commissioner of Patents.

RULES FOR TAKING AND TRANSMITTING EVIDENCE, &c., TO THE COMMISSIONER OF PATENTS.

(Form No. 8.)

1st. That all statements, declarations, evidence, &c., shall be in writing, setting forth minutely and particularly the point or points at issue, and shall be verified by oath or affirmation.

2d. That all statements, declarations, proofs, and evidence, shall be filed in the Patent Office by the parties, respectively, before the day of hearing.

3d. That before the deposition of a witness or witnesses be taken by either party, notice should be given to the opposite party of the time and place when and where such deposition or depositions will be taken; so that the opposite party, either in person or by attorney, shall have full opportunity to cross-examine the witness or witnesses. And such notice shall, *with proof of service of the same*, be attached to the deposition or depositions, whether the party cross-examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party, and for the transmission of the evidence to the Patent Office before the day of hearing.

4th. That no evidence, statement, or declaration, touching the matter at issue, will be *considered* upon the said day of hearing, which shall not have been taken and filed in compliance with these rules: "Provided, that if either party shall be unable, from good and sufficient reasons, to procure the testimony of a witness or witnesses, within the above stipulated time, then it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied with statements of the cause of such inability, which last mentioned notice to the Commissioner shall be received by him days previous to the day of hearing aforesaid, viz., the day of next.

5th. That all evidence, &c., shall be sealed up and addressed to the Commissioner of Patents by the persons before whom it shall be taken, and so certified thereon.

6th. That the certificate of the magistrate taking the evidence shall be substantially in the following form, and written upon the envelope, viz:

"I hereby certify, that the depositions of A. B., C. D., &c., relating to the matter of interference between H. F. and G. H., were taken, sealed up, and addressed to the Commissioner of Patents by me. *Justice of the Peace.*"

An Act in addition to an Act to increase the number of Principal and Assistant Examiners, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in the manner provided in the second section of the act entitled "An act to promote the progress of useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six, two principal examiners, and two assistant examiners, in addition to the number of examiners now employed in the Patent-Office; and that hereafter each of the principal examiners employed in the Patent-Office shall receive an annual salary of twenty-five hundred dollars, and each of the assistant examiners an annual salary of fifteen hundred dollars: *Provided,* That the power to extend patents, now vested in the board composed of the Secretary of State, Commissioner of Patents, and Solicitor of the Treasury, by the eighteenth section of the act approved July fourth, eighteen hundred and thirty-six, respecting the Patent-Office, shall hereafter be vested solely in the Commissioner of Patents; and when an application is made to him for the extension of a patent according to said eighteenth section, and sixty days' notice given thereof, he shall refer the case to the principal examiner having charge of the class of inventions to which said case belongs, who shall make a full report to said Commissioner of the said case, and particularly whether the invention or improvement, secured in the patent, was new and patentable when patented; and thereupon the said Commissioner shall grant or refuse the extension of said patent, upon the same principles and rules that have governed said board; but no patent shall be extended for a longer term than seven years.

To increase the number of principal and assistant examiners, and the amount of salary to each.

Power to extend patents vested solely in the Commissioner of Patents.

Sixty days' notice must be given.

SEC. 2. *And be it further enacted,* That hereafter the Commissioner of Patents shall require a fee of one dollar for recording any assignment, grant, or conveyance, of the whole or any part of the interest in letters-patent, or power of attorney, or license to make or use the things patented, when such instrument shall not exceed three hundred words; the sum of two dollars when it shall exceed three hundred, and shall not exceed one thousand words; and the sum of three dollars when it shall exceed one thousand words; which fees shall in all cases be paid in advance.

Fees for recording assignments.

SEC. 3. *And be it further enacted,* That there shall be appointed in manner aforesaid two clerks, to be employed in copying and recording, and in other services, in the Patent-Office, who shall each be paid a salary of one thousand two hundred dollars per annum.

Additional recording clerks appointed.

SEC. 4. *And be it further enacted,* That the Commissioner of Patents is hereby authorized to send by mail, free of postage, the annual reports of the Patent-Office, in the same manner in which he is empowered to send letters and packages relating to the business of the Patent-Office.

Documents to be mailed free of postage.

Approved May 27th. 1848.

Wm. J. A. A.