

motor and of the brake permanent magnets, as they can be made to be very powerful and very constant by the following means.

“In place of electro-magnets as described and represented, I prefer using for smaller installations permanent magnets, a number of bar-magnets being substituted for the electro-magnet represented in the drawings, though I may use magnets of other shape or configuration; but in all cases in which I use permanent magnets, whether for the field of the motor or of the brake, the pole-pieces should have their surfaces very large compared with their distance apart, as represented in the drawings, so as to form a narrow slit in which the disc armature revolves. When this is done the permanent magnets are practically constant, and this arrangement is essential to the constancy of permanent magnets unless the disc is of iron, which is objectionable on other grounds. The power and constancy of these permanent magnets are increased by magnetizing them when in position, which is easily done by wrapping wire round them and passing a powerful current through the coil so formed. *I prefer to make the ratio between the area of the pole-pieces and the distance apart of the said pole-pieces at least seventy times as great as the ratio between the sectional area of the steel magnets and the length of the said magnets. For example, if the length of the steel magnet bars be six inches, and their sectional area four square inches, the area of each of the pole-pieces may be six square inches, and their distance apart one-eighth of an inch. Or the area of each of the pole-pieces may be three square inches, and their distance apart one-sixteenth of an inch. When these proportions are adopted a powerful and stable field is obtained.*¹

“If iron is used in the armature, however pure and soft the said iron may be, there is still a constant drag due to the work expended on magnetization and de-magnetization. In such cases this drag may be overcome by compound winding the armature with a shunt current having separate commutator and brush arrangements. This is proportioned so as just to balance the magnetic drag and enable the meter to start with the required (small) current. Or I may pass the greater part of the shunt circuit round the armature and a small part round the magnets, which in this case are wound with the thicker conductor carrying the current to be metered, the said small part of the shunt serving the above-mentioned purpose.”²

A modification, consisting of corrugating the disc or cylinder and

was known, and that claim 1 was enlarged. Lord *Halsbury*, L.C.: “That was one of the things which, when I was Law Officer and when they came to us for amendment, we would not allow. It was one of the leading principles, you shall not enlarge by amendment the area of our invention.” Lord *Davey*: “You could not tell what effect it might have to amend a claim, and it was only under special circumstances that you ever allowed a claim to be amended. . . . You may limit your claim.” Lord *Halsbury*, L.C.: “It may have some bearing on the argument, but he has got the amendment.” Appellants’ counsel submitted that (*Moser v. Marsden, ante*, p. 374) the question whether claim 1 was enlarged by amendment could not be considered. Lord *Halsbury*, L.C.: “I said you have got the amendment; whether you ought to have it or not is another matter.”

¹ This passage was introduced as explanatory matter in the first amendment.

² This is illustrated in the explanatory diagram, *post*, p. 476, but not in the specification.

magnetic poles, was described but without diagrams ; the inventor did not think it necessary to give diagrams to show the application of the commutator and corrugations to dynamo-electric generators and motors, as such " will be sufficiently understood by the description hereinbefore given of their application to an electricity meter." Ordinary brushes were to be used with high-speed dynamos, a mercury commutator being in such a case inadmissible.

" Although I have described only that form of electric brake which I prefer to employ, yet I do not limit myself to that form, as it may be replaced by any electrical generating machine having a constant field and working on constant resistance, or, stated generally, by any arrangement involving the motion of a conductor relatively to a magnetic field, the strength of the field being maintained constant, and the current in the conductor being proportional to the rate of rotation.

" The armature itself may be made to act as an efficient brake and the brake disc dispensed with by making the sectors of thick copper and of considerable breadth as compared with the teeth or projections of the pole-pieces.

" Although I prefer generally to use only one pair of poles, I may use a second pair of similar poles symmetrically disposed on the opposite side of the axis."

The claims were :

" First.—An electricity meter for measuring current consisting of an electro-motor with constant field arranged substantially as hereinbefore described and illustrated in the accompanying drawings, the said electro-motor being combined with an electric brake also moving in a constant *or nearly constant*¹ field, preferably the same field as that in which the armature rotates substantially as herein described and illustrated in the accompanying drawings.

" [Secondly.—Compensating for magnetic drag or friction or both by compound winding either the armature or the magnets.]²

" *Secondly.*—In electricity meters the obtaining a constant field either for the brake or the armature or both by the use of electro-magnets of such construction and dimensions that they become saturated while in use in circuits of the kind for which they are designed substantially as herein described.

" *Thirdly.*—In electricity meters the use for the purpose of procuring a *powerful and*³ constant magnetic field of permanent magnets arranged as described with very large polar surfaces closely fronting each other *so as to form a narrow slit in which the disc armature revolves*⁴ whether the same be magnetized in position or otherwise and the means described for regulating

¹ These words were part of the first amendments, see note : *ante*, pp. 473, 474.

² This claim was struck out by the second amendment, as it had been patented previously by *Ferranti* (No. 701 of 1887).

³⁻⁴ The words in italics in this claim were introduced as part of the first amendments.

the same when or if necessary substantially as herein described and in part illustrated in the accompanying drawings.

“Seventhly.—The method hereinbefore described and illustrated in the accompanying drawings of combining the disc armature or insulated sectors with the continuous disc constituting the brake.”

The remaining five claims were for—the horizontal and vertical mercury

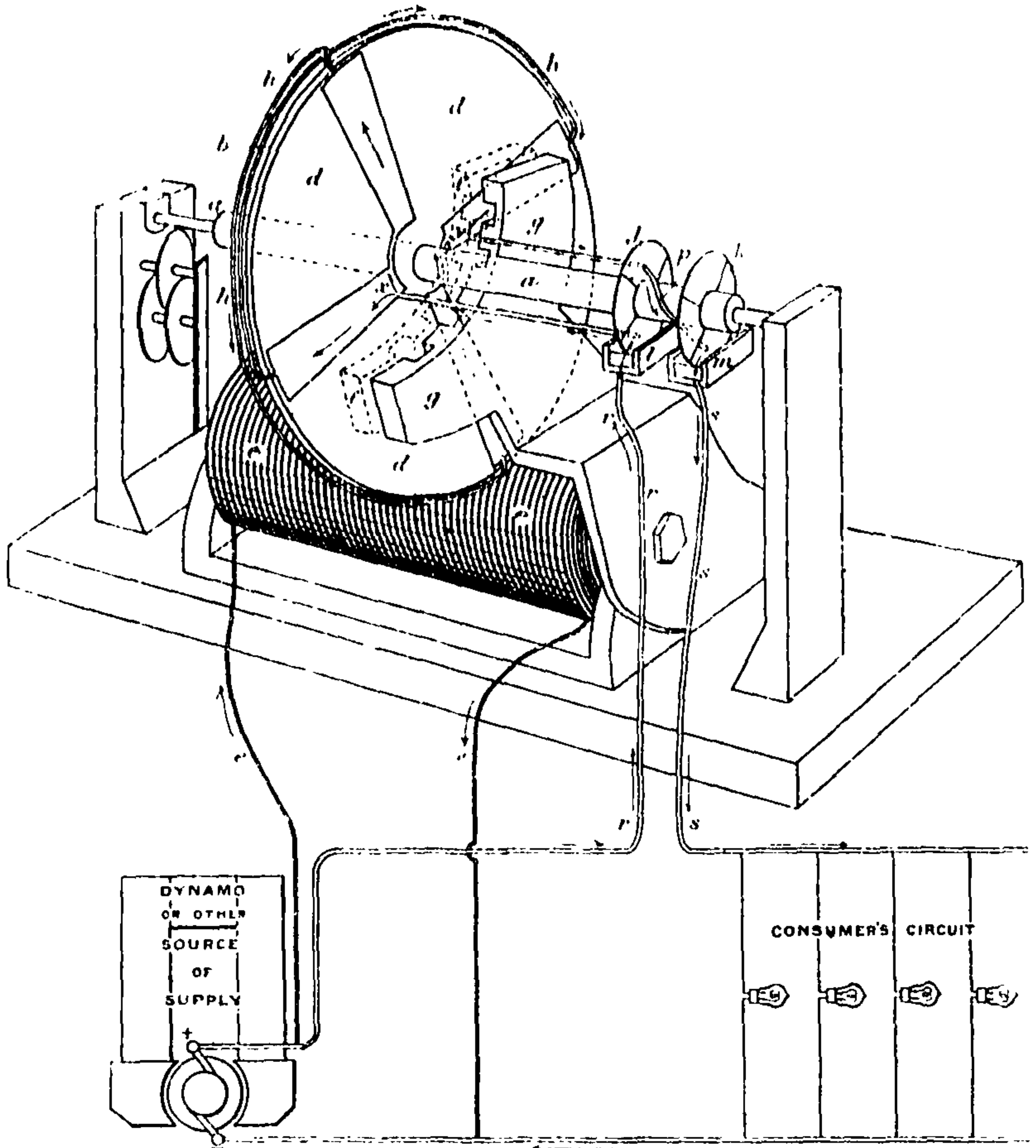


DIAGRAM ILLUSTRATING ELECTRICAL CONNECTIONS OF HOOKHAM METER.

commutators, grooving the pole pieces, diminishing friction at the bearings as described and the meter as a whole as described.

This was an action for infringement.

Evidence was given of the plaintiffs' and defendants' meters. The working of the former can be best understood by a reference to the diagram of the current connections as shewn above. The form here

indicated is one with the saturated magnet described in the specification (*ante* p. 473). Only four sectors are shown; the action is precisely the same with sixteen. The current enters from the dynamo, or main, along the conductor *r*, passes through the mercury trough *l*, and commutator *j*, thence along to the sector at *x*, where it divides into two branches, flows outwards as indicated by the arrows, thence by the conductors, *h*, to the outer edges of the other two sectors, along them reuniting at *y*, and thence by the commutator, *k*, through *m* and wire *s* to the lamp circuit. The current flowing inwards between the poles, *f*, *g*, of the constant magnet produces a force tending to turn the armature round on the axis *a*. As the sectors succeed each other, the commutator keeps the currents always flowing in the same direction relative to the magnetic field. The force or torque tending to rotate the armature is proportional to the strengths of the magnetic field and current. As the former is constant, the torque is proportional to the current, *i.e.* to $\frac{E}{R}$, where *E* is the voltage and *R* the resistance of the circuit. In the form of meter here shown the magnetic field was kept constant by the electro magnet being kept saturated; the magnetizing current being a shunt one in the conductor *c*, *c*. Unless some resisting force or brake were provided the armature would revolve with an acceleration until the resisting forces became equal to the driving force, or the armature split, or the mechanism otherwise broke down. To enable the device to work as a meter, a brake, consisting of a copper disc, *b* (attached in this form of meter to the back of the armature *d*), revolving between the poles, *f*, *g*, of the magnet, was used. On the known principles of Arago's Rotations, Foucault currents were set up of a strength proportional to the intensity of the magnetic field and the velocity of rotation. In a constant field this brake acted with a force proportional to the velocity of rotation. On a current of any given strength, therefore, being passed through the armature, rotation and acceleration ensued until equilibrium was established, the velocity of rotation being then proportional to the current passing, and thus by suitable recording mechanism the meter would show the total of ampère-hours.¹ It did not measure energy. Evidence was also given to the effect that this meter was the first practical meter in which the difficulty arising from friction was overcome. This was accomplished by making the driving (and necessarily braking) force large in comparison to friction and by reducing the latter by the adoption of anti-friction wheels and, in some forms of meter, by the mercury commutator.

¹ The result indicated would be $\int C dt$ or $\int \frac{E}{R} dt$. *Hookham's* meter would give the same result on a circuit of 200 volts pressure through two lamps in series, as on one of 100 volts through one similar lamp. But on the same circuit (while *R* is constant), the current being proportional to the pressure changes in the latter would be appreciated. Thus, other things being equal, if the pressure fell from 100 to 99 volts on a consumer's circuit the corresponding indications on the meter would show a decrease of 1 per cent. in the ampère-hours recorded.

Evidence of previous knowledge was given in order to show that the specification, if it included claims covering the defendant's meter, would be invalid. It was proved that the conditions of the problem were well known:—the use of magnets with a copper disc (such as those used in ammeters, or in Abel's meter, No. 10237 of 1884); the necessity for constancy in the magnetic field of the brake, and for increasing the brake-power by multiplying the poles, which gave better effects when of narrow area; the necessity for obviating the effect of friction, which would prevent a meter starting with a small current, and when started would prevent a full record being made. Magnets of all shapes and sizes were known, including those that were used by the defendants. Numerous publications were referred to, of which the most important were: Messrs. *Ayrton and Perry's* Specification (No. 2642 of 1882) and papers by *Marcel Deprez* and *F. Upperborn* on *Siemens' Energy Measurer*.

The specification of Messrs. *Ayrton and Perry* disclosed a combination consisting of a small dynamo-electric machine and suitable brake, that is, one in which the force resisting rotation was proportional to the velocity of rotation. The movable armature coil and fixed coils consisted, one of a high-resistance and the other a low-resistance coil. It was immaterial which was the movable coil. The coil of high resistance was connected as a shunt to the points on the circuit between which the energy to be measured was used, the low-resistance coil carried the current used by the consumer. The torque was proportional to the product of the two currents, that used by the consumer and the shunt current. But, as the latter passed through a constant resistance, the current in it was proportional to the voltage on the whole circuit. Hence the torque varied as the product of voltage and current, and the dials would record the total energy that passed, that is, the true integral of current into electromotive force.¹ But it was proved that this invention was not a practical meter, because the difficulty caused by the force of friction which was relatively considerable, was not overcome.

The paper by *Marcel Deprez* in *La Lumière Electrique* (January, 1884) dealt with the action of *Siemens' Energy Measurer* (No. 2210 of 1883). That device consisted of a small dynamo-electric machine of the *Siemens'* type, in which the consumer's current passed through fixed coils of low resistance and the shunt current through the movable bobbin of high resistance.

¹ If R and r be the resistances of the consumer's and shunt circuits respectively, E the E.M.F. of the total circuit, then the currents in the armature and fixed coil will be $\frac{E}{r}$ and $\frac{E}{R}$. The torque will vary as the product $\frac{E}{r} \times \frac{E}{R}$ or $\frac{E^2}{rR}$, but as r is constant this will vary as $\frac{E^2}{R}$ or as EC ; C being the consumer's current. With proper calibration the meter will show

$\int EC dt$, i.e. the total amount of energy or watts used. It will not only take into account variations of E , but, unlike *Hookham's*, a circuit of two lamps in series will have recorded double the amount of energy as in one lamp on a circuit of half the voltage.

In it the resisting force did not consist of a magnetic brake, but one formed of vanes revolving in a liquid. *M. Deprez* demonstrated rigorously that this instrument could not measure energy unless a brake were used which developed a resistance proportional to the velocity of rotation and not to its square, as did the vanes. He suggested "a copper disc revolving between the limbs of a permanent magnet" in which currents would be developed according to the well-known law, and which he had formerly applied in his magnetic-speed indicator. He also suggested reversing the Siemens' arrangement by putting the consumer's current through the armature and the shunt through a fixed high-resistance coil.

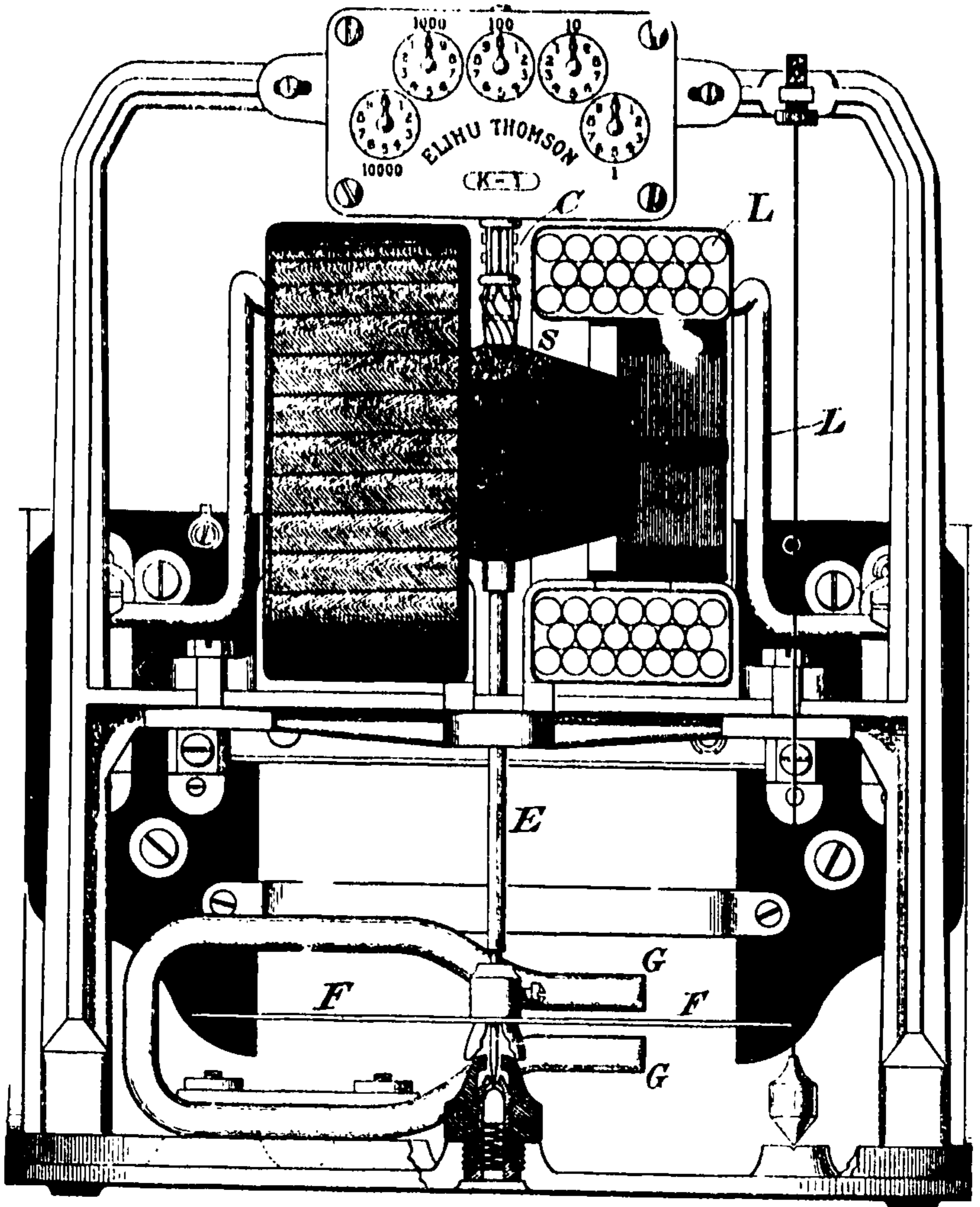
In a paper (16th February, 1884), *F. Upperborn* arrived at the same result as *Marcel Deprez*, and called attention to another consideration, namely the importance of relieving "more delicate measuring instruments from the performance of their own inherent work. But if this cannot be effected, then care must be taken that the measuring and measured forces are great in comparison with the forces coming otherwise into play. If we apply this law to the instrument under consideration, it results that one must then endeavour to diminish the frictional resistance as much as possible, and to make as great as possible the force consumption of the Faraday disc."

The alleged infringement consisted in the use, on a circuit alleged to be of constant potential, of a meter invented by *Elihu Thomson*. A diagram of it is given (*post*, p. 480), the left-hand half being shown in front elevation and the right hand in sectional. Its action will be best understood by reference to the diagrams shown (*post*, p. 481), in which the same letters are used for the corresponding parts. The current enters at A from the main, divides into two at B, one passing through the circuit and fixed coils L, L, and the lamps or consumer's circuit to D. The other, a shunt current, passing through the circuit S, commutator C, and movable armature and commutator to D, and thence to the return main. The commutator, C, was specially devised to get rid of friction, the contact-pieces were tipped with silver and of slight make, the shunt-current being small. The brake was a copper disc F on the same spindle, revolving between the poles of magnets G, of which at first three and subsequently two were used. In the improved form of meter an additional mode of overcoming the initial friction and eliminating error due to running friction was adopted, namely, the employment of a starting coil. This starting coil consisted of an extra coil of a few turns introduced into the shunt circuit, as shown in the lower diagram (*post*, p. 481). The magnetic field produced by the shunt-current always flowing through it tended, but was insufficient, to produce rotation of the armature, until at least sufficient current for one lamp was used in the circuit L, L. The armature was connected with a suitable train of mechanism and dials, on which was recorded the energy consumed, *i.e.* watts.¹

¹ The principles of this meter and their mathematical expression are the same as those shown in connection with Messrs *Ayrton* and *Perry's* in the note on the preceding page.

It was proved that the magnets used in the defendants' meter were constant, but the constancy was not secured by reason of their shape and proportions, but by a process of artificial ageing.

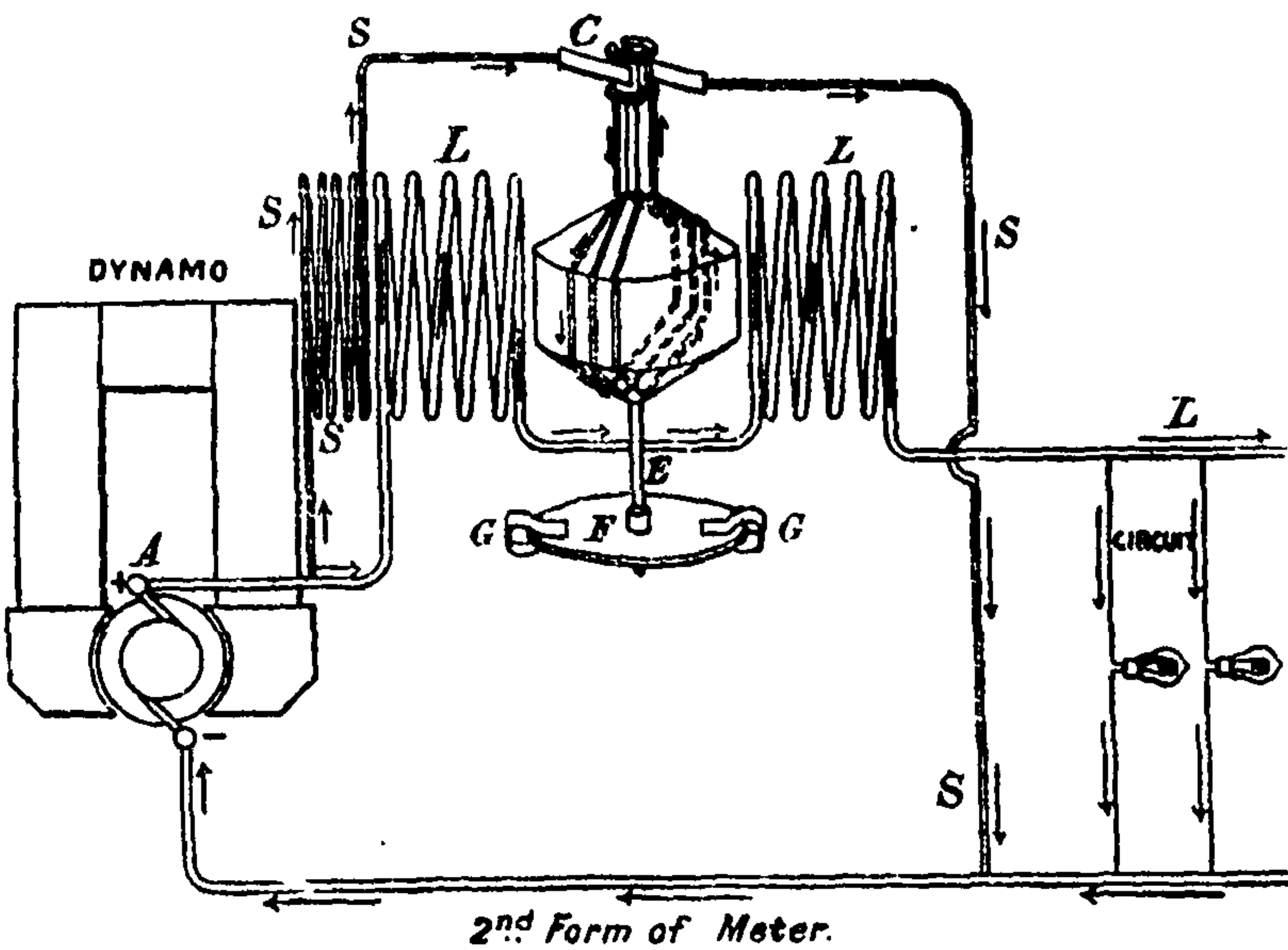
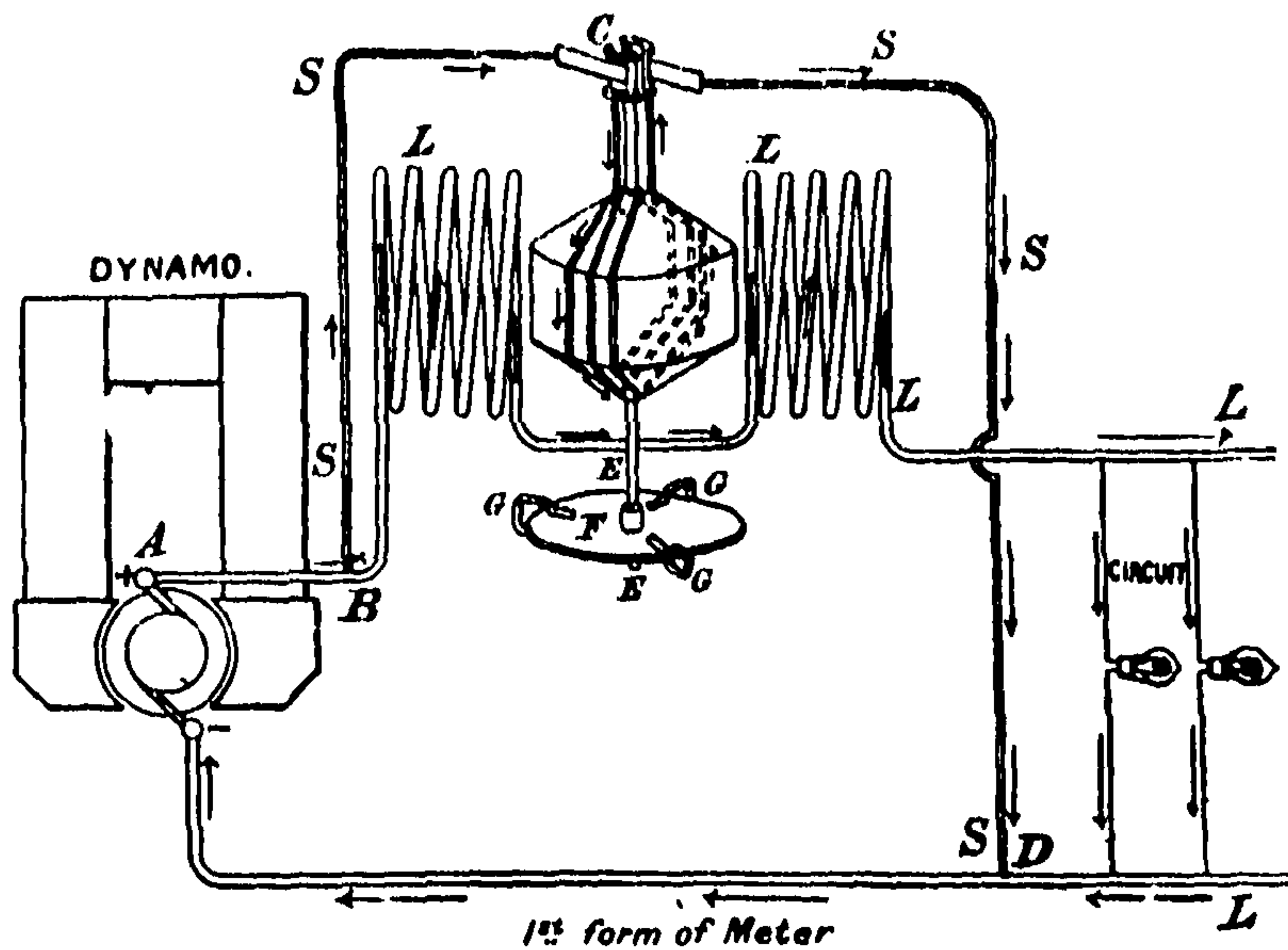
It was contended on behalf of the plaintiff that the specification should



Defendants' meter.

be construed widely, being for the first successful meter made in accordance with known principles. That the invention consisted in a combination of five elements performing certain functions:—(1) An electro-motor of any ordinary form, in which the magnet must be constant unless when

¹ Argument as finally presented in the House of Lords.



Connections of Defendant's meter.

on a circuit of constant potential in cases in which current is to be measured ; and the armature must be of any ordinary known form and (when the current to be measured passes round the field magnets) to be of constant

magnetic power; (2) a magnetic brake whose field is powerful and constant; (3) reduction of axial friction by friction-wheels or hardened points; (4) reduction or balancing of commutator friction by mercury contacts or compound winding; and (5) large forces in motor and brake to swamp residual friction. It was alleged that the defendants' meter, when used on a circuit of constant potential, possessed the above elements, *e.g.* the motor was of an "ordinary form now in use" (*ante*, p. 467, l. 28); the separate brake was an alternative (*ante*, p. 468, l. 1); the starting-coil was the compound winding mentioned *ante*, p. 469, l. 9 and p. 474, l. 28; the current in the shunt-coil being constant produced a constant field; the arrangement was the alternative mentioned *ante*, p. 474, l. 31, and that when used on a circuit of constant and known potential it measured current.

The defendants maintained that their meter was the application of known principles, and was so constructed that its parts did not perform the same functions as those of the plaintiffs' combination, *i.e.* it would work with alternating currents, as to which, if the plaintiffs' claim included such matters, the specification was insufficient in directions; that the third claim was for the particular form of magnet described and illustrated, but if wide enough to include defendants' magnets would be invalid.

At the trial the learned judge found that the meters performed different functions, the object aimed at and attained by the defendants' being more extensive and useful; that the defendants' brushes were not known equivalents for plaintiffs' commutator; and that the third claim was a subsidiary claim, and not one for a separate invention. No decision on validity was given (17 R. P. C. 493).

The plaintiffs appealed.

Held by the Court of Appeal (19 R. P. C. 78) that the meters were different combinations, and that the third claim was limited to compound or built-up magnets.

Romer, L.J., on the third claim, in delivering the judgment of the Court pointed out that the preferred ratio would have included old magnets, and continued (p. 92):—"If he was not describing his pole-pieces as an adjunct to his 'arrangement' of magnets, but was contemplating a claim apart from that arrangement, he was in a position of considerable difficulty, having regard to public knowledge at the date of his patent, in reference to the use of permanent magnets with a disc to form a brake in electricity meters. For in this case he would not be claiming the use of some new combination or arrangement of magnets, or some new magnet invented by him, but would be claiming the use of every known magnet which happened to have poles with what he calls 'large' surfaces, and which form between them what he calls a 'narrow' slit, merely because he had discovered they possessed valuable qualities with reference to a use which might well be held known. It appears to us that it would not be fair as against him to hold he intended to make such a large claim, which might have made it invalid, unless he had clearly indicated such an intention. In our opinion he has not indicated such an intention."

The plaintiffs appealed to the House of Lords.

The House of Lords upheld the decision of the Court of Appeal.

Lord *Davey* referred to the specification in detail in connection with the first claim, and pointed out that there was only one form of meter described fully therein. "It would of course be wrong to confine the patentee to the exact form of his combination which he has so described and illustrated. I also think that he is entitled to the merit of having first given to the world a practical electricity meter made on the principle of combining the use of an electric brake, operating by means of Foucault currents, with an electro-motor, and to have regard paid to that circumstance in construing his patent. But, on the other hand, it would be equally wrong, and, indeed, would be fatal to the validity of the patent, to allow the patentee such latitude in the construction of his patent and variation in its details as would entitle him to claim every form of electricity meter in which an electro-motor is combined with an electric brake of the kind described, or that combination coupled with a device of any kind for reducing friction, unless he can claim to have himself discovered the principle of such a machine." The law was correctly laid down by Baron *Alderson* in *Jupe v. Pratt* (1 Webs. 146). His lordship continued by commenting on the prior publications and by pointing out how the patentee in his specification allowed of variations in the details. "The elements of the combination (which appear to me to admit of no variation) appear to me to be the following: (1) that the meter is a current meter, *i.e.*, one for measuring only the quantity or ampère hours of the current without regard to any variation in the potential or voltage; (2) that the magnetic field of the motor must be constant; and (3) the use of the patentee's mercury contacts or commutators 'where practicable.' . . . It appears to me that the patentee thus defines the type of machine which he intends to claim as his invention with considerable latitude in detail."

As to the argument that the defendant's meter as used performed the same functions as the plaintiff's and was therefore an infringement, his lordship said: "But the question is whether the machine which is said to infringe contains the elements which the patentee considered were an essential part of his combination for the purpose for which it was designed. And it can make no difference in this respect whether the manufacturer or person using the machine is sued. . . . It happens under these conditions that energy is proportional to current because one factor is constant; but to my mind the differences of function still exist. . . . Your lordships are not asked to say whether the respondent's machine is a useful one for the purpose for which it is designed, but whether it is a machine of the same type as the appellant's."¹

His lordship reviewed the specification and evidence relating to the magnets and pole-pieces, finding that the only permanent magnets that

¹ As to the distinction between a manufacture (here the meter) and the use to which it is put, see *ante*, pp. 11-13. As to testing identity of inventions by function, see *ante*, pp. 30, 33, 39.

were suggested in the specification were an alternative to the saturated electro-magnets, and were built up with large pole-pieces attached. "But, my lords, I adopt the language of Lord *Cranworth*¹ in *Ralston v. Smith*, and say that it is not every useful discovery which will constitute a patentable invention, and that to tell a man who has been in the habit of using magnets of various forms for various purposes that one particular form has a useful property which was unknown to him before, is not in any sense to invent a 'new manufacture.'" The third claim "can only (as I think) be supported as pointing out what the patentee considered one of the merits and advantages of a subordinate element in one of the forms of the general combination claimed in the first claim, and as applicable only to the meter invented by the patentee. On the construction of the third claim I think also that it is confined to the use of the magnet in connection with the armature of the motor." His lordship contrasted it with the seventh claim (*ante*, p. 476) in which the patentee "claims his method of combining the disc armature with the disc constituting the brake," and pointed out that the words inserted by amendment in the third claim (*ante*, p. 475) were no doubt deliberately chosen, and therefore should not be construed in a wider sense than they naturally bear.

The Lord Chancellor and other members of the House fully concurred in Lord *Davey's* judgment.

¹ See *ante*, p. 230.

PART III.

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THE PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

(46 & 47 VICT. C. 57.)

An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks.

A. D. 1883.

[25th August, 1883.]

BE it enacted, &c.

PART I.—PRELIMINARY.

PART I.
PRELIMINARY.

1. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1883.

Short title.

2. This Act is divided into parts. as follows :—

Division of
Act into parts.

PART I.—PRELIMINARY.

PART II.—PATENTS.

PART III.—DESIGNS.

PART IV.—TRADE MARKS.

PART V.—GENERAL.

3. This Act, except where it is otherwise expressed, shall commence from and immediately after the 31st day of December, 1883.

Commence-
ment of Act.

46 & 47 VICT.
C. 57.

PART II.
PATENTS.

Persons en-
titled to apply
for patent.

Application
and specifica-
tion.

Reference of
application
to examiner.

PART II.—PATENTS.

Application for and Grant of Patent.

4. (1) Any person, whether a British subject or not, may make an application for a patent.

(2) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.¹

5. (1) An application for a patent must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from time to time prescribed; and must be left at, or sent by post to, the Patent Office in the prescribed manner.

(2) An application must contain a declaration² to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application, one or more of the applicants, claims or claim to be the true and first inventor or inventors, and for which he or they desire or desire to obtain a patent; and must be accompanied by either a provisional or complete specification.

(3) A provisional specification must describe the nature of the invention, and be accompanied by drawings, if required.

(4) A complete specification, whether left on application or subsequently, must particularly describe and ascertain the nature of the invention, and in what manner it is to be performed, and must be accompanied by drawings,³ if required.

(5) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement of the invention claimed.

6. The Comptroller shall refer every application to an examiner, who shall ascertain and report to the Comptroller whether the nature of the invention has been fairly described, and the application, specification, and drawings (if any) have been prepared in

¹ One of the persons at least must be the true and first inventor (48 & 49 Vict. c. 63, sect. 5, *post*, p. 516).

² This "declaration" may be either a statutory declaration under the Statutory Declaration Act, 1835, or not, as may be from time to time prescribed (48 & 49 Vict. c. 63, sect. 2, *post*, p. 515). See Patents Rules 25, 26, *post*, p. 531.

³ References may be made in the complete to drawings with the provisional specification, instead of annexing copies to the complete (49 & 50 Vict. c. 37, sect. 2, *post*, p. 517).

the prescribed manner, and the title sufficiently indicates the subject-matter of the invention.

46 & 47 Vict.
c. 77.

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

Power for
Comptroller
to refuse
application or
require amend-
ment.

(2) Where the Comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the Law Officer.

(3) The Law Officer shall, if required, hear the applicant and the Comptroller, and may make an order determining whether, and subject to what conditions (if any), the application shall be accepted.

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

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

8. (1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months¹ from the date of application.

Time for
leaving com-
plete specifica-
tion.

(2) Unless a complete specification is left within that time the application shall be deemed to be abandoned.

9. (1) Where a complete specification is left after a provisional specification, the Comptroller shall refer both specifications to an examiner for the purpose of ascertaining whether the complete

Comparison
of provisional
and complete
specification.

¹ The section is given here as re-enacted by 51 & 52 Vict. c. 50, sect. 2.

46 & 47 Vict.
C. 57.

specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification.

(2) If the examiner reports that the conditions hereinbefore contained have not been complied with, the Comptroller may refuse to accept the complete specification unless and until the same shall have been amended to his satisfaction ; but any such refusal shall be subject to appeal to the Law Officer.

(3) The Law Officer shall, if required, hear the applicant and the Comptroller, and may make an order determining whether and subject to what conditions, if any, the complete specification shall be accepted.

(4) Unless a complete specification is accepted within twelve months¹ from the date of application, then (save in the case of an appeal having been lodged against the refusal to accept) the application shall, at the expiration of those twelve months, become void.

(5) Reports of examiners shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding,² . . . unless the Court or officer having power to order discovery in such legal proceeding shall certify that such production or inspection is desirable in the interests of justice, and ought to be allowed.

Advertisement
on acceptance
of complete
specification.

10. On the acceptance of the complete specification the Comptroller shall advertise the acceptance ; and the application and specification or specifications with the drawings (if any) shall be open to public inspection.

Opposition to
grant of patent.
Ante, Ch. VIII.
p. 118.

11. (1) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification give notice at the Patent Office of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative, or on the ground that the invention has been

¹ From the coming into operation of 2 Ed. VII. c. 34, sect. 1, *post*, p. 523, this period is reduced to six months. It may be extended another month by the Comptroller, under exceptional circumstances (48 & 49 Vict. c. 63, sect. 3, *post*, p. 515).

² Words omitted repealed by 51 & 52 Vict. c. 50, sect. 3.

patented in this country on an application of prior date, *or¹ on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification, but on no other ground.*

46 & 47 VICT.
C. 57.
—

(2) Where such notice is given the Comptroller shall give notice of the opposition to the applicant, and shall, on the expiration of those two months, after hearing the applicant and the person so giving notice, if desirous of being heard, decide on the case, but subject to appeal to the Law Officer.

(3) The Law Officer shall, if required, hear the applicant and any person so giving notice and being, in the opinion of the Law Officer, entitled to be heard in opposition to the grant, and shall determine whether the grant ought or ought not to be made.

(4) The Law Officer may, if he thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the Law Officer, with the consent of the Treasury, shall appoint.

12. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, the Comptroller shall cause a patent to be sealed with the seal of the Patent Office.

Sealing of
patent.

(2) A patent so sealed shall have the same effect as if it were sealed with the Great Seal of the United Kingdom.

(3) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months² from the date of application, except in the cases hereinafter mentioned, that is to say—

(a) Where the sealing is delayed by an appeal to the Law Officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the Law Officer may direct.

(b) If the person making the application dies before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative and sealed

¹ Words in italics denote amendment made by 51 & 52 Vict. c. 50, sect. 4.

² This period may be extended by the Comptroller under 43 & 49 Vict. c. 63, sect. 3. *ibid.*, p. 515.

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C. 57.

at any time within twelve months after the death of the applicant.

Date of patent.

13. Every patent shall be dated and sealed as of the day of the application : Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification : Provided also, that in case of more than one application for a patent for the same invention, the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application.

Provisional Protection.

Provisional protection.

14. Where an application for a patent in respect of an invention has been accepted, the invention may during the period between the date of the application and the date of sealing such patent be used and published without prejudice to the patent to be granted for the same ; and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

Protection by Complete Specification.

Effect of acceptance of complete specification.

15. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification : Provided that an applicant shall not be entitled to institute any proceeding for infringement unless and until a patent for the invention has been granted to him.

Patent.

Extent of patent.

16. Every patent when sealed shall have effect throughout the United Kingdom and the Isle of Man.

Term of patent.

17. (1) The term limited in every patent for the duration thereof shall be fourteen years from its date.

(2) But every patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to make the prescribed payments within the prescribed times.

(3) If, nevertheless, in any case, by accident, mistake, or inadvertence, a patentee fails to make any prescribed payment within the prescribed time, he may apply to the Comptroller for an enlargement of the time for making that payment.

(4) Thereupon the Comptroller shall, if satisfied that the failure has arisen from any of the above-mentioned causes, on receipt of the prescribed fee for enlargement, not exceeding ten pounds, enlarge the time accordingly, subject to the following conditions:—

(a) The time for making any payment shall not in any case be enlarged for more than three months.

(b) If any proceeding shall be taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

Amendment of Specification.

18. (1) An applicant or a patentee may, from time to time, by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of such amendment and his reasons for the same.

Amendment of
specification.

For notes, see
ante, pp. 161,
163.

(2) The request and the nature of such proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(3) Where such notice is given the Comptroller shall give notice of the opposition to the person making the request, and shall hear and decide the case subject to an appeal to the Law Officer.

(4) The Law Officer shall, if required, hear the person making the request and the person so giving notice, and being in the opinion of the Law Officer entitled to be heard in opposition to the request, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

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(5) Where no notice of opposition is given, or the person so giving notice does not appear, the Comptroller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) When leave to amend is refused by the Comptroller, the person making the request may appeal from his decision to the Law Officer.

(7) The Law Officer shall, if required, hear the person making the request and the Comptroller, and may make an order determining whether, and subject to what conditions, if any, the amendment ought to be allowed.

(8) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(9) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall in all courts and for all purposes be deemed to form part of the specification.

(10)¹ The foregoing provisions of this section do not apply when and so long as any action for infringement or proceeding for revocation of a patent is pending.

Power to dis-
claim part of
invention
during action,
&c.

19. In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court or a judge may at any time order that the patentee shall, subject to such terms as to costs and otherwise as the Court or a judge may impose, be at liberty to apply at the Patent Office for leave to amend his specification by way of disclaimer, and may direct that in the mean time the trial or hearing of the action shall be postponed.

Restriction on
recovery of
damages.

20. Where an amendment by way of disclaimer, correction, or explanation, has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.²

¹ This sub-section is substituted for the original one by 51 & 52 Vict. c. 50, sect. 5.

² That is, that he intended, in his original specification, to claim what he had really invented, and no more (*Kane v. Boyle*, 18 R. P. C. 338).

21. Every amendment of a specification shall be advertised in the prescribed manner.

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Advertisement
of amendment.

Compulsory Licenses.

22. [Repealed.]

Register of Patents.

23. (1) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licenses under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed.

Register of
patents.

(2) The register of patents shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

(3) Copies of deeds, licenses, and any other documents affecting the proprietorship in any letters patent or in any license thereunder, must be supplied to the Comptroller in the prescribed manner for filing in the Patent Office.

Fees.

24. (1) There shall be paid in respect of the several instruments described in the Second Schedule to this Act, the fees in that schedule mentioned, and there shall likewise be paid, in respect of other matters under this part of the Act, such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct.

Fee in
schedule.

(2) The Board of Trade may from time to time, if they think fit, with the consent of the Treasury, reduce any of those fees.

Extension of Term of Patent.

25. (1) A patentee may, after advertising in manner directed by any rules made under this section his intention to do so, present a petition to Her Majesty in Council, praying that his

Extension of
term of patent
on petition to
Queen in
Council.

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patent may be extended for a further term ; but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2) Any person may enter a caveat, addressed to the Registrar of the Council at the Council Office, against the extension.

(3) If Her Majesty shall be pleased to refer any such petition to the Judicial Committee of the Privy Council, the said Committee shall proceed to consider the same, and the petitioner and any person who has entered a caveat shall be entitled to be heard by himself or by counsel on the petition.

(4) The Judicial Committee shall, in considering their decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5) If the Judicial Committee report that the patentee has been inadequately remunerated by his patent, it shall be lawful for Her Majesty in Council to extend the term of the patent for a further term not exceeding seven, or in exceptional cases fourteen, years ; or to order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions, and provisions that the Judicial Committee may think fit.

(6) It shall be lawful for Her Majesty in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions, and subject thereto such proceedings shall be regulated according to the existing procedure and practice in patent matters of the Judicial Committee.

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

Revocation.

Revocation of
patent.

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

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

(3) Every ground on which a patent might, at the commencement of this Act, be repealed by *scire facias* shall be available

by way of defence to an action of infringement, and shall also be a ground of revocation.

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

(a) The Attorney-General in England or Ireland, or the Lord Advocate in Scotland ;

(b) Any person authorized by the Attorney-General in England or Ireland, or the Lord Advocate in Scotland ;

(c) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims ;

(d) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee ;

(e) Any person alleging that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold, within this realm, before the date of the patent, anything claimed by the patentee as his invention.

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

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

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

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

Crown.

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C. 57.
Patent to bind
Crown.

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

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

Legal Proceedings.

Hearing with
assessor.

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

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

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

Delivery of
particulars.

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

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

(3) If the defendant disputes the validity of the patent, the

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

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C. 57.

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

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

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

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

Order for inspection, &c., in action.

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

Certificate of validity questioned and costs thereon.

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

Remedy in case of groundless threats of legal proceedings.

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C. 57.

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

Miscellaneous.

Patent for one
invention only.

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

Patent on
application of
representative
of deceased
inventor.

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

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

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

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

Assignment
for particular
places.

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

Loss or de-
struction of
patent.

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

Proceedings
and costs
before Law
Officer.

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

39. The exhibition¹ of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely,—

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

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

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

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

41. The control and management of the existing Patent Museum, and its contents shall from and after the commencement of this Act, be transferred to and vested in the Department

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

Publication of illustrated journal, indexes, etc.

Patent Museum.

¹ The provisions of this section may be extended by Order in Council to foreign exhibitions under 49 & 50 Vict. c. 37, sect. 3, *post*, p. 517.

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Power to
require models
on payment.

Foreign vessels
in British
waters.

Assignment
to Secretary
for War of
certain inven-
tions.

of Science and Art, subject to such directions as Her Majesty in Council may see fit to give.

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

43. (1) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of Her Majesty's Courts in the United Kingdom, or Isle of Man, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connection with the manufacture or preparation of anything intended to be sold in or exported from the United Kingdom or Isle of Man.

(2) But this section shall not extend to vessels of any foreign state of which the laws authorize subjects of such foreign state, having patents or like privileges for the exclusive use or exercise of inventions within its territories, to prevent or interfere with the use of such inventions in British vessels while in the ports of such foreign state, or in the waters within the jurisdiction of its Courts, where such inventions are not so used for the manufacture or preparation of anything intended to be sold in or exported from the territories of such foreign state.

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

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

of valuable consideration), and may be enforced accordingly by the Secretary of State for the time being.

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C. 57.

(3) Where any such assignment has been made to the Secretary of State, he may at any time before the application for a patent for the invention, or before publication of the specification or specifications, certify to the Comptroller his opinion that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

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

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

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

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

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

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

(10) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but save as in this section otherwise directed, the provisions of this part of this Act shall apply in respect of any invention and patent as aforesaid.

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

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

Existing Patents.

45. [Provisions respecting existing patents.]

Definitions.

46. In and for the purposes of this Act—

“Patent” means letters patent for an invention ;

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

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

In Scotland “injunction” means “interdict.”

Definitions
of patent,
patentee, and
invention.

[*Parts III. and IV., relating to Designs and Trade Marks, are omitted, not being within the scope of this work.*]

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PART V.—GENERAL.

A.D. 1883.

*Patent Office and Proceedings thereat.*PART V.
GENERAL.

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

Patent Office.

(2) Until a new Patent Office is provided, the offices of the Commissioners of Patents for inventions and for the registration of designs and trade-marks existing at the commencement of this Act shall be the Patent Office within the meaning of this Act.

(3) The Patent Office shall be under the immediate control of an officer called the Comptroller-General of Patents, Designs, and Trade-marks, who shall act under the superintendence and direction of the Board of Trade.

(4) Any act or thing directed to be done by or to the Comptroller may¹ . . . be done by or to any officer for the time being in that behalf authorized by the Board of Trade.

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

Officers and
clerks.

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

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

Seal of Patent
Office.

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

Trust not to
be entered in
registers.

¹ Words omitted repealed by 2 Ed. VII. c. 34, s. 4.

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c. 57.

Refusal to
grant patent,
etc.
Entry of
assignments
and trans-
missions in
registers.

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

87. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade-mark, the Comptroller shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade-mark, in the register of patents, designs, or trade-marks, as the case may be. The person for the time being entered in the register of patents, designs, or trade-marks, as proprietor of a patent, copyright in a design or trade-mark as the case may be, shall, subject to *the provisions of this Act and to*¹ any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, license, or dealing. Provided that any equities in respect of such patent, design, or trade-mark may be enforced in like manner as in respect of any other personal property.

Inspection of
and extracts
from registers.

88. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to *the provisions of this Act and to*² such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Sealed copies
to be received
in evidence.

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

Rectification
of registers by
Court.

90. (1) The Court may on the application of any person aggrieved by the omission without sufficient cause of the name of any person *or of any other particulars*³ from any register kept

¹⁻² Words in italics inserted by 51 & 52 Vict. c. 50, sects. 21, 22.

³ These words are inserted by 51 & 52 Vict. c. 50, sect. 23.

under this Act, or by any entry made without sufficient cause in any such register, make such order for making expunging or varying the entry, as the Court thinks fit; or the Court may refuse the application; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit.

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

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

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

Power for
Comptroller
to correct
clerical errors.

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

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

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

(d)¹ *Permit an applicant for registration of a design or trade-mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design or trade-mark to be registered.*

92. [Alteration of registered mark.]

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

Falsification
of entries in
registers.

¹ This sub-section is added by 51 & 52 Vict. c. 50, sect. 24.

46 & 47 VICT.
C. 57.

Exercise of
discretion by
Comptroller.

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

Power of
Comptroller to
take directions
of Law
Officers.

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

Certificate of
Comptroller to
be evidence.

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

Applications
and notices by
post.

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

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

Provision as to
days for leav-
ing documents
at office.

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

Declaration by
infant, lunatic,
&c.

99. If any person is, by reason of infancy lunacy or other inability, incapable of making any declaration or doing anything required or permitted by this Act or by any rules made under the

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

46 & 47 VICT.
C. 57.

100. Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after the same shall respectively have been accepted or allowed at the Patent Office ; and certified copies of or extracts from any such documents shall be given to any person requiring the same on payment of the prescribed fee ; and any such copy or extract shall be admitted in evidence in all Courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

Transmission
of certified
printed copies
of specifica-
tions, &c.

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

Power for
Board of Trade
to make
general rules
for classifying
goods and
regulating
business of
Patent Office.
[And as to
registration of
Patent Agents,
post, p. 519.]

- (a) For regulating the practice of registration under this Act :
- (b) For classifying goods for the purposes of designs and trade-marks ;
- (c) For making or requiring duplicates of specifications, amendments, drawings, and other documents ;
- (d) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications drawings amendments and other documents ;
- (e) For securing and regulating the making printing publishing and selling of indexes to, and abridgments of,

specifications and other documents in the Patent Office ; and providing for the inspection of indexes and abridgments and other documents ;

(*f*) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad ;

(*g*) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the Comptroller, or of the Board of Trade.

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

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

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

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

102. [Annual reports of Comptroller.]

International and Colonial Arrangements.

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

•103. (1) If Her Majesty is pleased to make any arrangement with the Government or Governments of any foreign state or states for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such state, shall be

entitled to a patent for his invention or to registration of his design or trade-mark (as the case may be) under this Act, in priority to other applicants ; and such patent or registration shall have the same date as the date of the *application*¹ in such foreign state.

46 & 47 VICT.
c. 57.

Provided that his application² is made, in the case of a patent within *twelve*³ months, and in the case of a design or trade-mark within four months, from his applying for protection in the foreign state with which the arrangement is in force.

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

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

(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade-mark under this section, must be made in the same manner as an ordinary application under this Act: Provided that, in the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under this Act.

(4) The provisions of this section shall apply only in the case of those foreign states with respect to which Her Majesty shall from time to time by Order in Council declare them to be

¹ As amended by 48 & 49 Vict. c. 63, sect 6, *post*, p. 516.

² That is an application to come under the provisions of this section: *British Tanning Co. v. Groth*, 8 R. P. C. 122; *Acetylene Illuminating Co. v. Un. Alkali Co.*, 20 R. P. C. 167. It must be accompanied by a complete specification. 1 Ed. VII. c. 18, sect. 1.

³ As amended by 1 Ed. VII. c. 18, sect. 1.

46 & 47 VICT.
C. 57.

Provision for
colonies and
India.

applicable, and so long only in the case of each state as the Order in Council shall continue in force with respect to that state.

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

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

Offences.

Penalty on
falsely repre-
senting articles
to be patented.

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

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

106. [Penalty on unauthorized assumption of Royal arms.]

Scotland, Ireland, &c.

Saving for
Courts in
Scotland.

107. In any action for infringement of a patent in Scotland the provisions of this Act, with respect to calling in the aid of an assessor, shall apply, and the action shall be tried without a jury, unless the Court shall otherwise direct, but otherwise nothing shall

affect the jurisdiction and forms of process of the Courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those Courts.

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

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

Summary
proceedings
in Scotland.

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

Proceedings
for revocation
of patent in
Scotland.

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

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

Reservation
of remedies
in Ireland.

111. (1) The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in any proceedings relating to patents or to designs or to trade-marks; and with reference to any such proceedings in Scotland, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either Division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "the Court of Appeal" respectively mean the High Court of Justice in Ireland and Her Majesty's Court of Appeal in Ireland.

General
saving for
jurisdiction
of Courts.

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

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

Isle of Man.

(1) Nothing in this Act shall affect the jurisdiction of the

46 & 47 VICT.
C. 57.
—

Courts in the Isle of Man, in proceedings for infringement or in any action or proceeding respecting a patent, design, or trade-mark competent to those Courts ;

(2) The punishment for a misdemeanor under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the Court ;

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Repeal, Transitional Provisions, Savings.

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

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

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

Former
registers to
be deemed
continued.

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

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

46 & 47 VICT.
C. 57.

115. All general rules made by the Lord Chancellor or by any other authority under any enactment repealed by this Act, and in force at the commencement of this Act, may at any time after the passing of this Act be repealed altered or amended by the Board of Trade, as if they had been made by the Board under this Act, but so that no such repeal alteration or amendment shall take effect before the commencement of this Act; and, subject as aforesaid, such general rules shall, so far as they are consistent with and are not superseded by this Act, continue in force as if they had been made by the Board of Trade under this Act.

Saving for
existing
rules.

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

Saving for
prerogative.

General Definitions.

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

General
definitions.

“ Person ” includes a body corporate ;

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

“ Law Officer ” means Her Majesty's Attorney-General or Solicitor-General for England ;

“ The Treasury ” means the Commissioners of Her Majesty's Treasury ;

“ Comptroller ” means the Comptroller-General of Patents, Designs, and Trade-marks ;

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

“ British possession ” means any territory or place situate within Her Majesty's dominions, and not being or forming part

46 & 47 VICT.
C. 57.

of the United Kingdom, or of the Channel Islands, or of the Isle of Man, and all territories and places under one legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act ;

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

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

SCHEDULES.

THE FIRST SCHEDULE.

FORMS OF APPLICATION, ETC.

[The Forms A, A₁, A₂, B, and C given *post*, pp. 545–551, are substituted for those originally in this schedule.]

FORM D.

[FORM OF PATENT.]

See post, p. 569.

FORM E.

[FORM OF APPLICATION FOR REGISTRATION OF DESIGN.]

FORM F.

[FORM OF APPLICATION FOR REGISTRATION OF TRADE-MARK.]

THE SECOND SCHEDULE.

FEEES ON INSTRUMENTS FOR OBTAINING PATENTS AND RENEWAL.

[Fees substituted by the Patents Rules, 1903, are set out post, p. 542.]

THE THIRD SCHEDULE.

[ENACTMENTS REPEALED.]

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

(48 & 49 VICT. C. 63.)

An Act to amend the Patents, Designs, and Trade Marks Act,
1883. [14th August, 1885.]

A. D. 1885.

BE it enacted, &c.

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

Construction
and short title.

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

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

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

The declaration mentioned in sub-section two of section five of the principal Act may be either a statutory declaration under the Statutory Declarations Act, 1835 (5 & 6 W. 4, c. 62), or not, as may be from time to time prescribed.

3. Whereas under the principal Act, a complete specification is required (by section eight) to be left *nine*¹ months, and (by section nine) to be accepted within twelve months, from the date of application, and a patent is required by section twelve to be sealed within fifteen months from the date of application, and it is expedient to empower the Comptroller to extend in certain cases the said times: Be it therefore enacted as follows:

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

¹ This period is now six months by 2 Ed. VII. c. 34, sect. 1.

48 & 49 VICT.
C. 63.

A complete specification may be left and accepted within such extended times, not exceeding one month and three months respectively after the said *nine*¹ and twelve months respectively as the Comptroller may on payment of the prescribed fee allow, and where such extension of time has been allowed, a further extension of four months after the said fifteen months shall be allowed for the sealing of the patent; and the principal Act shall have effect as if any time so allowed were added to the said periods specified in the principal Act.

Specifications,
&c., not to be
published
unless applica-
tion accepted.

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

Power to grant
patents to
several persons
jointly.

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

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

6. In sub-section one of section one hundred and three of the principal Act, the words "date of the application" shall be substituted for the words "date of the protection obtained."

¹ This period is now six months by 2 Edw. VII. c. 34, sect. 1.

THE PATENTS ACT, 1886.

(49 & 50 VICT. C. 37).

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

A.D. 1886.

[25th June, 1886.]

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

46 & 47 Vict.
c. 57.

Be it therefore enacted, &c.

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

Short title and
construction.

2. The requirement of sub-section four of section five of the Patents, Designs, and Trade Marks Act, 1883, as to drawings shall not be deemed to be insufficiently complied with by reason only that instead of being accompanied by drawings the complete specification refers to the drawings which accompanied the provisional specification. And no patent heretofore sealed shall be invalid by reason only that the complete specification was not accompanied by drawings but referred to those which accompanied the provisional specification.

The same
drawings may
accompany
both specifica-
tions.

49 & 50 VICT.
C. 37.

Protection
of patents
and designs
exhibited at
international
exhibitions.

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

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

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

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1888.
(51 & 52 VICT. C. 50.)

An Act to amend the Patents, Designs, and Trade Marks Act, 1883. A.D. 1888.
[24th Dec., 1888.]

WHEREAS it is expedient, &c.

Be it therefore enacted, &c.

1.—(1) After the 1st day of July, 1889, a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act. Register of patent agents.

(2) The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time, make such general rules as are in the opinion of the Board required for giving effect to this section, and the provisions of section 101 of the principal Act shall apply to all rules so made as if they were made in pursuance of that section.

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

(4) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on summary conviction to a fine not exceeding £20.

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

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

(*The substituted section is inserted ante, p. 487.*)

Amendments
of 46 & 47
Vict. c. 57,
s. 7, as to
applications.

41 & 52 VICT.
C. 50.

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

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

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

4. In sub-section one of section eleven of the principal Act the words from "or on the ground of an examiner" to "a previous application," both inclusive, shall be omitted, and there shall be added in lieu thereof the following words, namely:—

(The substituted words are inserted ante, p. 489.)

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

(The substituted sub-section is inserted ante, p. 492.)

[Sections six to twenty relating to Design and Trade Marks are omitted.]

s. 87, as to
entry of assign-
ments, &c.

21. In section eighty-seven of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to."

(Inserted ante, p. 504.)

s. 88, as to
inspection.

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

(Inserted ante, p. 504.)

s. 90, as to
rectification
of register.

23. In section ninety of the principal Act, after the words "of the name of any person," shall be added the words "or of any other particulars."

(Inserted ante, p. 504.)

s. 91, as to
correction of
errors.

24. To section ninety-one of the principal Act the following sub-section shall be added; namely,

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

(Inserted ante, p. 505.)

25. [Proceedings of Board of Trade.]

26. [Jurisdiction of Lancashire Palatine Court as to Trade Marks.]

Construction
of principal
Act.

27. The principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and

substitutions required by this Act, but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

51 & 52 VICT.
C. 50.
—

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

Commence-
ment of Act.

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

Short title.

THE PATENTS ACT, 1901.

(1 ED. VII. C. 18.)

A.D. 1901.

An Act to amend the law with reference to International Arrangements for Patents. [17th Aug., 1901.]

BE it enacted, &c.

International arrangements.

1. (1) In the first proviso to sub-section one of section 103 of the Patents, Designs, and Trade Marks Act, 1883, [46 & 47 Vict. c. 57] (which section relates to the time for making applications for protection under International arrangements), the words "twelve months" shall be substituted for the words "seven months."

(2) An application under that section shall be accompanied by a complete specification, which, if it be not accepted within the period of twelve months, shall, with the drawings (if any), be open to public inspection at the expiration of that period.

Short title, &c.

2.—(1) This Act may be cited as the Patents Act, 1901, and may be cited and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1880 to 1888.

(2) This Act shall come into operation on the 1st day of January, 1902.

THE PATENTS ACT, 1902.

(2 ED. VII. C. 34.)

BE it enacted, &c.

1.—(1) Where an application for a patent has been made and a complete specification has been deposited by the applicant, the examiner shall forthwith, in addition to the inquiries which he is directed to make by the Patents, Designs, and Trade Marks Act, 1883, [46 & 47 Vict. c. 57] (in this Act referred to as the principal Act), make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application, and deposited pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of the application.

A. D. 1902.
—
Examination
of previous
specifications
in United
Kingdom on
applications
for patents.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) The examiner shall report to the Comptroller the result of his investigations in such manner as the Board of Trade may direct.

(4) The provisions of sub-section five of section nine of the principal Act, as amended by any subsequent enactment, shall apply to reports under this section.

(5) If the Comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous

2 Ed. VII.
C. 34.

specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(6) If the Comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection be removed by amending the specification to the satisfaction of the Comptroller, determine whether a reference to any, and, if so, what, prior specifications ought to be made in the specification by way of notice to the public.

(7) An appeal shall lie from the decision of the Comptroller under this section to the Law Officer.

(8) Section eight of the principal Act [46 & 47 Vict. c. 57] and section three of the Patents, Designs, and Trade Marks (Amendment) Act, 1885 [48 & 49 Vict. c. 63] (which regulate the time for depositing a complete specification), shall have effect as if references therein to the period of nine months were references to the period of six months.

(9) The investigations and reports required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Board of Trade or any officer thereof by reason of, or in connection with, any such investigation or report, or any proceeding consequent thereon.

(10) The Board of Trade, with the sanction of the Treasury, may prescribe an additional fee not exceeding one pound in respect of the investigation mentioned in this section, which shall be payable on the sealing of the patent.

(11) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

Limitation as
to anticipation.

2. An invention covered by any patent granted on an application to which section one of this Act applies shall not be deemed to have been anticipated by reason only of its publication in a specification deposited pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for a patent therefor, or of its publication in a provisional specification of any date not followed by a complete specification.

3. [Amendment of law relating to compulsory licences. *Omitted.*] a Ed. VII.
C. 34.

4. In sub-section four of section eighty-two of the principal Act¹ (which relates to the performance of the duties of the Comptroller by other officers under the direction of the Board of Trade) the words "in his absence" shall be repealed. Performance
of Comp-
troller's duties.

5. This Act may be cited as the Patents Act, 1902, and may be cited and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 to 1901. Short title
and construc-
tion.

¹ *Ante*, p. 503.

PATENTS RULES, 1903.

BY virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1902, the Board of Trade do hereby make the following Rules :—¹

SHORT TITLE.

Short title. 1. These Rules may be cited as the Patents Rules, 1903.

COMMENCEMENT.

Commencement. 2. These Rules shall come into operation from and immediately after the 12th day of January, 1903.

INTERPRETATION.

Interpretation. 3. In the construction of these Rules—
“ United Kingdom ” includes the Isle of Man ;
“ Foreign Application ” means an application by any person for protection of his invention in a Foreign State or British Possession to which by any Order in Council for the time being in force the provisions of section 103 of the Act of 1883 as amended by any subsequent Act have been declared applicable ;
“ Convention Application ” means an application in the United Kingdom under the provisions of section 103 of the Act of 1883 as amended by any subsequent Act.

Save as aforesaid any words herein used defined by the said Acts shall have the meanings thereby assigned to them respectively.

FEEES.

First Schedule. 4. The fees to be paid under the said Acts shall be those specified in the list of fees in the First Schedule to these Rules.

¹ Those dealing with matters outside the scope of this work (*i.e.* rules 69-75) are omitted.

FORMS.

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5. The Forms contained in the Second Schedule to these Rules may, as far as they are applicable, be used in any proceedings under the said Acts or under these Rules and so far as they relate to the same subject-matter shall be substituted for the forms in the First Schedule to the Act of 1883.

Second
Schedule.

APPLICATIONS FOR PATENTS.

6. In the case of an application for a patent by the legal representative of a person who has died possessed of an invention, the probate of his will, or the letters of administration granted of his estate and effects, or an official copy of such probate or letters, shall be produced at the Patent Office in proof of the applicant's title as such legal representative, and must be supported by such further evidence as the Comptroller may require.

Application by
representative
of deceased
inventor.

7. Every application for a patent shall be accompanied by a statement of an address (hereinafter referred to as "the address for service") to which all notices, requisitions, and communications of every kind may be sent by the Comptroller or by the Board of Trade, and such statement shall thereafter be binding upon the applicant until a substituted address for service shall be furnished by him to the Comptroller. The Comptroller may in any particular case require that the address for service be in the United Kingdom.

Address for
service.

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

Order of
recording
applications.

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

9. Where a person making application for a patent includes in his specification by mistake, inadvertence, or otherwise, more than one invention, he may, with the consent of the Comptroller, at any time before the date allowed for the acceptance of his complete specification, amend the same so as to apply to one

Application
for separate
patents by way
of amendment.

invention only, and may make application for a separate patent for each invention accordingly.

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

Extension of
time for
leaving and
accepting
complete
specification.

10. An application for extension of time for leaving or accepting a complete specification shall be made on Form U or on Form V, as the case may require, and shall state in detail in what circumstances and upon what grounds such extension is applied for, and the Comptroller may require the applicant to substantiate such allegations by such proof as the Comptroller may think necessary.

Notice and
advertisement
of acceptance.

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

Inspection
of complete
specification.

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

APPLICATIONS UNDER THE INTERNATIONAL CONVENTION.

Convention
applications.

13. Every Convention application shall contain a declaration that foreign application has been made for protection of the invention to which such Convention application relates, and shall specify all the Foreign States or British Possessions in which such foreign applications have been made, and the official date or dates thereof respectively. The application must be made within twelve months from the date of the first foreign application, and must be accompanied by a complete specification, and signed by the person or persons by whom such first foreign application was made. If such person, or any of such persons be dead, the application must be signed by the legal representative of such dead person, as well as by the other applicants, if any.

14. Every Convention application, in addition to the specification left therewith, must be accompanied by a copy or copies of the specification, and drawings or documents filed or deposited by the applicant in the Patent Office of the Foreign State or British Possession in respect of the first foreign application, duly certified by the official chief or head of the Patent Office of such Foreign State or British Possession as aforesaid, or otherwise verified to the satisfaction of the Comptroller. If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and verified by statutory declaration or otherwise to the satisfaction of the Comptroller.

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—
Foreign
specification,
&c., to
accompany
application.

15. If the complete specification left with the application be not accepted within twelve months from the date of the first foreign application, it shall, with the drawings, if any, be open to public inspection at the expiration of that period.

Public
inspection.

16. Save as aforesaid and as provided by Rule 52 all proceedings in connection with a Convention application shall be taken within the times and in the manner prescribed by the said Acts or these Rules for ordinary applications.

Proceedings.

SIZE, &C., OF DOCUMENTS.

17. All documents and copies of documents, except drawings, sent to or left at the Patent Office or otherwise furnished to the Comptroller or to the Board of Trade shall be written or printed in the English language (unless otherwise directed) in large and legible characters upon strong paper and, except in the case of statutory declarations and affidavits, on one side only, of a size of 13 inches by 8 inches, leaving a margin of two inches on the left-hand part thereof, and the signatures thereto must be written in a large and legible hand.¹ Duplicate documents shall at any time be left, if required by the Comptroller.

Size, &c., of
documents.

DRAWINGS ACCOMPANYING SPECIFICATIONS.²

18. Drawings, when furnished, should accompany the provisional or complete specification to which they refer, except in

General.

¹ The several sheets should be pinned together at the top left-hand corner.

² A specimen drawing may be obtained on application to the Patent Office, 25, Southampton Buildings, Chancery Lane, London, W.C.

the case provided for by Rule 24. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specification when printed should appear in the specification itself.

Requirements
as to paper.

19. Drawings must be made on pure white, hot-pressed, rolled, or calendered drawing paper of smooth surface, good quality, and medium thickness. Mounted drawings, and drawings on toned paper or Bristol or other board, must not be used.

Size of
drawings and
arrangement
of figures.

Drawings must be on sheets which measure 13 inches from top to bottom, and are either 8 inches or 16 inches wide, the narrower sheets being preferable. Each sheet should be provided with a border line half an inch from the edge of the paper, and the figures should be placed in an upright position.

If there are more figures than can be shown on one of the smaller-sized sheets, two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large drawing is required, it should be continued on subsequent sheets. There is no limit to the number of sheets that may be sent in, but no more sheets should be employed than are necessary, and the figures should be numbered consecutively throughout.

Drawings to
be suitable for
reproduction.

20. Drawings must be of such a character as to be suitable for reproduction on a reduced scale. To meet this requirement—

- (a) They must be executed with absolutely black Indian ink.
- (b) Each line must be firmly and evenly drawn, sharply defined, and of the same strength throughout.
- (c) Section lines, lines for effect, and shading lines should be as few as possible, and must not be closely drawn.
- (d) Shade lines must not contrast too much in thickness with the general lines of the drawing.
- (e) Sections and shading should not be represented by solid black or washes.
- (f) They should be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine, &c., should appear as effects this purpose. If the scale is given, it should be drawn, and not denoted by words.

Reference letters and figures, and index numerals used in

conjunction therewith, must be bold, distinct, not less than one-eighth of an inch in height: the same letters should be used in different views of the same parts. Where the reference letters are shown outside the figure, they must be connected with the parts referred to by fine lines.

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21. Drawings must bear the name of the applicant (and, in the case of drawings left with a complete specification after a provisional specification, the number and year of the application) in the left-hand top corner; the number of sheets of drawings sent, and the consecutive number of each sheet, in the right-hand top corner; and the signature of the applicant or his agent in the right-hand bottom corner. Neither the title of the invention nor any descriptive matter should appear on the drawings.

Drawings to bear name of applicant, &c., but no descriptive matter.

22. A facsimile or "true copy" of the original drawings must be filed at the same time as the original drawings, prepared strictly in accordance with the above Rules (except with regard to the reference letters and figures, which should be in blacklead pencil).

Copies of drawings.

The words "original" or "true copy" must in each case be marked at the right-hand top corner, under the numbering of the sheet.

Marking of originals and true copies.

23. Drawings must be delivered at the Patent Office free from folds, breaks, or creases.

Delivery of drawings.

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

Provisional drawings used for complete specifications.

STATUTORY DECLARATIONS AND AFFIDAVITS.

25. The statutory declarations and affidavits required by these Rules, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject. Every statutory declaration or affidavit shall state the description and true place of abode of the person making the same, and shall be written or printed bookwise, and

Form, &c., of statutory declaration and affidavit.

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

shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

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

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

INDUSTRIAL OR INTERNATIONAL EXHIBITIONS.

Industrial or international exhibitions.

27. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held, may, after the Board of Trade have issued a certificate that the exhibition is an industrial or international one, give to the Comptroller notice on Form O of his intention to exhibit, publish, or use the invention, as the case may be. For the purpose of identifying the invention in the event of an application for a patent being subsequently made the inventor shall furnish to the Comptroller a brief description of his invention, accompanied, if necessary, by drawings and such other information as the Comptroller may in each case require.

EXERCISE OF DISCRETIONARY POWERS BY THE COMPTROLLER.

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28. Before exercising any discretionary power given to the Comptroller by the said Acts or these Rules adversely to the applicant for a patent or for amendment of a specification, the Comptroller shall give ten days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent before the Comptroller.

Exercise of discretionary powers by Comptroller. Notice of hearing.

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

Notice by applicant.

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

Comptroller may require statement, &c

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

Decision to be notified to parties.

OPPOSITION TO GRANTS OF PATENTS.

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

Notice of opposition.

Copy for applicant.

33. Where the ground of an opposition is that the applicant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, unless evidence in support of such allegation be left at the Patent Office within fourteen days after the expiration of two months from the date

Evidence in support of allegation that invention has been obtained from opponent

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Attendance of
declaimant on
Comptroller.

of the advertisement of the acceptance of the applicant's complete specification, the opposition shall be deemed to be abandoned.

34. Where the ground of an opposition is that the applicant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, the Comptroller may request or allow any person who has made a statutory declaration in the matter to which the opposition relates to attend before him at the hearing of the case and make oral explanations with respect to such matters as the Comptroller may require.

Particulars of
prior patent.

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

Opponent's
evidence.

36. Except in the case provided for in Rule 33, statutory declarations need not be left in connection with an opposition, but the opponent may within fourteen days after the expiration of two months from the date of the advertisement of the acceptance of the applicant's complete specification, leave at the Patent Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant copies thereof.

Applicant's
evidence.

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

Evidence in
reply.

Applicant's
evidence if
opponent does
not leave
statutory
declarations.

38. If the opponent does not leave statutory declarations in support of his opposition, the applicant may (if he desires so to do) within three months from the date of the advertisement of the acceptance of his complete specification, leave at the Patent Office statutory declarations in support of his application, and on so leaving shall deliver to the opponent copies thereof.

Opponent's
evidence.

39. Within fourteen days from the delivery of such copies, the opponent may leave at the Patent Office statutory declarations in answer, and on so leaving shall deliver to the applicant copies thereof, and within fourteen days from such delivery the applicant

may leave at the Patent Office his statutory declarations in reply, and on so leaving shall deliver to the opponent copies thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

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Evidence in
reply.

40. No further evidence shall be left on either side except by leave, or on the requisition, of the Comptroller.

Closing of
evidence.

41. On completion of the evidence (if any), or at such other time as he may see fit, the Comptroller shall appoint a time for the hearing of the case, and shall give the parties ten days' notice at the least of such appointment. If either party does not desire to be heard he shall as soon as possible notify the Comptroller to that effect. If either party desires to be heard he must leave Form E at the Patent Office. The Comptroller may refuse to hear either party who has not left Form E prior to the date of hearing. If either party intends to refer at the hearing to any publication other than a specification mentioned in the notice of opposition, he should, unless the same has been referred to in a statutory declaration already filed, give to the other party and to the Comptroller five days' notice at the least of his intention, together with details of each publication to which he intends to refer. After hearing the party or parties desirous of being heard or if neither party desires to be heard, then without a hearing the Comptroller shall decide the case and notify his decision to the parties.

Hearing.

AMENDMENT OF SPECIFICATION.

42. A request for leave to amend a specification must be signed by the applicant, and shall contain an address for service in the United Kingdom. When not made in pursuance of an order of the Court or a judge the request must, where a patent has been sealed, also contain a statement that no action for infringement nor proceeding for revocation of the patent is pending. The request must be accompanied by a duly certified copy of the original specification and drawings, showing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may in each case direct.

Request for
leave to
amend.

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Leave by
Court.

Notice of
opposition.

Copy for the
applicant.

Opponent's
evidence.

Further
proceedings.

Applicant's
evidence if
opponent does
not leave
statutory
declarations.

Further
proceedings.

Requirements
on amend-
ment.

Advertisement
of amendment.

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

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

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

46. Upon such declarations being left, and such copies being delivered, the provisions of Rules 37, 40 and 41 shall apply to the case, and the further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated.

47. If the opponent does not leave statutory declarations in support of his opposition, the applicant may (if he desires so to do) within two months from the date of the first advertisement of the application for leave to amend leave at the Patent Office statutory declarations in support of his application, and on so leaving shall deliver to the opponent copies thereof.

48. Upon such declarations being left, and such copies being delivered, the provisions of Rules 39, 40, and 41 shall apply to the case, and further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated.

49. Where leave to amend is given the applicant shall, if the Comptroller so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings as amended, to be prepared in accordance with Rules 17 to 23.

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

REGISTER OF PATENTS.

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51. Upon the sealing of a patent the Comptroller shall cause to be entered in the Register of Patents the name, address, and calling of the patentee as the grantee thereof, and the title of the invention, together with the address for service.

Entry of grant.

52. The patent granted on any Convention application shall be entered in the register as dated of the date on which the first foreign application was made, and the payment of renewal fees, and the expiration of the patent, shall be reckoned as from the date of the first foreign application.

Entry in
respect of
Convention
application.

53. If a patentee send to the Comptroller on Form R notice of an alteration in his address, the Comptroller shall cause the register to be altered accordingly, and may require the altered address to be in the United Kingdom.

Alteration of
address.

54. Where a person becomes entitled to a patent, or to any share or interest therein, by assignment, or by transmission, or other operation of law, a request for the entry of his name in the register as such complete or partial proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the Comptroller, and left at the Patent Office.

Request for
entry of sub-
sequent pro-
prietorship.

55. Such request shall be on Form L, and shall in the case of individuals be made and signed by the person requiring to be registered as proprietor, or by his agent duly authorized to the satisfaction of the Comptroller, and in the case of a body corporate by its agent, authorized in like manner.

Form and
signature of
request.

56. Every such request shall state the name, address, and calling of the person claiming to be entitled to the patent, or to any share or interest therein, as the case may be, and the particulars of the assignment, transmission, or other operation of law, by virtue of which he claims to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom, the patent, or such share or interest therein as aforesaid, has been assigned or transmitted.

Particulars to
be stated in
request.

57. Every assignment, and every other document containing, giving effect to, or being evidence of, the transmission of a patent or affecting the proprietorship thereof as claimed by such request,

Production of
documents of
title and other
proof.

except such documents as are matters of record, shall, unless the Comptroller in his discretion otherwise directs, be produced to him together with the request, and such other proof of title as he may require for his satisfaction.

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

Copies for
Patent Office.

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

Body
corporate.

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

Entry of
Orders of the
Privy Council
or of the
Court.

60. Where an order has been made by His Majesty in Council for the extension of a patent for a further term or for the grant of a new patent, or where an order has been made for the revocation of a patent or the rectification of the register under section 90 of the Act of 1883, or otherwise affecting the validity or proprietorship of the patent, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified or the purport of such order shall otherwise be duly entered in the register, as the case may be.

Entry of date
of payment of
fees on issue of
certificate.

61. Upon the issue of a certificate of payment under Rule 68 the Comptroller shall cause to be entered in the register a record of the date of payment of the fee on such certificate.

Entry of
failure to pay
fees.

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

Entry of
notification of
license, or
other docu-
ment.

63. An attested copy of every license granted under a patent, or of any other document purporting to affect the proprietorship of a patent, shall be left at the Patent Office with a request on Form M that a notification thereof may be entered in the register. The accuracy of such copy shall be certified as the Comptroller may direct, and the original document shall at the same time be produced and left at the Patent Office if required for further verification.

64. The register of patents shall be open to the inspection of

the public on every week day except Sunday between the hours of ten and four, and on Saturday between the hours of ten and one, except on the days and the times following :—

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—
Hours of
inspection of
register.

(a) Christmas Day, Good Friday, the day observed as His Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays at the Bank of England; or

(b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office;

(c) Times when the register is required for any purpose of official use.

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

Certified
copies of
documents.

PAYMENT OF FEES FOR CONTINUANCE OF PATENT.

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

Payment of
fees for
continuance
of patent.

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

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

Enlargement
of time for
payments.

68. On due compliance with the terms of Rule 66, and as soon as may be after such respective periods as aforesaid, or any enlargement thereof respectively duly granted, the Comptroller

Certificate of
payment.

shall issue a certificate that the prescribed payment has been duly made.

[Rules 69-75 relating to Compulsory Licenses and Revocation of Patents are omitted.]

GENERAL.

Power of amendment, &c.

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

General power to enlarge time.

77. The times prescribed by these Rules for doing any act, or taking any proceeding thereunder, other than the times for lodging evidence referred to in Rule 33 or in the procedure in these Rules relating to compulsory licenses and revocation of patents, may be enlarged by the Comptroller if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

Power to dispense with evidence.

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

Hours of business.

79. The Patent Office shall be open to the public every week-day except Saturday between the hours of ten and four, and on Saturday between the hours of ten and one, except on the days following:—

Christmas Day, Good Friday, the day observed as His Majesty's birthday, the days observed as days of public

fast or thanksgiving, or as holidays at the Bank of England, and days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office.

PATENTS
RULES, 1903.
—

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

Leaving
documents.

AGENCY.

81. With the exception of the signing of the following documents, namely, applications for patents, requests for leave to amend applications, specifications, or letters patent, authorizations of agents, notices of oppositions, requests for issue of duplicate letters patent, notices of abandonment of or of intention not to proceed with applications, surrenders of letters patent, and petitions for compulsory license and revocation of patent, all communications to the Comptroller under the said Acts and these Rules may be signed by and all attendances upon the Comptroller may be made by or through an agent duly authorized to the satisfaction of the Comptroller, and, if he so require it, resident in the United Kingdom. The Comptroller shall not be bound to recognize as such agent, or to receive further communications from any person whose name, by reason of his having been adjudged guilty of disgraceful professional conduct, has been erased from the register of patent agents, kept under the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of patent agents, and not since restored. In any particular case, the Comptroller may, if he think fit, require the personal signature or presence of an applicant, opponent, or other person.

Agency.

PATENTS
RULES, 1903.
Repeal.

REPEAL.

82. All general rules relative to patents heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1901, and in force on the 12th day of January, 1903, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such rules, or to any application or other matter then pending.

Dated the 12th day of January, 1903.

G. W. BALFOUR,
President of the Board of Trade.

THE FIRST SCHEDULE.

LIST OF FEES PAYABLE ON AND IN CONNECTION WITH LETTERS PATENT.

	£	s.	d.	£	s.	d.
1. On application for provisional protection ...	1	0	0			
2. On filing complete specification ...	3	0	0			
	—————			4	0	0
or						
3. On filing complete specification with first application ...	4	0	0			
4. On appeal from Comptroller to Law Officer. By appellant	3	0	0			
5. On notice of opposition to grant of patent. By opponent	0	10	0			
6. On hearing by Comptroller. By applicant and by opponent respectively	1	0	0			
On application to amend specification :—						
7. Up to sealing. By applicant	1	10	0			
8. After sealing. By patentee	3	0	0			
9. On notice of opposition to amendment. By opponent ...	0	10	0			
10. On hearing by Comptroller. By applicant and by opponent respectively	1	0	0			
11. On application to amend specification during action or proceeding. By patentee	3	0	0			
12. On application to the Board of Trade for a compulsory license. By persons applying	1	0	0			
13. On opposition to grant of compulsory license. By opponent	1	0	0			
On certificate of renewal :—						
14. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year	5	0	0			
15. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	6	0	0			
16. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	7	0	0			

On certificate of renewal (<i>continued</i>) :—		£	s.	d.	PATENTS RULES, 1903.
17.	Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	8	0	0	—
18.	Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	9	0	0	
19.	Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	10	0	0	
20.	Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	11	0	0	
21.	Before the expiration of the 11th year from the date of the patent and in respect of the 12th year	12	0	0	
22.	Before the expiration of the 12th year from the date of the patent and in respect of the 13th year	13	0	0	
23.	Before the expiration of the 13th year from the date of the patent and in respect of the 14th year	14	0	0	
On enlargement of time for payment of renewal fees :—					
24.	Not exceeding one month	1	0	0	
25.	„ two months	3	0	0	
26.	„ three months	5	0	0	
27.	For every entry of an assignment, transmission, agreement, license, or extension of patent	0	10	0	
28.	For duplicate of letters patent each	2	0	0	
29.	On notice to Comptroller of intended exhibition of a patent under section 39	0	10	0	
30.	Search or inspection fee each	0	1	0	
31.	For office copies every 100 words (but never less than one shilling)	0	0	4	
32.	For office copies of drawings, cost according to agreement				
33.	For certifying office copies, MSS. or printed each	0	1	0	
34.	On postal request for printed specification	0	0	8	
On request to Comptroller to correct a clerical error :—					
35.	Up to sealing	0	5	0	
36.	After sealing	1	0	0	
37.	For certificate of Comptroller under section 96	0	5	0	
38.	For altering address in register	0	5	0	
39.	For enlargement of time for filing complete specification, not exceeding one month... ..	2	0	0	
For enlargement of time for acceptance of complete specification :—					
40.	Not exceeding one month	2	0	0	
41.	„ two months	4	0	0	
42.	„ three months	6	0	0	

G. W. BALFOUR,
President of the Board of Trade.

12th January, 1903.

Approved :

H. T. ANSTRUTHER,
H. W. FORSTER,
Lords Commissioners of
His Majesty's Treasury.

THE SECOND SCHEDULE.

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THE SECOND SCHEDULE.

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form A.

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

APPLICATION FOR PATENT.



(a) _____

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

do hereby

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

(b) Here insert
title of inven-
tion.

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

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

Dated _____ day of _____ 19 _____

(d) _____

(d) To be
signed by
applicant or
applicants.
In the case of
a Firm, each
member of the
Firm must
sign.

NOTE.—One of the two forms on the back hereof or a separate authori-
zation of agent should be signed by the applicant or applicants.

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

SCHEDULE OF FORMS.

PATENTS
RULES, 1903.

(1.) *Where application is made through an Agent (Rule 81).*

..... hereby appoint

of

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

..... day of 19

(a) To be signed by applicant or applicants.

(a)

.....

.....

(2.) *Where application is made without an Agent (Rule 7).*

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

..... at

..... day of 19

(b) To be signed by applicant or applicants.

(b)

.....

.....

.....

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form A 1.

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

APPLICATION FOR PATENT FOR INVENTIONS COMMUNICATED FROM ABROAD.



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

(a) Here insert (in full) name, address, and calling of applicant.

(b) Here insert title of invention.

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

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

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

Dated _____ day of _____ 19 ____

(d) _____

(d) To be signed by applicant or applicants.

NOTE.—One of the two forms on the back hereof or a separate authorization of agent should be signed by the applicant or applicants.

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

SCHEDULE OF FORMS.

PATENTS
RULES, 1903.

(1.) *Where application is made through an Agent (Rule 81).*

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

_____ day of _____ 19 _____

(a) To be
signed by
applicant or
applicants.

(a) _____

(2.) *Where application is made without an Agent (Rule 7).*

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

_____ at _____

_____ day of _____ 19 _____

(b) To be
signed by
applicant or
applicants.

(b) _____

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form A2.

(To be accompanied by two copies of Form C.)



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

(a)

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

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

(b) Here insert title of invention.

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

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

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

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

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

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

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

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

(g)

(g) Signature of applicant or of each of applicants.

NOTE. —If the application be made through an agent a proper authorization should be supplied: if not, an address for service to which communications may be sent should be furnished.

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

PATENTS
RULES, 1903.

To be issued with Form A or A1.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form B.

PROVISIONAL SPECIFICATION.

(To be furnished in Duplicate.)

(a) Here insert title verbally agreeing with that in the application form.

(a) _____

(b) Here insert (*in full*) name, address, and calling of applicant or applicants as in application form.

(b) _____

(c) Here begin description of the nature of the invention. The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of two inches on the left hand of the paper. The specification and the duplicate thereof must be dated (thus):

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

“ Dated this
 day of
 , 19 ,
 and signed at
 the end.

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

Form C.

PATENT.

COMPLETE SPECIFICATION.

(To be furnished in Duplicate—one unstamped.)

(a)
.....
.....

(a) Here insert title verbally agreeing with that in the application form.

(b)
.....
.....

(b) Here insert (*in full*) name, address, and calling of applicant or applicants as in application form.

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

(c)
.....
.....
.....
.....
.....

(c) Here begin full description of invention. The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of two inches on the left hand of the paper. The completion of the description should be followed by the words:

"Having now particularly described and ascertained the nature of my said Invention, and in what manner the same is to be performed, I declare that what I claim is:" After which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be dated (thus): "Dated this day of , 19 ," and signed at the end.

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS,
1883 TO 1902.

Form C¹.

POSTAL REQUEST FOR PRINTED SPECIFICATION.

To the Comptroller-General.

Please send one copy of Specification, No. _____ Year _____

to

(Name in full) _____

(Address) _____

PATENTS,
7½d.

½d.

The Comptroller-General,

The Patent Office,

25, Southampton Buildings,

London, W.C.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form D.

FORM OF OPPOSITION TO GRANT OF PATENT.



[To be accompanied by an unstamped copy.]

(a) I

(a) Here state
(in full) name
and address.

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

upon the ground (b)

(b) Here state
upon which of
the grounds of
opposition per-
mitted by sec-
tion 11 of the
Act of 1883, as
amended by
section 4 of
the Act of 1888,
the grant is
opposed.

(Signed) (c)

(c) To be
signed by op-
ponent.

My address for service in the United Kingdom is :--

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

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form E.



FORM OF NOTICE THAT HEARING BEFORE THE COMPTROLLER WILL BE ATTENDED.

OPPOSITIONS TO THE GRANT OF PATENTS OR TO AMENDMENTS.

SIR,

(a) Here insert
address.

..... of (a)

.....
hereby give notice that the hearing in reference to

..... will be attended by myself or by some person on

my behalf.

Sir,

Your obedient Servant

(Signed) _____

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

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form F.

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



(a) _____

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

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

(b) I declare that no action for infringement or proceeding for revocation of the Letters Patent in question is pending.

(b) These words are to be struck out when Letters Patent have not been sealed, or when, if Letters Patent have been sealed, the application is made in pursuance of an order of the Court or a Judge.

My reasons for making this amendment are as follows (c) _____

(c) Here state reasons for seeking amendment; and where the applicant is not the patentee, state what interest he possesses in the Letters Patent.

(Signed) (d) _____

(d) To be signed by applicant.

My address for service in the United Kingdom is :—

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

N.B.—No amendment is permissible that would make the invention substantially larger or substantially different (section 18 of the Act of 1883); nor, so long as any action for infringement or proceeding for revocation of a patent is pending, may the application be made except by leave of the Court or a Judge under section 19 of the Act of 1883. If the application is made by such leave, this should be stated, and an office copy of the Order of the Court or Judge should accompany the application.

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

FORM G.



FORM OF OPPOSITION TO AMENDMENT OF SPECIFICATION.

[To be accompanied by an unstamped copy.]

(a) Here state
(in full) name
and address of
opponent.

(a) _____

hereby give notice of objection to the proposed amendment of the
 specification of Letters Patent No. _____ of _____ for the
 following reason : (b)

(b) Here state
reason of
opposition.

(Signed) _____

My address for service in the United Kingdom is :—

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

[Forms H, H 1, and I, relating to Compulsory Licence and Revocation are omitted.]

PATENTS
RULES, 1903.

[When stamped this Form must be sent at once to the Patent Office.]

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form J.

APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.

_____ hereby transmit the fee prescribed for the continuation in force of (a) _____ Patent No. _____, of 1 _____ for a further period of _____.

(a) Here insert name of patentee.

Name (b)

(b) Here insert name and full address.

Address

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

[This part of the Form to be filled in at the Patent Office.]

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No. _____ of 1 _____ I _____



This is to certify that _____ did this _____ day of _____ 19____, make the prescribed payment of £_____ in respect of a period of _____ from _____ and that by virtue of such payment the rights of the patentee remain in force.*

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



The Patent Office, London.

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form K.



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

SIR,

I HEREBY apply for an enlargement of time for _____ month in
which to make the _____ payment of _____
upon my Patent, No. _____ of 1

(a) The cir-
cumstances
must be stated
in detail; see
Rule 67.

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

I am,

Sir,

Your obedient Servant,

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

(b) _____

To the Comptroller,

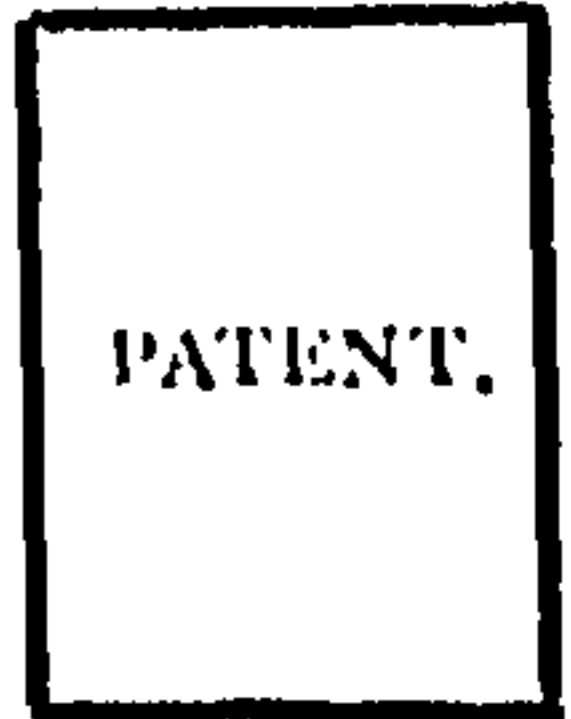
*The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form L.

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



I (a) _____

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

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

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

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

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

(d) I or We.
(e) Here insert
the nature of
the claim, e.g.
as Assignee.

(f) Here give
name and ad-
dress of person
to whom Patent
was granted.

the title of which is (g) _____

(g) Here insert
title of the
invention.

by virtue of (h) _____

(h) Here spe-
cify the parti-
culars of such
document, giv-
ing its date, and
the parties to
the same, and
showing how
the claim here
made is sub-
stantiated.

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

(i) Here insert
the nature of
the document.

I am,
 Sir,
 Your obedient Servant,

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

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form M.



**FORM OF REQUEST TO ENTER NOTIFICATION OF LICENSE
OR OTHER DOCUMENT IN THE REGISTER OF PATENTS.**

(a) Here insert a description of the nature of the document.

I HEREBY transmit an attested copy of (a)

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

I am,

Sir,

Your obedient Servant,

(Signed)

(b) Here insert full address.

(b)

To the Comptroller,

The Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form N.

APPLICATION FOR DUPLICATE OF PATENT.



Date

SIR,

I REGRET to have to inform you that the Patent dated (a)

(a) Here insert date, number, full name, and address of grantee.

No. granted to

for an invention the title of which is (b)

(b) Here insert title of invention.

has been (c)

(c) Here insert the word "destroyed" or "lost," as the case may be, and state, in full, the circumstances of the case, which must be verified by statutory declaration.

I beg therefore to apply for the issue of a duplicate of such Patent. (d)

(d) Here state interest possessed by applicant in the Patent.

(Signature of Patentee.)

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

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form O.



**NOTICE OF INTENDED EXHIBITION OF AN UNPATENTED
INVENTION.**

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

(a) _____

hereby give notice of my intention to exhibit a _____

of _____ at the _____

(b) State
"opened" or
"is to open."

Exhibition, which (b) _____ of _____ 19 _____,
under the provisions of the Patents, Designs, and Trade Marks Acts,
1883 to 1902.

(c) This de-
scription of
invention
should be ac-
companied by
drawings if
necessary.

(c) _____ herewith enclose a brief description of my invention

(Signed) _____

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

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form P.

**FORM OF REQUEST FOR CORRECTION OF CLERICAL
ERROR.**



SIR,

I HEREBY request that the following clerical error (a)

(a) or errors.

in the (b) _____

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

No. _____ of _____, may be corrected in the manner shown in red ink

in the certified copy of the original (b) _____

hereunto annexed.

Signature _____

Full Address _____

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

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form Q.



CERTIFICATE OF COMPTROLLER-GENERAL.

The Patent Office,

London,

19

I,

, Comptroller-General of Patents,

Designs, and Trade-marks, hereby certify

(a) Here insert
(in full) name
and address of
person
requiring the
certificate.

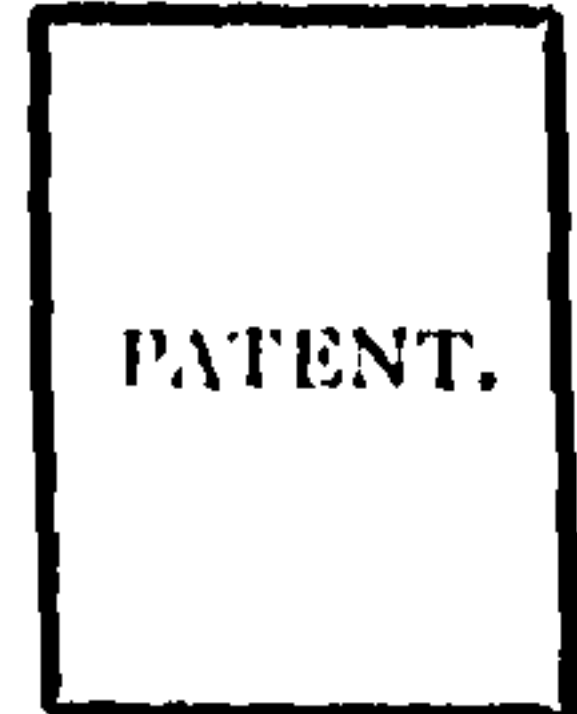
To (a) _____

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form R.

PATENTS
RULES, 1903.

**FORM OF NOTICE FOR ALTERATION OF AN ADDRESS
IN REGISTER.**



SIR,

(a) _____

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

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

(b) _____

(b) Here in-
sert full ad-
dress.

Sir,

Your obedient Servant,

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

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form S.

[Form of Application for Entry of Order of Privy Council in Register
omitted.]

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form T.



FORM OF APPEAL TO LAW OFFICER.

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

I, (a) _____

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

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

of the Comptroller of the _____

day of _____

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

19 _____, whereby he (c) _____

No. (d) _____ of the year 1 _____ (d)

(d) Insert number and year.

Signature _____

Date _____

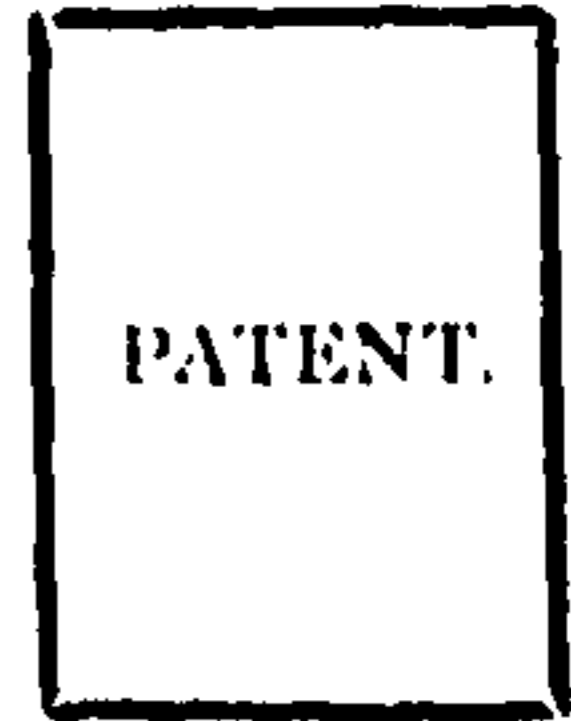
N.B.—This notice must be sent to the Comptroller-General at the Patent Office, London, W.C., and a copy of the same to the Law Officers' Clerk at Room 549, Royal Courts of Justice, London.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

PATENTS
RULES, 1903.

Form U.

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



SIR,

..... hereby, in respect of application No.
dated, apply for one month's extension of time in
which to leave a Complete Specification.

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

(a) The cir-
cumstances
and grounds
must be stated
in detail; see
Rule 10.

Sir,

Your obedient Servant,

(b)

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

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

PATENTS
RULES, 1903.

PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 TO 1902.

Form V.



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

SIR,

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

The circumstances in and grounds upon which this extension is applied

(a) The cir-
cumstances
and grounds
must be stated
in detail;
see Rule 10.

for are as follows (a) :—

Sir,

Your obedient Servant,

(b) _____

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

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

Form W.

PATENTS
RULES, 1903.

FORM OF PATENT.

EDWARD VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India : To all to whom these presents shall come greeting :

WHEREAS

hath declared that he is in possession of an invention for

that he is the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief :

And whereas the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of his said invention :

And whereas the said inventor (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) hath by and in his complete specification particularly described the nature of his invention :

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

Know ye, therefore, that We of our especial grace, certain knowledge, and mere motion do by these presents, for us, our heirs and successors, give and grant unto the said patentee our especial license, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the date hereunder written of these presents : And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents for us, our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, license or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned :

Provided that these our letters patent are on this condition, that, if at any time during the said term it be made to appear to us, our heirs, or successors, or any six or more of our Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, and Isle of Man, or that the said patentee is not the first and true inventor thereof within this realm as aforesaid, these our letters patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything hereinbefore contained: Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these our letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licenses in such manner and for such considerations as they may by law be granted: And lastly, We do by these presents for us, our heirs and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In witness whereof We have caused these our letters to be made patent and to be sealed as of the

one thousand nine hundred

and

* Here is to be inserted the name of the Comptroller-General.

*
Comptroller-General of Patents, Designs,
and Trade-marks.



G. W. BALFOUR,
President of the Board of Trade.

12th January, 1903.

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

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

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

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

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

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

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

VII. Such notice shall in all cases be given to the Comptroller and the appellant ; and, when there has been an opposition before the Comptroller, to the opponent or opponents ; and, when the

Comptroller has refused to seal a patent on the ground that an application for a patent for the same invention is pending, to the prior applicant.

VIII. The evidence used on appeal to the Law Officer shall be the same as that used at the hearing before the Comptroller ; and no further evidence shall be given, save as to matters which have occurred or come to the knowledge of either party, after the date of the decision appealed against, except with the leave of the Law Officer upon application for that purpose.

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

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

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

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

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

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

HENRY JAMES, A.-G.

FARRER HERSCHELL, S.-G.

FORM OF REPLY SENT TO INVENTORS BY THE
ADMIRALTY.

It is requested that in any further communication on this subject the above letters and numbers may be quoted, and the Letter addressed as follows:—

“The Secretary of the Admiralty,
“Whitehall,
“London.”

ADMIRALTY, S.W.,

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SIR,

In reply to your letter of the

I am commanded by my Lords Commissioners of the Admiralty to acquaint you that if you will comply with the Instructions contained in the accompanying “Memorandum for Inventors,” dated 1st April, 1895, and containing Regulations for the reception of Inventions submitted to this Office, your proposal shall be duly considered.

2. In the event of your desiring to submit your proposal in accordance with the Memorandum, it is necessary that sufficient particulars should be given to enable the same to be fully considered, including any evidence you may have of the usefulness of the Invention obtained by actual previous experiment.

3. Should it be considered desirable to try your Invention in a Dockyard or elsewhere, the provision of the article and all expenses connected with carriage, fitting up and removing it will have to be borne by you.

4. I am at the same time to inform you that if any plans, models, or papers, which form an essential part of the description of your Invention, are forwarded to this Office, they will be retained by their Lordships for future reference, and cannot therefore be returned to you.

I am, Sir, &c.

MEMORANDUM FOR INVENTORS ISSUED BY THE
ADMIRALTY AND WAR OFFICE.

Note.—When the words in square brackets are substituted for those printed in italics the circular is identical with that of the War Office.

ADMIRALTY, } or { WAR OFFICE,
1st July, 1895, } 1st June, 1901.

IN consequence of the numerous claims for compensation for loss of time, and for expenses incurred by private individuals in working out inventions of various kinds, as well as for rewards in consequence of the use of such inventions, the *Lords Commissioners of the Admiralty consider* [the Secretary of State for War considers] it necessary to make known the following Regulations:—

1. By Section 27 of the “ Patents, Designs, and Trade-Marks Act, 1883,” it is enacted as follows:—

“ A Patent shall have to all intents the like effect as against Her Majesty the Queen, her Heirs, and Successors, as it has against a subject.

“ But the Officers or Authorities administering any Department of the service of the Crown, may by themselves, their agents, contractors, or others, at any time after the application, use the invention for the service of the Crown, on terms to be before or after the use thereof agreed on, with the approval of the Treasury, between those Officers or Authorities and the Patentee, or, in default of such agreement, on such terms as may be settled by the Treasury, after hearing all parties interested.”

2. Persons who desire to submit any invention for consideration, should do so by letter addressed to the *Secretary of the Admiralty* [Under-Secretary of State for War]. The letter should state the nature of the invention; whether patented or not; if patented, it should quote number and date of patent. It should also state whether the person who offers it for consideration desires to make any claim for remuneration in connection with it. In the absence of such a statement it will be assumed that no such remuneration is expected.

3. Expenses or loss of time incurred before or after the submission of an invention will give no claim, unless authority for such expenses has been previously given by letter signed by *the Secretary of the Admiralty* [one of the Under-Secretaries of State or the Director-General of Ordnance]; and the liability will be strictly confined to the limits of expenditure authorized in such letter.

4. Should the invention be adopted into the Service, the person or persons who submitted the same may be required to furnish two copies of all designs, drawings, or particulars relating to the invention, which may be desired by the *Admiralty* [War Department], as well as any patterns which may be considered necessary; and it is to be understood that all such drawings, designs and patterns will be absolutely at the disposal of H.M.'s Government for all purposes whatever. Reasonable prices will be paid by the *Admiralty* [War Department] for the designs, drawings, and patterns supplied.

5. No claim for reward for an invention will be held to be established, unless the invention has been adopted into the Service; and all designs, drawings, patterns and particulars required by the *Admiralty* [War Department] have been supplied under the conditions mentioned above.

6. All claims for remuneration will be carefully considered; but any award which may be made will only be payable to the claimant when approved by the Treasury, and money is available from funds voted by Parliament for such purposes.

7. The above rules do not apply to inventions patented by such Government *employés* as are required to obtain official permission before taking out a patent, with regard to whom special regulations are in force.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

Signed at Paris, March 20, 1883.

(As modified ¹ by an Additional Act, which was signed at Brussels, Dec. 14, 1900.)

I.

INTERNATIONAL CONVENTION.

SA Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa Majesté le Roi d'Espagne, le Président de la République Française, le Président de la République de Guatemala, Sa Majesté le Roi d'Italie, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi de Portugal et des Algarves, le Président de la République de Salvador, Sa Majesté le Roi de Serbie et le Conseil Fédéral de la Confédération Suisse,

Également animés du désir d'assurer, d'un common accord, une complète et efficace protection à l'industrie et au commerce des nationaux de leurs États respectifs et de contribuer à la garantie des droits des inventeurs et de la loyauté des transactions commerciales, ont résolu de conclure une Convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir, &c.²

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

¹ The modifications as regards inventions consist in the addition of Article IV. *bis*, and Article X. *bis*, and the words in italics in other Articles, and in the omission of words printed between square brackets. The Governments of St. Domingo and Servia have not yet ratified the amended convention, and are, therefore, only bound by the earlier. Germany and Austria-Hungary have announced their adhesion to the Convention from 1st May, 1902, and 1st Jan., 1904, respectively.

² The names and titles of the plenipotentaries are here omitted.

Article I.

Les Gouvernements de la Belgique, du Brésil, de l'Espagne, de la France, du Guatemala, de l'Italie, des Pays-Bas, du Portugal, du Salvador, de la Serbie et de la Suisse sont constitués à l'état d'Union pour la protection de la Propriété Industrielle.¹

Article II.

Les sujets ou citoyens de chacun des États Contractants jouiront, dans tous les autres États de l'Union, en ce qui concerne les brevets d'invention, les dessins ou modèles industriels, les marques de fabrique ou de commerce et le nom commercial, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux.

En conséquence, ils auront la même protection que ceux-ci et le même recours légal contre toute atteinte portée à leurs droits, sous réserve de l'accomplissement des formalités et des conditions imposées aux nationaux par la législation intérieure de chaque État.

Article III.

Sont assimilés aux sujets ou citoyens des États Contractants les sujets ou citoyens des États ne faisant pas partie de l'Union qui sont domiciliés ou ont des établissements industriels ou commerciaux *effectifs et sérieux* sur le territoire de l'un des États de l'Union.

Article IV.

Celui qui aura régulièrement fait le dépôt d'une demande de brevet d'invention, d'un dessin ou modèle industriel, d'une marque de fabrique ou de commerce, dans l'un des États Contractants, jouira, pour effectuer le dépôt dans les autres États, et sous réserve des droits des tiers, d'un droit de priorité pendant les délais déterminés ci-après.

En conséquence, le dépôt ultérieurement opéré dans l'un des autres États de l'Union avant l'expiration de ces délais ne pourra

¹ The States and British Colonies now acceding to the Convention and constituting the Union are given, *post*, p. 596, par. 22.

être invalidé par des faits accomplis dans l'intervalle, soit, notamment, par un autre dépôt, par la publication de l'invention ou son exploitation [par un tiers], par la mise en vente d'exemplaires du dessin ou du modèle par l'emploi de la marque.

Les délais de priorité mentionnés ci-dessus seront de [six] *douze* mois pour les brevets d'invention, et de [trois] *quatre* mois pour les dessins ou modèles industriels, ainsi que pour les marques de fabrique ou de commerce. [Ils seront augmentés d'un mois pour les pays d'outre-mer.]

Article IV. (bis).

Les brevets demandés dans les différents États contractants par des personnes admises au bénéfice de la Convention aux termes des Articles II. et III., seront indépendants des brevets obtenus pour la même invention dans les autres États adhérents ou non à l'Union.

Cette disposition s'appliquera aux brevets existants au moment de sa mise en vigueur.

Il en sera de même, en cas d'accession de nouveaux États, pour les brevets existant de part et d'autre au moment de l'accession.

Article V.

L'introduction par le breveté, dans le pays où le brevet a été délivré, d'objets fabriqués dans l'un ou l'autre des États de l'Union, n'entraînera pas la déchéance.

Toutefois le breveté restera soumis à l'obligation d'exploiter son brevet conformément aux lois du pays où il introduit les objets brevetés.

Article X. (bis).

Les ressortissants de la Convention (Article II. et III.) jouiront, dans tous les États de l'Union, de la protection accordée aux nationaux contre la concurrence déloyale.

Article XI.¹

Les Hautes Parties Contractantes [s'engagent à accorder] *accorderont, conformément, à la législation de chaque pays, une protection temporaire aux inventions brevetables, aux dessins ou*

¹ Articles VI. to X. do not relate to patents, and are therefore omitted.

modèles industriels, ainsi qu'aux marques de fabrique ou de commerce, pour les produits qui figureront aux Expositions Internationales officielles ou officiellement reconnues, *organisées sur le territoire de l'une d'elles.*

Article XII.

Chacune des Hautes Parties Contractantes s'engage à établir un service spécial de la Propriété Industrielle et un dépôt central, pour la communication au public des brevets d'invention, des dessins ou modèles industriels et des marques de fabrique ou de commerce.

Article XIII.

Un office international sera organisé sous le titre de "Bureau International de l'Union pour la Protection de la Propriété Industrielle."

Ce bureau, dont les frais seront supportés par les Administrations de tous les États Contractants, sera placé sous la haute autorité de l'Administration Supérieure de la Confédération Suisse, et fonctionnera sous sa surveillance. Les attributions en seront déterminées d'un commun accord entre les États de l'Union.

Article XIV.

La présente Convention sera soumise à des révisions périodiques en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

A cet effet, des Conférences auront lieu successivement, dans l'un des États Contractants, entre les Délégués des dits États.

[La prochaine réunion aura lieu en 1885, à Rome.]

Article XV.

Il est entendu que les Hautes Parties Contractantes se réservent respectivement le droit de prendre séparément, entre elles, des arrangements particuliers pour la protection de la Propriété Industrielle, en tant que ces arrangements ne contreviendraient point aux dispositions de la présente Convention.

Article XVI.

Les États qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

Cette adhésion sera notifiée par la voie diplomatique au Gouvernement de la Confédération Suisse, et par celui-ci à tous les autres.

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention, *et produira ses effets un mois après l'envoi de la notification faite par le Gouvernement Suisse aux autres États unionistes, à moins qu'une date postérieure n'ait été indiquée par l'État adhérent.*

Article XVII.

L'exécution des engagements réciproques contenus dans la présente Convention est subordonnée, en tant que de besoin, à l'accomplissement des formalités et règles établies par les lois constitutionnelles de celles des Hautes Parties Contractantes qui sont tenues d'en provoquer l'application, ce qu'elles s'obligent à faire dans le plus bref délai possible.

Article XVIII.

La présente Convention sera mise à exécution dans le délai d'un mois à partir de l'échange des ratifications et demeurera en vigueur pendant un temps indéterminé, jusqu'à l'expiration d'une année à partir du jour où la dénonciation en sera faite.

Cette dénonciation sera adressée au Gouvernement chargé de recevoir les adhésions. Elle ne produira son effet qu'à l'égard de l'État qui l'aura faite, la Convention restant exécutoire pour les autres Parties Contractantes.

Article XIX.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris, dans le délai d'un an au plus tard.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait à Paris, le 20 Mars, 1883.

(Signé)

(L.S.) BEYENS.
 (L.S.) VILLENEUVE.
 (L.S.) Duc DE FERNAN-NUNEZ.
 (L.S.) P. CHALLEMEY-LACOUR.
 (L.S.) CH. HÉRISSE.
 (L.S.) CH. JAGERSCHMIDT.
 (L.S.) CRISANTO-MEDINA.
 (L.S.) RESSMAN.
 (L.S.) BARON DE ZUYLEN DE NYEVELT.
 (L.S.) JOSE DA SILVA MENDES LEAL.
 (L.S.) F. D'AZEVEDO.
 (L.S.) J.-M. TORRES-CAICEDO.
 (L.S.) SIMA M. MARINOVITCH.
 (L.S.) LARDY.
 (L.S.) J. WEIBEL.

(*Translation.*)¹

HIS Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Majesty the King of Spain, the President of the French Republic, the President of the Republic of Guatemala, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, the President of the Republic of Salvador, His Majesty the King of Servia, and the Federal Council of the Swiss Confederation,

Being equally animated with the desire to secure, by mutual agreement, complete and effectual protection for the industry and commerce of their respective subjects and citizens, and to provide

¹ The official translation here given is that of the Convention as modified on 14th Dec., 1900. The differences in phrases are so many that identification of them as in the original above would create confusion. Additions of substance are Arts. IV. (*bis*) and X. (*bis*), and passages printed in italics.

a guarantee for the rights of inventors, and for the loyalty of commercial transactions, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries, that is to say, &c.¹

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

Article I.

The Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, Holland, Portugal, Salvador, Servia, and Switzerland constitute themselves into a Union for the protection of Industrial Property.²

Article II.

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

Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each State.

Article III.

The subjects or citizens of States which are not Parties to the Union shall be assimilated to the subjects or citizens of the Contracting States, provided that they are domiciled in, or have industrial or commercial establishments, *real and effective*, in the territory of one of the States of the Union.

Article IV.

Any person who shall have duly applied for a patent, industrial design, or model or trade-mark in one of the Contracting States, shall enjoy, in order to admit of such request being lodged in the

¹ It is unnecessary to insert the names and titles of the plenipotentiaries.

² The countries and British Colonies that have joined the Union are set out, *post*, p. 596, par. 22.

other States, during the periods of time mentioned below, a right of priority, the rights of third parties being reserved.

Consequently, subsequent registration in one of the other States of the Union before the expiration of such periods shall not be invalidated by any acts accomplished in the interval,—either, for instance, by another registration, by the publication of the invention, or by the working of it, by the sale of patterns of the design or model, or by use of the trade-mark.

The above-mentioned periods of time during which priority is guaranteed shall be *twelve* months for patents with respect to inventions, and *four* months for patents for industrial designs or models as well as for trade or merchandise marks.

Article IV. (bis).

Patents applied for in the various Contracting States by persons admitted to the benefits of the Convention in the terms of Articles II. and III. shall be independent of the patents obtained for the same invention in the other States, whether such States be or be not parties to the Union.

This stipulation shall apply to patents already existing at the time when it shall come into effect.

The same stipulation shall apply, in the case of the accession of new States, with regard to patents in existence, either on one side or the other, at the time of accession.

Article V.

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

Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects.¹

Article X. (bis).

Persons resorting to the countries referred to in the Convention (Articles II. and III.) shall enjoy in all the States of the Union the protection accorded to nationals against dishonest competition.

¹ Articles VI. to X. do not relate to patents, and are therefore omitted.

Article XI.

The High Contracting Parties shall, *in conformity with the legislation of each country*, accord temporary protection to inventions susceptible of being patented, and to industrial designs or models, as well as to trade-marks or merchandise marks, in respect of products which shall be exhibited at official or officially recognized International Exhibitions *held in the territory of one of them*.

Article XII.

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

Article XIII.

An international office shall be organized under the name of "Bureau International de l'Union pour la Protection de la Propriété Industrielle" (International Office of the Union for the Protection of Industrial Property).

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

Article XIV.

The present Convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose Conférences shall be held successively in one of the Contracting States between the Delegates of the said States.

Article XV.

It is agreed that the High Contracting Parties respectively reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of Industrial Property, in so far as such arrangements do not contravene the provisions of the present Convention.

Article XVI.

States which are not parties to the present Convention shall be allowed to accede to it upon their request.

The accession shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the other states. It shall entail, as a matter of right, accession to all the clauses, as well as admission to all the advantages stipulated in the present Convention, *and shall take effect one month after the despatch of the notification by the Swiss Government to the other States of the Union, unless a subsequent date have been indicated by the acceding State.*

Article XVII.

The execution of the reciprocal engagements contained in the present Convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the Constitutional laws of those of the High Contracting Parties who are bound to procure the application of the same, which they engage to do with as little delay as possible.

Article XVIII.

The present Convention shall come into operation one month after the exchange of ratifications, and shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation. This denunciation shall be addressed to the Government commissioned to receive adhesions. It shall only affect the denouncing State, the Convention remaining in operation as regards the other Contracting Parties.

Article XIX.

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

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

Done at Paris the 20th March, 1883.

(Signed)

(L.S.) BEYENS, &c.

II.

FINAL PROTOCOL.¹

Au moment de procéder à la signature de la Convention conclue, à la date de ce jour, entre les Gouvernements de la Belgique, du Brésil, de l'Espagne de la France, du Guatemala, de l'Italie, des Pays-Bas, du Portugal, du Salvador, de la Serbie, et de la Suisse, pour la protection de la Propriété Industrielle, les Plénipotentiaires soussignés sont convenus de ce qui suit :

1. Les mots "Propriété Industrielle" doivent être entendus dans leur acception la plus large, en ce sens qu'ils s'appliquent non seulement aux produits de l'industrie proprement dite, mais également aux produits de l'agriculture (vins, grains, fruits, bestiaux, &c.), et aux produits minéraux livrés au commerce (eaux minérales, &c.).

2. Sous le nom de "Brevets d'Invention" sont comprises les diverses espèces de brevets industriels admises par les législations des États Contractants, telles que brevets d'importation, brevets de perfectionnement, &c.

3. Il est entendu que la disposition finale de l'Article II de la Convention ne porte aucune atteinte à la législation de chacun des États Contractants, en ce qui concerne la procédure suivie devant les Tribunaux et la compétence de ces Tribunaux.

3 (*bis*). Le breveté, dans chaque pays, ne pourra être frappé de déchéance pour cause de non-exploitation qu'après un délai minimum de trois ans, à dater du dépôt de la demande dans le pays dont il s'agit, et dans le cas où le breveté ne justifierait pas des causes de son inaction.²

* * * * *

7. Le présent Protocole de Clôture, qui sera ratifié en même temps que la Convention conclue à la date de ce jour, sera considéré comme faisant partie intégrante de cette Convention, et aura mêmes force, valeur et durée.

En foi de quoi, les Plénipotentiaires soussignés ont dressé le présent Protocole.

(Signé) BEYENS, &c.

¹ Portions not relating to patents are omitted.

² Added by the Additional Act of Dec. 14, 1900.

(*Translation.*)

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

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

2. Under the word "patents" are comprised the various kinds of industrial patents recognized by the legislation of each of the Contracting States, such as importation patents, improvement patents, &c.

3. The last paragraph of Article II. does not affect the legislation of each of the Contracting States as regards the procedure to be followed before the Tribunals, and the competence of those Tribunals.¹

3 (*bis*). The patent, in each country, shall not be liable to forfeiture on account of failure to utilize it, until after the expiration of at least three years from the date of the deposit of the application in the country concerned, and only provided the patentee cannot show reasonable cause for his inaction.²

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

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

(Signed) BEYENS, &c.

¹ Paragraphs 4-6 relate to trade-marks and the establishment of the International Office.

² Added by the Act of Dec. 14, 1900.

INSTRUCTIONS TO APPLICANTS FOR PATENTS.

(Issued by the Patent Office for Inventors' Guidance.)

1. *Mode of Proceeding to obtain Patents for Inventions in the United Kingdom.*—

Sub-sections (i.) to (v.) (general), *ante*, p. 107.

„ (vi.) to (viii.) (provisional specification), *ante*, p. 106.

„ (ix.) and (x.) (complete specification), *ante*, p. 111.

„ (xi.) (title), *ante*, p. 106.

„ (xii.) (same as Rule 17, *ante*, p. 529, with the additional information that “the several sheets should be fastened together at the top left-hand corner.”)

„ (xiii.) (drawings, same as Rules 18–24, *ante*, pp. 529–531.)

2. *Patent Forms and Fees.*—(i.) Forms are not supplied by the Patent Office, but can be purchased on personal application at the Inland Revenue Office, Royal Courts of Justice (Room No. 6), Strand, London, W.C., or, at a few days' notice and upon prepayment of the value of the stamp, at any Money Order Office in the United Kingdom.

If it should not be convenient to apply in either of the ways above specified, the stamped forms can be ordered by post from the Controller of Stamps, Room 5, Inland Revenue Office, Somerset House, London, W.C. In this case a bankers' draft or a Money or Postal Order payable to the Commissioners of Inland Revenue and crossed Bank of England, to cover the value of the stamp and the cost of transmitting the Form in a registered envelope by post, must be forwarded to Somerset House with the application for the Form. Cheques will not be accepted.

	£	s.	d.
Form A.—Application for Patent	1	0	0
„ A ¹ .— „ „ for invention communicated from abroad	1	0	0
„ A ² .— „ „ under International and Colonial arrangements	1	0	0
„ B.—Provisional Specification		No fee.	
„ C.—Complete Specification	3	0	0
„ C ¹ .—On Postal Request for printed copy of specification (<i>for use in the United Kingdom only</i>)	0	0	8
„ D.—On notice of opposition to grant of Patent. By opponent	0	10	0
„ E.—On hearing by Comptroller. By applicant and by op- ponent respectively	1	0	0
„ F.—On application to amend specification. Up to sealing ...	1	10	0
„ „ „ After sealing ...	3	0	0
„ G.—On notice of opposition to amendment. By opponent ...	0	10	0
„ H (with H ¹).—On application to the Board of Trade for a compulsory license	1	0	0
„ I.—On opposition to grant of compulsory license	1	0	0
„ J.—On certificate of payment of renewal fee:— Before the expiration of the 4th year from date of Patent, and in respect of the 5th year	5	0	0
„ „ 5th „ 6th „	6	0	0
„ „ 6th „ 7th „	7	0	0
„ „ 7th „ 8th „	8	0	0
„ „ 8th „ 9th „	9	0	0
„ „ 9th „ 10th „	10	0	0
„ „ 10th „ 11th „	11	0	0
„ „ 11th „ 12th „	12	0	0
„ „ 12th „ 13th „	13	0	0
„ „ 13th „ 14th „	14	0	0
„ K.—On enlargement of time for payment of renewal fees:— Not exceeding 1 month	1	0	0
„ „ „ 2 months	3	0	0
„ „ „ 3 „	5	0	0
„ L.—For every entry of name upon Register of Patents ...	0	10	0
„ M.—For every entry of notification of License	0	10	0
„ N.—For duplicate of Letters Patent	2	0	0
„ O.—On notice to Comptroller of intended exhibition of un- patented invention	0	10	0
„ P.—On request to Comptroller to correct a clerical error. Up to sealing	0	5	0
„ „ „ After sealing	1	0	0
„ Q.—For certificate of Comptroller	0	5	0
„ R.—For altering address in register	0	5	0
„ S.—For every entry of an Order of Privy Council	0	10	0
„ T.—On appeal from Comptroller to Law Officer	3	0	0
„ U.—On enlargement of time for leaving complete specifica- tion:—Not exceeding 1 month	2	0	0
„ V.—On enlargement of time for acceptance of complete speci- fication after 12 months:—Not exceeding 1 month ...	2	0	0
„ „ 2 months ...	4	0	0
„ „ 3 „ ...	6	0	0

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

London General Post Office, E.C.	Post Office, Lombard Street, E.C.
Post Office, 195, Whitechapel Road, E.	„ 28, Eversholt Street, Cam-
„ 239, Borough High Street,	den Town, N.W.
S.E.	„ 12, Parliament Street,
„ Charing Cross, W.C.	S.W.,

and the chief Post Offices in the towns in the United Kingdom named below :—

Aberdeen.	Derby.	Leeds.	Rotherham.
Accrington.	Dewsbury.	Leicester.	Rugby.
Altrincham.	Doncaster.	Leith.	Salford.
Ashton-under-	Dorchester.	Lichfield.	St. Helens.
Lyne.	Driffield.	Limerick.	Scarborough.
Barnsley.	Droitwich.	Lincoln.	Sedgeley.
Barrow-in-Furness.	Dublin.	Liverpool.	Sheffield.
Bath.	Dudley.	Londonderry.	Southampton.
Bedford.	Dumbarton.	Macclesfield.	Stafford.
Belfast.	Dundalk.	Manchester.	Stalybridge.
Beverley.	Dundee.	Middlesbrough.	Stockport.
Birkenhead.	Durham.	Nantwich.	Stoke-on-Trent.
Birmingham.	Edinburgh.	Newcastle.	Stourbridge.
Blackburn.	Exeter.	Newport (Mon.).	Stourport.
Bolton.	Galway.	Northallerton.	Sunderland.
Bradford.	Gateshead.	Northampton.	Swansea.
Brighton.	Glasgow.	Nottingham.	Tamworth.
Bristol.	Goole.	Nuncaton.	Truro.
Bromsgrove.	Greenock.	Oldbury.	Tunstall.
Burnley.	Greenwich.	Oldham.	Wakefield.
Burslem.	Guildford.	Paisley.	Walsall.
Burton-on-Trent.	Halifax.	Patrington.	Warrington.
Bury.	Hartlepool.	Perth.	Waterford.
Cambridge.	Huddersfield.	Plymouth.	Wednesbury.
Cardiff.	Hull.	Pontefract.	West Bromwich.
Carlisle.	Inverness.	Portsmouth.	Wexford.
Chatham.	Ipswich.	Prescot.	Whitby.
Chester.	Keighley.	Preston.	Widnes.
Clitheroe.	Kendal.	Reading.	Wigan.
Congleton.	Kidderminster.	Redditch.	Wolverhampton.
Cork.	Knaresbro'.	Renfrew.	Wolverton.
Coventry.	Knutsford.	Richmond (Yorks).	Woolwich.
Crewe.	Lanark.	Ripon.	Worcester.
Croydon.	Lancaster.	Rochdale.	York.
Darlaston.	Leamington.		

3. *Opposition to the Grant of a Patent.*—Under section 11 of the Act of 1883, opposition may be made to the grant of a patent at

any time within two months from the date of the advertisement in the *Illustrated Official Journal* of the acceptance of the complete specification, by any person ; on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative ; or on the ground that the invention has been patented in this country on an application of prior date ; or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification ; *but on no other ground.* See par. 2, Form D, *ante*, p. 553.

4. *Amendment of Specification.*—Under section 18 of the Act, a complete specification may be amended by way of disclaimer, correction, or explanation, but no amendment will be allowed that would make the specification as amended claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment. A request for leave to amend must be made and signed by the applicant or the registered proprietor of the patent, and must be accompanied by a certified printed copy of the specification shewing clearly in red ink the proposed amendments. A printed copy of any published specification may be obtained from the Patent Office, 25, Southampton Buildings, W.C., price 8*d.*, including inland postage (see par. 25, *post*, p. 598). The fee for certifying the printed copy is one shilling. Care should be taken to indicate clearly what part of the printed description it is proposed to omit, and at what point interlineations are to be inserted. Additional matter which cannot be written upon the printed copy should be written upon a separate sheet and attached to the print. See par. 2, Forms F and P, *ante*, pp. 555, 563, 588.

It should be remembered that the proposed amendments, whether allowable or not, are made public and advertised, and that this publication may be a bar to obtaining a valid patent for matter disallowed by way of amendment. No amendment of a provisional specification is allowed under section 18 ; but clerical errors therein may be corrected.

5. *Payment of Renewal Fees for Continuance of Patent.*—Every

patent is granted for the term of fourteen years from the date of application, subject to the payment, before the expiration of the fourth and each succeeding year during the term of the patent, of the prescribed fee. The patentee may pay all or any of such prescribed annual fees in advance.

Payment must be made by way of Form J duly stamped, which must be sent to the Patent Office for entry of the payment in the register. The production of Letters Patent at the Patent Office on payment of these fees is not required. See par 2, Form J, *ante*, p. 557.

As the payment of these renewal fees is regulated by Act of Parliament, a fee cannot be received a *single day* after it is due; but if by accident, mistake, or inadvertence the payment has been omitted, application may be made to the Comptroller, on Patent Form K, for an enlargement of time to make such payment, but no enlargement can be allowed beyond three months. See par. 2, Form K, *ante*, p. 558, and par. 6.

TABLE SHOWING AMOUNT OF RENEWAL FEES PAYABLE YEAR BY YEAR.

Year in which the Patent is dated.	Amount payable in Respective Years.										
	1903.	1904.	1905.	1906.	1907.	1908.	1909.	1910.	1911.	1912.	1913.
	£	£	£	£	£	£	£	£	£	£	£
1890	14										
1891	13	14									
1892	12	13	14								
1893	11	12	13	14							
1894	10	11	12	13	14						
1895	9	10	11	12	13	14					
1896	8	9	10	11	12	13	14				
1897	7	8	9	10	11	12	13	14			
1898	6	7	8	9	10	11	12	13	14		
1899	5	6	7	8	9	10	11	12	13	14	
1900		5	6	7	8	9	10	11	12	13	14
1901			5	6	7	8	9	10	11	12	13
1902				5	6	7	8	9	10	11	12
1903					5	6	7	8	9	10	11

6. *Enlargement of Time.*—Applications for enlargement of time must state in detail in what circumstances and upon what grounds the enlargement is applied for. See par 2, Forms K, U, and V, *ante*, pp. 558, 567, 568.

7. *Assignments, Licenses, &c.*—Deeds of assignment of patents, and other documents affecting the proprietorship of patents, licenses to manufacture or use patented inventions, are required by section 23 of the Act to be entered in the Register at the Patent Office. No document can, however, be recorded until the patent affected has been actually sealed. Every document sent for registration must be duly stamped in accordance with the provisions of the Stamp Act, 1891, and must be accompanied by an attested copy written upon foolscap paper (on one side only) and bearing a shilling impressed stamp, and by the stamped Form of Request. See par. 2, Form L and Form M, *ante*, pp. 559, 560. Names of individual members of Firms should be set out on the Form of Request.

8. *Exhibition of Unpatented Inventions.*—Any person may exhibit an unpatented invention at an exhibition certified by the Board of Trade as industrial or international, without prejudice to his subsequent patent rights, provided (*a*) that he gives the prescribed notice to the Comptroller of his intention so to exhibit it, and (*b*) that the application for a patent be made within six months from the date of the opening of the exhibition. See par. 2, Form O, *ante*, p. 562. In the case of exhibitions held out of the United Kingdom, no notice of intention to exhibit is required to be given to the Comptroller.

9. *Comptroller's Certificate.*—Any one wishing to be informed as soon as a complete specification is accepted, or an application for amendment is entered, should forward a copy of Form Q with a request for such information. See par. 2, Form Q, *ante*, p. 564. An applicant for a patent, however, is duly notified of the acceptance of his complete specification at the address for service given with his application.

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

11. *Searches, Office Copies, &c.*—Searches cannot be undertaken

by the Patent Office, but must be made by the person requiring information, or by his solicitor or agent. See par. 25, *post*, p. 598.

The following fees are charged:—

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

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

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

12. *Information by Post.*—Any person wishing to know whether a particular patent is still in force, the name of the present proprietor of a patent, or any similar details, may obtain an extract from the Register of Patents upon stating the number and year of the patent and forwarding the fee of one shilling by postal order. No information with reference to unpublished applications can be given to others than the applicant or applicants.

13. *Date of printing Specification and sealing Patent.*—Specifications are printed fifteen days after the advertisement of the acceptance of the complete specification. The patent is usually sealed about ten weeks after the acceptance of the complete specification, *i.e.* about ten days after the expiration of the period allowed for opposition. See par. 3, *ante*, p. 590.

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

15. *Use of the Word "Patent."*—Any person who represents that an article sold by him is a patented article when no patent has been granted for it is liable for every offence on summary conviction to a fine not exceeding five pounds. In a case decided by a police magistrate it was held, however, that a person was entitled to mark goods with the word "patent" after the complete specification had been accepted. See sect. 105 of the Act, and Reports of Patent Cases, vol. 13, p. 265.¹

¹ The cases decided in Police Courts are not in agreement. Representing goods to be the subject of an existing patent when they are not is also an offence against the Merchandise Marks Act, 1887. The two enactments are not identical. The points are fully discussed in Kerly on Trade Marks, pp. 570, 579.

16. *Advice on Patent Matters, Opinions as to the Merit or Novelty of Inventions, the Infringement or Fraudulent Appropriation of Inventions, &c.*—(a) The Patent Office does not undertake to give legal advice or opinions on any subject connected with Patent Law, which, like other laws, is left to the interpretation of professional men; nor does the Patent Office examine specifications or other documents before they are filed.

(b) No official search is at present made as regards novelty, sect. 1 of the Patents Act, 1902 (*ante*, p. 523), which provides for an examination of prior British specifications, being not yet (October, 1903) in operation, consequently, British patents are taken out at the risk of applicants, who are expected to cause a search to be made as to the novelty of their inventions either before they make, or before they complete, their applications. Nor does the Patent Office report as to the patentability of an alleged invention unless its use is contrary to law or morality, or unless it is of a frivolous nature or does not relate to a manner of manufacture.

(c) It is left to every person to protect his rights by opposition or otherwise. See par. 3, *ante*, p. 590. A patent is granted upon an application which passes the prescribed stages and is unopposed, whether the invention be novel or not.

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

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

For pecuniary assistance to obtain patents.

- „ reduction or remission of any of the fees required by the Patent Law.
- „ purchase or acquirement of any interest in patented or other inventions
- „ recommendation of any invention for purchase or use by a Government Department or by the public.

18. *Mechanical Inventions not protected by Registration.*—As many inventors imagine that mechanical inventions can be protected

by registration as designs, it may be stated that improvements in the construction, arrangement, or application of machinery can only be protected by a patent.

19. *Patent Medicines*.—Communications with respect to the preparation and supply of medicine stamps appropriated to a particular medicine, or as to the liability to stamp duty of so-called "patent medicines," should be addressed to the Secretary (Stamps and Taxes), Inland Revenue, Somerset House, W.C.

The use of medicine stamps does not have the effect of Letters Patent.

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

No of Copies.	Whole sheets Imperial (30 X 22).		Half-sheets Imperial (15 X 22.)		Foolscap Size (13 X 16.)		Half-foolscap Size (13 X 8.)	
	s.	d.	s.	d.	s.	d.	s.	d.
Single copies	25	0	15	0	15	0	10	0
Not exceeding 6 copies ..	28	0	18	0	17	0	12	0
" 12 "	30	0	20	0	18	6	13	6
" 25 "	32	0	22	0	20	0	15	0

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

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

21. *Patents, &c., in the British Colonies and Foreign States*.—Applications for colonial or foreign patents, &c., must be made to the Government of the colony or foreign State in which protection is desired. A collection of colonial and foreign patent, design, and trade-mark laws and rules may be seen in the Free Library of the Patent Office.

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

Austria-Hungary.¹

Belgium.

Brazil.

Denmark with the Farøe Islands.

France with Algeria and colonies.

Germany.²

Great Britain with New Zealand and Queensland.

¹ Will join from January 1, 1904.

² Has announced adhesion from May 1, 1902, but Order in Council not yet issued.

Italy.	Norway.	Sweden.
Japan.	Portugal with the	Switzerland.
Netherlands with the	Azores and Madeira.	Tunis.
Dutch East Indies,	Santo Domingo. ¹	United States of
Surinam, and Cura-	Servia. ²	America.
çoa.	Spain.	

A copy of the text of the Convention, published by Messrs. Eyre & Spottiswoode, may be purchased for 2*d.* through any bookseller. (See *ante*, p. 576.)

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

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

Ecuador (designs and trade-marks only). Greece (designs and trade-marks only). Honduras. Mexico. Paraguay. Roumania (designs and trade-marks only). Tasmania. Uruguay. Western Australia.

An application in the United Kingdom for a patent having priority of date under the international and colonial arrangements must be made within twelve months from the date of the *first* foreign application, and must be accompanied by a complete specification and signed by the person or persons by whom the first foreign application was made. It must be made upon Form A² (see *ante*, p. 549), and in addition to the specification must be accompanied by—

- (1) A copy or copies of the specification and drawings as filed in the Patent Office of the foreign State or British possession in respect of the first foreign application duly certified by the official chief of such Patent Office, or otherwise verified to the satisfaction of the Comptroller; and
- (2) If the specification be in a foreign language, by a translation thereof, verified by statutory declaration or otherwise to the satisfaction of the Comptroller.

An International Office, in connection with the Convention, has been established at Berne, Switzerland, which publishes a monthly periodical, entitled *La Propriété Industrielle*. The yearly subscription (including postage) for all countries within the Postal Union

¹⁻² These Governments have not yet agreed to the Convention, as amended September 14, 1902, but adhere to it in the original form.

is 5 francs 60 centimes, and should be forwarded by money order to L'Imprimerie Co-opérative, Berne.

23. *Patent Museum, South Kensington.*—This museum was in 1883 placed under the management of the Department of Science and Art. It no longer forms a separate section, but has been incorporated with the general Science Collections of the South Kensington Museum. All communications relating thereto should be addressed to the Secretary, Science and Art Department, South Kensington, London, S.W. The Science Collections are open to the public *free* daily, from 10 a.m. to 10 p.m. on Mondays, Tuesdays, and Saturdays; and from 10 a.m. to 4, 5, or 6 p.m. on other days of the week according to the season. A number of the models may be seen in motion from 11 a.m. to the hour of closing. Entrance—Exhibition Road.

24. *Patent Office Library.*—The reading-rooms of the Free Public Library of the Patent Office are open daily, from 10 a.m. till 10 p.m., except on Sundays, Christmas Day, Good Friday, and Bank Holidays. On the day observed as His Majesty's birthday, Christmas Eve, Easter Eve, and Whitsun Eve, the library is closed at 4 p.m.

In addition to the printed specifications, indexes, and other publications of the Patent Office, the library contains a collection of the leading British and Foreign Scientific Journals, Transactions of Learned Societies, and text-books of Science and Art, and the full or abridged Patent Specifications of the following countries:—Argentine Republic, Austria, Barbados, Belgium, Canada, Cape Colony, Denmark, Finland, France, Germany, Grenada, Hungary, Italy, Japan, Mauritius, Natal, New South Wales, New Zealand, Norway, Portugal, Queensland, Russia, St. Lucia, St. Vincent, Straits Settlements, Sweden, Switzerland, Trinidad, United States of America, Victoria, Western Australia.

25. *Patent Office Publications.*¹—These may be consulted daily at the Free Public Library of the Patent Office; at the Science and Art Department, South Kensington; and at the Free Libraries, &c., named *post*, pp. 600–603. They are also on sale at the Patent Office, 25, Southampton Buildings, Chancery Lane, W.C., and

¹ The list of these is not inserted in this work. It may be seen at most of the places mentioned below, or can be obtained by writing to the Patent Office.

will be forwarded by post on receipt of the price and of the postage (if any is charged). *Sums amounting to 1s. or more must be remitted by Postal or Post Office Order payable to the Comptroller-General.* Postage stamps sent in payment of any amount exceeding 11*d.* will be returned. Deposit accounts may be opened, the minimum deposit being £2.

In ordering specifications, the price of which is 8*d.* each, the number and year of the patent must be given. In searching for the invention of any particular person, the Name Indexes, published as part of the Illustrated Official Journal of Patents, should be consulted. In searching as to the novelty of any particular invention, or as to the patents which have been granted in connection with a particular subject, the Abridgment Class and Index Key should first be consulted to ascertain where the subject-matter is classified in the Patent Office publications. The corresponding volumes of Abridgments of Specifications, each of which is furnished with Name and Subject-Matter Indexes, should then be examined. In the case of recent specifications for which abridgment volumes have not yet been published, the annual and monthly Subject-Matter Indexes and Illustrated Official Journal must be consulted. Such searches cannot be undertaken by the Patent Office. See par. 11, *ante*, p. 593.

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

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

27. *Lists of Places receiving Donations of Patent Office Works.*—See *post*, pp. 600–603.

28. *Lists of Patent Office Publications.*—(Omitted.)

LIST OF PLACES RECEIVING DONATIONS OF PATENT OFFICE PUBLICATIONS.

The publications relating to Patents supplied are denoted as follows :—

- All.* = All publications, including specifications.
Abr. = Abridgments of British specifications.
Jour. = Official Illustrated Journal of Patents.
Special = Selected publications only.
Am. This denotes that copies of United States Specifications are also kept in the local library.

IN THE UNITED KINGDOM, ISLE OF MAN, AND CHANNEL ISLANDS.

- | | |
|---|---|
| <p>Aberdeen—Public Library. <i>Abr., Jour.</i>
 Accrington—Mechanics' Institution. <i>Jour.</i>
 Public Library. <i>Abr., Jour.</i>
 Airdrie—Free Public Library. <i>Abr., Jour.</i>
 Alloa—Public Library. <i>Abr., Jour.</i>
 Alnwick—Scientific and Mechanical Institution. <i>Abr.</i>
 Altrincham—Free Library and Technical School. <i>Jour.</i>
 Arbroath—Public Library. <i>Jour.</i>
 Armagh—Natural History and Philosophical Society. <i>Abr.</i>
 Ashton-under-Lyne—Heginbottom Free Library. <i>Abr., Jour.</i>
 Aston, near Birmingham—Aston Manor Public Library. <i>Abr., Jour.</i>
 Ayr—Carnegie Public Library. <i>Abr.</i></p> <p>Bacup—Mechanics' Institution. <i>Abr.</i>
 Banbury—Mechanics' Institute. <i>Abr.</i>
 Barnsley—Free Library. <i>Abr., Jour.</i>
 Barnstaple—North Devon Athenæum. <i>Abr.</i>
 Barrow-in-Furness—Free Public Library and Museum. <i>Abr., Jour.</i>
 Basingstoke—Mechanics' Institute and Club. <i>Abr., Jour.</i>
 Belfast—Free Public Library. <i>All.</i>
 Linen Trade Board—<i>Special.</i>
 Queen's College. <i>Jour.</i>
 Birkenhead—Free Public Library. <i>Abr., Jour.</i>
 Birmingham—Cycle Engineers' Institute. <i>Jour.</i>
 Mason College. <i>Special.</i>
 Reference Library, Patent Department, Eden Place. <i>All., Am.</i>
 Blackburn—Free Library and Museum. <i>Abr. Jour.</i>
 Blackpool—Free Library. <i>Jour.</i>
 Blackrock (Co. Dublin)—Public Library. <i>Jour.</i>
 Blyth—Mechanics' Institution. <i>Abr.</i>
 Bodmin—Literary Institution. <i>Abr.</i>
 Bolton—Little Bolton Library. <i>All.</i>
 Bootle—Free Public Library. <i>Abr., Jour.</i>
 Bradford, Yorkshire—Free Library, Darley Street. <i>All.</i></p> | <p>Braintree—Braintree and Bocking Mechanics' Institute. <i>Abr.</i>
 Brechin—Public Library. <i>Jour.</i>
 Brighton—Public Library, Royal Pavilion. <i>Abr., Jour.</i>
 Bristol—Literary and Philosophical Club. <i>Jour.</i>
 Public Libraries, Hotwells Branch Library. <i>All.</i>
 School of Science, Merchants' Hall. <i>Jour.</i>
 Burnley—Corporation Free Library. <i>Jour.</i>
 Mechanics' Institution. <i>Abr., Jour.</i>
 Burslem—Wedgwood Institute. <i>Abr.</i>
 Bury St. Edmund's—Athenæum Library. <i>Abr.</i>
 Bury—Public Library. <i>Jour.</i></p> <p>Cambridge—Free Library. <i>Jour.</i>
 Philosophical Library. <i>Jour.</i>
 University Library. <i>Jour.</i>
 Canterbury—Free Library. <i>Abr., Jour.</i>
 Cardiff—Central Free Library, Reference Department. <i>All.</i>
 South Wales Institution of Engineers, Park Place. <i>Abr.</i>
 Carlisle—Public Library, Tullie House. <i>All.</i>
 Carmarthen—Literary and Scientific Institute. <i>Abr.</i>
 Carnarvon—Free Library. <i>Abr., Jour.</i>
 Chatham—Dockyard. <i>Jour.</i>
 Cheltenham—Public Library. <i>Abr.</i>
 Chester—Free Library, St. John Street. <i>Abr., Jour.</i>
 Chorley—Free Public Library. <i>Jour.</i>
 Colchester—Public Library. <i>Abr.</i>
 Cork—Free Library, Nelson Place. <i>Abr., Jour.</i>
 Coventry—Free Library. <i>Abr.</i>
 Crewe—Mechanics' Institution. <i>Abr., Jour.</i>
 Croydon—Central Free Public Library. <i>Jour.</i></p> <p>Darlington—Edward Pease Public Library. <i>Jour.</i>
 Technical College. <i>Jour.</i>
 Darwen—Public Library. <i>Abr., Jour.</i>
 Denbigh—Free Reading Room. <i>Jour.</i>
 Derby—Public Library and Museum. <i>All.</i></p> |
|---|---|

IN THE UNITED KINGDOM, ETC.—*continued.*

- Devonport—Free Public Library. *Abr., Jour.*
 Dewsbury—Free Public Library. *Abr., Jour.*
 Doncaster—Free Library. *Abr., Jour.*
 Dublin—King's Inns' Library. *Jour.*
 Law Library, Four Courts. *Jour.*
 National Library of Ireland, Kildare Street. *All.*
 Public Record Office. *All.*
 Dudley—Free Library. *Jour.*
 Dumbarton—Free Public Library. *Abr., Jour.*
 Dundalk—Free Library. *Jour.*
 Dundee—Public Library, Albert Institute. *All.*
- Ebbw Vale—Literary and Scientific Institute. *Abr.*
 Edinburgh—Advocates' Library. *Jour.*
 Museum of Science and Art. *All., Am.*
 Public Library. *Jour.*
 Elgin—Library. *Jour.*
 Enfield—Small Arms Factory. *Jour.*
 Exeter—Albert Memorial Museum and Free Library. *Abr., Jour.*
- Falkirk—Public Library. *Jour.*
 Falmouth—Free Public Library. *Jour.*
 Frome—Literary and Scientific Institution. *Abr.*
 Mechanics' Institution. *Abr.*
- Galashiels—Public Library. *Jour.*
 Glasgow—Athenæum. *Abr., Jour.*
 Institution of Engineers and Shipbuilders in Scotland, 207, Bath Street. *Abr., Jour.*
 Kelvingrove Museum. *Abr.*
 Library of the Faculty of Procurators. *Jour.*
 Philosophical Society. *Abr., Jour.*
 Stirling's and Glasgow Public Library, Miller Street. *All., Am.*
 West of Scotland Iron and Steel Institute. *Abr.*
- Gloucester—Free Library, Guildhall. *Abr., Jour.*
 Gravesend—Public Library. *Jour.*
 Guernsey—Guille-Allés Library, Market Place. *Abr.*
- Halifax—Mechanics' Institute, Crossley Street. *Abr.*
 Public Library, Akroyd Park. *All.*
 Hanley—Public Free Library. *Abr., Jour.*
 Harrogate—Public Library. *Jour.*
 Hawick—Public Library. *Jour.*
 Hebden Bridge—Mechanics' Institution, Commercial Street. *Abr.*
 Heywood—Public Free Library. *Abr., Jour.*
 High Wycombe—Free Library. *Jour.*
 Holyhead—Public Library. *Jour.*
 Horwich—Mechanics' Institute Library. *All., Am.*
 Houghton-le-Spring—Church Institute. *Jour.*
 Huddersfield—Lockwood Mechanics' Institution. *Jour.*
 Technical School. *Abr.*
 Town Hall. *All.*
 Hull—Public Libraries. *All.*
- Inverness—The Public Library. *Abr., Jour.*
 Ipswich—Free Library, High Street. *All.*
 Isle of Man—Castletown, Rolls Office. *All.*
- Jersey—Public Library. *Abr., Jour.*
- Keighley—Mechanics' Institute, North Street. *All., Am.*
 Kettering—Church Institute and Working Men's Club. *Abr.*
 Kidderminster—Free Library. *Abr.*
 Kilmarnock—Public Library. *Abr.*
- Lancaster—Public Library, Storey Institute. *Abr.*
 Leamington Spa—Free Library, Town Hall. *Abr., Jour.*
 Leeds—Association of Engineers. *Abr., Jour.*
 Church Institute. *Abr.*
 Free Public Library. *All., Am.*
 Philosophical and Literary Society. *Abr.*
 Yorkshire College. *Abr.*
 Leek, Staffordshire—Literary and Mechanics Institution. *Abr.*
 The Nicholson Institute. *Special.*
 Leicester—Free Public Library, Wellington Street. *All.*
 Lincoln—Public Library. *Jour.*
 Liverpool—Admiralty. *Special.*
 Chemical Laboratory, University College. *Special.*
 Free Library, William Brown Street. *All.*
 Llanelly—Mechanics' Institution. *Jour.*
 London—Acton Public Library. *Jour.*
 Admiralty. *Special.*
 Aeronautical Society. *Jour.*
 Austrian Embassy. *Jour.*
 Bar Library, Royal Courts of Justice. *Jour.*
 Battersea Public Library, Lammas Hall, Bridge Road West. *Jour.*
 Battersea Public Library, Lavender Hill. *Jour.*
 Battersea Public Library, Lurline Gardens, Victoria Road. *Jour.*
 Bethnal Green—Free Library, London Street (from 1888). *All.*
 Bishopsgate Institute. *Jour.*
 Board of Trade. *Jour.*
 Borough Road Polytechnic Institution. *Jour.*
 Bow Library. *Jour.*
 British Horological Institute. *Special.*
 British Museum. *All.*
 Brixton Oval, Tate Central Library. *Abr., Jour.*
 Camberwell Central Library, Peckham Road, S.E. *Abr., Jour.*
 Canning Town Free Public Library, Bark-ing Road, E. *Abr., Jour.*
 Central Young Men's Christian Association, 186, Aldersgate Street. *Jour.*
 Chelsea Public Library. *Abr.*
 Clerkenwell Public Library. *Jour.*
 Coach Builders and Wheelwrights' Art Journal. *Jour.*
 Cold Storage and Ice Trades Review. *Jour.*
 Ealing Free Public Library. *Jour.*
 East Ham—Plasnet Library. *Jour.*

IN THE UNITED KINGDOM, ETC.—*continued.*

- Edmonton Public Library. *Jour.*
 Electrician. *Jour.*
 Federated Institutes of Brewing. *Special.*
 Feilden's Magazine. *Jour.*
 Fulham Free Public Library. *Jour.*
 Fulham Free Public Library, Wandsworth
 Bridge Road Branch. *Jour.*
 G.P.O. Telegraph Branch. *Jour.*
 German Embassy. *Jour.*
 Goldsmiths Company's Technical Institute,
 New Cross, S.E. *Jour.*
 Guildhall Library, E.C. *Abr., Jour.*
 Haggerston—Kingsland Road Library.
Jour.
 Hammersmith Free Public Library. *Jour.*
 Hampstead Public Libraries, Kilburn
 Branch. *Jour.*
 Harlesden Public Library. *Jour.*
 Home Office. *Special.*
 Hoxton—Pitfield Street Library. *Jour.*
 Imperial Institute. *Abr., Jour.*
 Incorporated Law Society, Chancery Lane.
Abr., Jour.
 India Office. *Jour.*
 Inland Revenue Department. *Jour.*
 Inner Temple Library. *Abr., Jour.*
 Institute of British Carriage Manufacturers.
Special.
 Institute of Patent Agents, Southampton
 Buildings, Chancery Lane. *Abr., Jour.*
 Institution of Civil Engineers, Gt. George
 Street. *Abr., Jour.*
 Institution of Electrical Engineers. *Special.*
 Institution of Mechanical Engineers,
 Storey's Gate, St. James's Park, S.W.
Abr.
 Institution of Naval Architects. *Special.*
 Iron and Steel Institute. *Special.*
 Journal of Gas Lighting. *Jour.*
 Kensington Free Public Library, Notting
 Hill. *Jour.*
 Kilburn Public Library. *Jour.*
 Lewisham Public Libraries. *Jour.*
 London Chamber of Commerce. *Jour.*
 London Institution, Finsbury Circus.
Abr., Jour.
 Microscopical Society. *Special.*
 Mile End Public Library. *Jour.*
 Newington Public Library, Walworth
 Road, S.E. *Abr., Jour.*
 Old Brompton Road Free Public Library.
Jour.
 Page's Magazine. *Jour.*
 People's Palace, Mile End Road, E. *Abr.,*
Jour.
 Pharmaceutical Society of Great Britain.
Jour.
 Photographic Society. *Special.*
 Polytechnic, Regent Street. *Jour.*
 Poplar Public Library. *Jour.*
 Postal Stores, Mount Pleasant, Clerken-
 well. *Jour.*
 Privy Council. *Jour.*
 Rotherhithe Public Library. *Jour.*
 Royal Historical Society. *Jour.*
 Royal Institution. *Jour.*
 St. Bride Foundation Institute. *Special.*
 Science Library—South Kensington
 Museum. *All.*
 Sir John Cass's Technical Institute. *Jour.*
 Society of Arts. *Abr., Jour.*
 Society of Chemical Industry. *Special.*
 Society of Patent Agents. *Jour.*
 Southwark, St. George's Public Library,
 Borough Road, S.E. *Abr., Jour.*
 Stoke Newington Public Library. *Jour.*
 Surveyors' Institution. *Special.*
 Tate Library, Streatham. *Jour.*
 Tottenham Public Library. *Jour.*
 Tottenham Public Library, St. Ann's
 Road Branch. *Jour.*
 Toynbee Hall. *Jour.*
 Treasury. *Jour.*
 Walthamstow Public Library. *Abr., Jour.*
 Wandsworth Public Library. *Abr., Jour.*
 War Office, Pall Mall. *Abr., Jour.*
 West Ham Public Library, Stratford.
Abr., Jour.
 Westminster Free Public Library, Great
 Smith Street. *Abr., Jour.*
 Whitechapel Free Public Library. *Jour.*
 Willesden Green Public Library. *Jour.*
 Wimbledon Free Public Library. *Abr.,*
Jour.
- Loughborough—Public Library. *Abr., Jour.*
 Lowestoft—Public Library. *Abr.*
- Macclesfield—Free Library, Town Hall.
Jour.
 Manchester—Chemical Club. *Abr., Jour.*
 Association of Engineers. *Jour.*
 Free Library, Deansgate. *All. Am.*
 Moss Side Public Library. *Abr., Jour.*
 Municipal Technical School. *Special.*
 Owen's College. *Abr.*
 Society of Dyers and Colorists. *Special.*
 Mansfield—Free Public Library. *Abr., Jour.*
 Merthyr Tydfil—Free Library. *Abr., Jour.*
 Middlesbrough—Public Free Library. *Abr.,*
Jour.
 Middleton, Manchester—Free Library. *Abr.,*
Jour.
- Nelson—Free Library. *Jour.*
 Nenagh—Town Hall. *Jour.*
 Newburgh, Fife—Laing Free Library. *Jour.*
 Newcastle-on-Tyne—Institution of Engineers
 and Shipbuilders. *Jour.*
 North of England Institute of Mining and
 Mechanical Engineers. *Abr., Jour.*
 Public Library, New Bridge Street. *All.*
 Newport, Mon.—Chamber of Commerce.
Jour.
 Free Library. *All.*
 Newport, Salop—Literary Institute. *Jour.*
 Northampton—Public Library. *Jour.*
 North Shields—Free Library. *Abr., Jour.*
 Northwich—Brunner Free Public Library.
Abr., Jour.
 Norwich—Free Library. *Abr., Jour.*
 Nottingham—Mechanics' Institution. *Abr.,*
Jour.
 Central Free Public Library. *All.*
 Oldbury—Public Library. *Jour.*
 Oldham—Free Library, Union Street. *All.,*
Am.
 Oswestry—Free Public Library, Guildhall.
Abr.

IN THE UNITED KINGDOM, ETC.—*continued.*

- Oxford—Bodleian Library. *Jour.*
Public Library. *Jour.*
- Pembroke—Dockyard. *Jour.*
- Penzance—Free Library. *Abr., Jour.*
- Perth—Sandeman Public Library. *Abr., Jour.*
- Peterhead—Public Library. *Abr., Jour.*
- Plymouth—Free Public Library. *Abr., Jour.*
- Pontypridd—Free Library. *Abr., Jour.*
- Portsmouth—Dockyard. *Abr., Jour.*
Public Free Library, Central Library,
'Town Hall. *Abr., Jour.*
- Preston—Harris Free Public Library and
Museum. *All.*
- Rawtenstall—Technical School. *Jour.*
- Reading—Free Public Library, Museum, and
Art Gallery. *Abr., Jour.*
- Redditch—Literary and Scientific Institution.
Abr.
- Redruth—Free Public Library. *Abr., Jour.*
- Richmond, Surrey—Free Public Library.
Abr., Jour.
- Rochdale—Free Public Library, Esplanade.
All.
- Rotherham—Free Public Library. *Abr.*
- Rothwell—Public Library. *Jour.*
- Ryde, Isle of Wight—Young Men's Christian
Association and Literary Institute, Lind
Street. *Abr.*
- Saffron Walden—Literary and Scientific In-
stitution. *Abr.*
- Salford—Free Library, Peel Park. *All.*
- St. Helens—Free Public Library, the Gamble
Institute. *Abr., Jour.*
- Scarborough—Mechanics' and Literary In-
stitute, Vernon Place. *Abr.*
- Sheerness—Dockyard. *Jour.*
- Sheffield—Chamber of Commerce. *Jour.*
Free Public Library, Surrey Street. *All.,
Am.*
- Shipley—Salt Schools. *Abr.*
- Shrewsbury—Free Public Library. *Abr.,
Jour.*
- Southend-on-Sea—Institute. *Abr.*
- Southport—Atkinson Free Library. *Jour.*
- South Shields—Public Free Library. *Abr.,
Jour.*
- Spalding—Christian Young Men's Associa-
tion. *Abr.*
- Stafford—Free Library. *Abr., Jour.*
- Stockton-on-Tees—Free Library. *Abr.*
- Stockport—Central Free Library. *All.*
- Stony Stratford—Church Institute. *Jour.*
- Stowmarket—The Institute. *Abr.*
- Stroud—Free Library. *Jour.*
- Sudbury, Suffolk—Literary and Mechanics'
Institute. *Abr.*
- Sunderland—Equitable Industrial Society,
Limited. *Jour.*
Public Free Library. *Jour.*
- Swansea—Public Library. *All.*
Royal Institution of South Wales. *Abr.,
Jour.*
- Swindon, New—G.W.R. Mechanics' Insti-
tution. *Abr., Jour.*
- Thetford—Mechanics' Institution. *Jour.*
- Thornaby-on-Tees—Public Library. *Jour.*
- Todmorden—Free Library. *Jour.*
- Uttoxeter—Reading Room and Library. *Abr.*
- Wallsend—Industrial Co-operative Society.
Jour.
- Walsall—Free Library. *Abr., Jour.*
- Waltham Abbey—*Special.*
- Warrington—Municipal Museum. *Abr.,
Jour.*
- Watford—Public Library. *Jour.*
- Wednesbury—Free Library. *Abr., Jour.*
- Wellington—Young Men's Christian Associa-
tion. *Abr.*
- West Bromwich—Free Library. *Abr., Jour.*
- West Hartlepool—Public Library. *Abr.,
Jour.*
- Weston-super-Mare—Free Public Library.
Abr., Jour.
- Whitby—Museum. *Abr.*
- Whitechurch—Mechanics' Institute. *Jour.*
- Whitehaven—Free Public Library. *Abr.,
Jour.*
- Wigan—Corporation Library. *Jour.*
- Wolverhampton—Free Library. *All.*
- Wolverton—L. & N. W. R. Library. *Jour.*
- Woolwich—Explosives Committee. *Special.*
Ordnance Committee. *Special.*
Ordnance Factories. *Abr., Jour.*
Public Library. *Jour.*
Royal Artillery Institution. *Jour.*
Royal Gun Factory. *Jour.*
- Worcester—Public Library, Victoria Institute.
Abr., Jour.
- Workington—Public Library and Reading
Room. *Abr., Jour.*
- Wrexham—Free Public Library. *Jour.*
- York—Institute of Art, Literature, and
Science, Free Library. *Jour.*

IN BRITISH COLONIES AND POSSESSIONS.

Australia and Tasmania.

- Adelaide (S. Aus.)—Colonial Institute. *All.*
Patent Office (from 1878). *All.*
- Ballarat (Vic.)—School of Mines. *Abr.*
- Brisbane (Qu.)—Patent Office. *All.*
- Hobart (Ta.)—General Register Office. *All.*
- Melbourne (Vic.)—Institute of Patent Agents.
Jour.
Department of Mines. *Jour.*
- Melbourne (Vic.)—Patent Office. *All.*
Public Library. *All.*
- Perth (W. Aus.)—Patent Office (from 1898).
All.
Victoria Library. *Abr.*
- Sydney (N.S.W.)—Engineering Association.
Jour.
Patent Office. *All.*

Canada.

Kingston (Ont.)—School of Mining. *Jour.*
 Montreal (Que.)—Council of Arts and Manu-
 factures of Quebec. *All.*
 Society of Civil Engineers. *Abr.*
 Ottawa (Ont.)—Exchequer Court. *Jour.*
 Patent Office. *All.*

Toronto (Ont.)—Bureau of Agriculture.
Jour.
 Canadian Institute. *Jour.*
 Public Library. *All.*
 Winnipeg (Man.)—Library of Parliament
Jour.
 Public Library. *Abr., Jour.*

Demerara (British Guiana).

Georgetown—Govt. Secretary's Office. *Jour.*

India and Ceylon.

Bombay—Indian Textile Journal Co. *Jour.*
 Patent Office Secretariat. *All.*
 Calcutta—"Indian and Eastern Engineer."
Jour.
 Patent Office, Imperial Secretariat. *All.*

Colombo—Government Office. *Jour.*
 Ishapore (Beng.)—Gunpowder Factory.
Jour.
 Madras—Patent Office Secretariat. *All.*

Malta.

Valetta—Chief Secretary's Office. *Abr., Jour.*

Mauritius.

Colonial Secretary's Office. *Abr., Jour.*

New Zealand.

Auckland—Free Public Library. *Abr., Jour.*
 Wellington—Patent Office. *All.*

South Africa.

Cape Town—Colonial Secretary's Office. *Abr., Jour.*
 Kimberley—Public Library. *Jour.*

Pretoria—Patent Office. *Jour.*
 Salisbury—Patent Office. *Jour.*

Trinidad.

Government. *Jour.*

IN FOREIGN COUNTRIES.

Argentine Republic.

Buenos Ayres—Patent Office. *Jour.*
 Buenos Ayres—"Revista de Patentes y Mar-
 cas." *Jour.*

Austria-Hungary.

Budapest—Patent Office. *Jour.*
 Prague—Deutsche Technische Hochschule.
Jour.

Vienna—"Austrian Trade Journal." *Jour.*
 "Der Electro Techniker." *Jour.*
 Handelsministerium (from 1898). *All.*

Belgium.

Brussels—Association de la Presse Tech-
 nique. *Jour.*
 "L'Industrie." *Jour.*

Brussels—Ministère de l'Industrie. *All.*
 Society of Electricians. *Jour.*

Denmark.

Copenhagen—Patent Office (from 1893). *All.*

France.

- Marseilles—Société Scientifique Industrielle. *Jour.*
 Paris—Association des Chemistes. *Jour.*
 Bibliothèque Nationale. *All.*
 British Chamber of Commerce. *Abr.*
 "L'Eclairage Electrique." *Jour.*
 "L'Electricien." *Jour.*
 "Le Mois Scientifique et Industriel." *Jour.*
- Paris—"Les Brevets de Sucrierie." *Jour.*
 Office National des Brevets d'Invention et des Marques de Fabrique. *All.*
 "Revue Générale des Matières-Colorantes." *Jour.*
 Société Anonyme de Publications Industrielles. *Jour.*
 Société Nationale d'Agriculture. *Jour.*

Germany.

- Aachen—Königliche Technische Hochschule. *All.*
 Berlin—"Der Grossbetrieb." *Jour.*
 Kaiserliches Patentamt. *All.*
 Kaiserliches Statistischeamt. *All.*
 Königliche Bibliothek. *All.*
 Zeitschrift für Werkzeugmaschinen und Werkzeuge. *Jour.*
 Karlsruhe—Technische Hochschule (from 1876). *All.*
- Dresden—Polytechnische Schule. *All.*
 Gotha—Ducal Friedenstein Collection. *Abr., Jour.*
 Hanover—Polytechnische Schule. *All.*
 Mühlhausen—Société Industrielle. *All.*
 Munich—Polytechnische Verein. *All.*
 Strasburg—Imperial and Provincial Library of the University. *Abr.*
 Stuttgart—Bibliothek der Musterlagers. *Jour.*

Italy.

- Naples—Royal Institution (from 1852). *All.*
 Rome—Ufficio delle Privative Industriali. *All.*
 Turin—La Proprietà Industriale. *Jour.*

Japan.

- Tokio—Patent Office (from 1884). *All.*

Netherlands.

- Delft—Polytechnic School. *Abr.*

Norway.

- Christiana—Patent Office (from 1884). *All.*

Peru.

- Lima—Escuela de Ingenieros. *Abr., Jour.*

Russia.

- Riga—Polytechnic School. *All.*
 St. Petersburg—Bibliotheque Imperiale. *All.*

Spain.

- Madrid. *All.*

Sweden.

- Stockholm—Patent Office. *All.*

Switzerland.

- Berne—Bureau de la Propriété Intellectuelle. *Jour.*
 Bureau International pour la Protection de la Propriété Industrielle. *Abr., Jour.*
 Zurich—Federal Polytechnic School. *Abr.*

United States of America.

- Albany (N.Y.)—State Library. *All.*
 Baltimore (Md.)—Peabody Institute. *All.*
 Boston (Mass.)—American Academy of Arts and Sciences. *Abr.*
 Free Public Library. *All.*
 Chicago (Ill.)—Free Public Library. *All.*
 Cincinnati (Oh.)—Public Library. *All.*
 Crawfordsville (Ind.)—Wabash College. *Abr.*
 Denver (Col.)—State Library. *Jour.*
 Detroit (Mich.)—Public Library. *Abr., Jour.*
 Harrisburg (Penn.)—State Library of Pennsylvania. *Jour.*
 Ithaca (N.Y.)—Cornell University. *All.*
 Lansing (Mich.)—State Library. *Abr., Jour.*
 Madison (Wi.)—Historical Society. *All.*
 Milwaukee (Wi.)—Public Library. *Abr., Jour.*
 Newark (N.J.)—Free Public Library. *Abr., Jour.*
 New York—Astor Library. *All.*
 American Institute of Electrical Engineers. *Jour.*
 American Institute of Mining Engineers. *Abr., Jour.*
 American Society of Civil Engineers. *Abr., Jour.*
 New York—American Railway Association. *Jour.*
 "India Rubber World." *Jour.*
 Municipal Journal and Engineer. *Jour.*
 "Scientific American." *Jour.*
 Philadelphia (Penn.)—Engineers' Club, 1122, Girard Street. *Abr.*
 Franklin Institute. *All.*
 Law Association. *Abr.*
 Pittsburg (Penn.)—Carnegie Library. *All.*
 Engineer's Society of West Pennsylvania. *Jour.*
 Mercantile Library Association. *Abr.*
 St. Louis (Miss.)—Mercantile Library. *All.*
 St. Paul (Min.)—Minnesota Historical Society. *Abr.*
 San Francisco (Ca.)—Mechanics' Institute. *All.*
 Scranton (Penn.)—Young Men's Christian Association. *Abr.*
 Springfield (Mass.)—City Library Association. *Abr.*
 Terre Haute (Ind.)—Rose Polytechnic Institute. *Abr.*
 Urbana (Ill.)—University of Illinois. *Abr.*
 Washington (D.C.)—Patent Office. *All.*
 Smithsonian Institution. *Jour.*

APPENDIX.

NOTE ON DISCONFORMITY.

ALTHOUGH the decisions have gone on the grounds mentioned in the text, *ante*, pp. 64-71, yet under the Act of 1883 another consideration presents itself, namely, the position and interests of members of the public who discover the same additional invention and use it openly without applying for protection.

The monopoly now dates from the application, and nine months are allowed under the Act of 1883 (reduced to six under the Act of 1902) before the complete specification need be lodged. This enables the question of disconformity to be approached from another point of view. Members of the public who are possible rival inventors have an interest in an applicant not being granted a patent for anything he had not substantially invented at the date of his application. On the other hand, the public have a right to a full disclosure of all improved methods of carrying out the invention known to the inventor at the date of the complete specification.¹

The few months' interval between these times is the source of the difficulty; for an applicant may not have discovered the additional invention or development until, say, five months after his application; meanwhile a rival inventor may discover it, say, one month after the application made by the former inventor. Now, if the additional invention be such that the original applicant can include it in his specification, he can forestall another person who has in fact made the discovery or invention three months earlier. For illustration, suppose a similar case to the Cyanide Case (*ante*, pp. 68, 369), in which the state of public knowledge was such that another person might independently hit on the additional invention (the use of the dilute solution of cyanide), say, one month after the application and four months before the first applicant discovered it. If that other person does not disclose it the case is covered by the rule (*ante*, p. 49) that an inventor who keeps a discovery secret loses all the benefit of it as against a subsequent patentee; but if he give it to the public, and he and others use it commercially, it is hard on them to have to pay royalties to one who independently invents the improvement some months later, and includes it in his

¹ See *ante*, p. 72.

claims as a "fair development" of something described in his earlier provisional.

The interests of the public and rival inventors were recognized in the early case of *Crossley v. Beverley* (9 Ba. & Cr. 63), in which the rule of full disclosure was first laid down. Lord *Tenterden*, C.J. (at p. 64), said: "I am at a loss to know for what reason a patentee is allowed time to disclose his invention, unless it be for the purpose of enabling him to bring it to perfection. *If in the intermediate time another person were to discover the improvements for so much of the machine the patent would not be available.*" That case was decided in 1829, at a period when the conflict of interests here discussed could not have arisen, for until 1852 the monopoly only commenced from the sealing of the patent (*ante*, p. 53). From 1852 to 1883 it was in the discretion of the Law Officer to date the patent as of any date not earlier than the application, and not later than that of the actual sealing of the patent, and in that manner protection was afforded to the public.

Under the present Act the only apparent remedy is by opposition to the grant by a rival inventor who has himself invented the additional invention and applied for a patent for it;¹ but no opposition can be raised by another inventor who is actually first in point of time as regards the additional invention, uses it commercially and gives it to the public.

The conclusion to be drawn from the foregoing considerations is that it is in the public interest, since 1883, to apply more strictly against the patentee the rule as to disconformity, and in cases of doubt to require the additional matter to be cut out under sect. 9 of the Act of 1883 as not being "substantially the same" as that which is described in the provisional specification.

Under the third ground of opposition (*ante*, p. 152) the opponent must show not only that the alleged disconformity is something more than a fair development or improvement of what is outlined in the applicant's provisional specification, but that he also invented it and applied for protection after the original application and before the complete was lodged. In making such independent invention the opponent either (1) knew of or invented substantially something included in the applicant's provisional, or (2) arrived at his invention by paths of experiment and research other than those described in the applicant's provisional.

Consider the former case first. The opponent may have devised the same invention as the applicant, but before him, and neglected to apply for a patent so that the applicant secured priority; or he may, in fact, have devised the invention after the applicant and by reason of quicker working arrived at the addition constituting the alleged disconformity before the original applicant did. In either case he is simply a later inventor.

But the case assumes quite a different aspect if the opponent

¹ 51 & 52 Vict. c. 50, sect. 4, *ante*, pp. 152, 189.

can prove that he arrived at the invention alleged as constituting the disconformity by some course of research apart from that covered by the applicant's provisional specification. Such a case is clearly contemplated by the Act. The question at once arises whether this does not afford the inventor a guide by which the risk of disconformity may be avoided. Can it be said that an invention independently arrived at is not such a large step in advance as to constitute a further distinct invention?

Suppose the test be applied to cases of the class of *Nuttall v. Hargreaves* (*ante*, p. 334), and *Cera Light Co. v. Dobbie* (*ante*, p. 71), in which the novelty of the invention lay entirely in the additional matter. In such the test is obviously satisfied, for others, knowing of the anticipations, *could* have made the additional inventions as well as the patentees.

Another class of cases are those like *The Castner-Kellner Alkali Co. v. Commercial Development Corp.* (*ante*, p. 436), in which the provisional has a comparatively narrow ambit owing to the existence of other somewhat similar inventions. The method introduced there as a "modification," and constituting the disconformity might have been independently invented or developed from some of the similar inventions or methods known at the date of the application.

On the other hand, where, owing to the novel principle or arrangement employed, the provisional has a wider ambit, as in *Woodward v. Sansum* (*ante*, p. 300), in which the alleged disconformity consisted in alteration of the relative action of the parts, one cannot see how an independent inventor could devise the alleged disconform device without at the same time devising the arrangement shown in the provisional, or at least the principle of it.

In order to aid the inventor to decide whether to include a certain improvement or make it the subject of a separate application it may be useful to apply the test here suggested. If, considering the state of public knowledge at the date of the provisional, it be possible for one to devise or invent the additional invention without knowing of or inventing what is described in the provisional, it will be safer to make a separate application for the improvement.

This test appears to be satisfied in all the reported cases in the House of Lords and Court of Appeal with the following exceptions:—

In *Gaulard & Gibbs' Patent*, in the Court of Appeal, disconformity was found under circumstances (*ante*, p. 3) in which this test would fail; but the House of Lords did not approve of the finding on that issue.

In *Lane Fox v. Kensington, &c.* (*ante*, p. 349), the Court of Appeal followed their own decision in the case of *Gaulard & Gibbs' Patent*, but found the patent invalid on other grounds.

In *Cassel, &c. v. Cyanide* the Court of Appeal held the patent to be invalid on another ground, *viz.* want of novelty in another claim. *Ante*, p. 369.

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