

be gathered from the report of what was done by the late Master of the Rolls in *Vavasseur v. Krupp*.^(x) It is said that here the patentee whose patent is attacked comes within that principle. I cannot see it. No doubt it might be possible for the petitioner to proceed without the respondent being here. He is entitled to the opportunity of coming, and he need not come unless he desires to do so, but he is brought here by the petitioner. He is brought here to defend his rights. He makes no application to the Court whatever. He is in no sense an actor within the meaning of that word as used by the Court of Appeal, therefore it does not seem to me that there is any reason why he should give security for costs."

Appeal.—From the decision of the judge at the hearing an appeal lies to the Court of Appeal and to the House of Lords.^(y)

Fresh evidence will not be admitted on appeal, except with reluctance, and on good cause shewn.

In *Walker v. the Hydro-Carbon Syndicate*,^(z) it was alleged that the introduction of a prior specification at the trial had taken the petitioner by surprise, and leave was sought to admit fresh evidence on appeal. But it being shewn that the petitioner had been cross-examined upon this very specification in a proceeding prior to the trial leave was refused.

Cotton, L.J., said: "We are always very reluctant indeed to allow further parol evidence to be given on an appeal which was not given before the Court below; and here it appears that the plaintiff had this matter of *Wise's Patent* put before him, and said, I suppose, whatever he knew then with reference to *Wise's Patent*. I can see no reason why he should be allowed to give further evidence."

In the same case the petitioner applied for a postponement of the hearing of the appeal, on the ground of his absence in America, and that, being an engineer, it was of importance that he should be present at the hearing to instruct his counsel. The Court refused the application.

Patent assigned to Secretary of State for War.—To the general rule that all letters patent granted by the Crown to inventors are liable to be revoked on due cause shewn, the following exception has recently been created by Statute. Where an invention of an improvement in instruments or munitions of war has been assigned

(x) L. R. 9 C. D. 351.

6 R. P. C. 215; 7 R. P. C. 367.

(y) *Deeley v. Perkes*, 13 R. P. C. 581;

(z) 3 R. P. C. 254.

Goulard & Gibbs' Patent, 5 R. P. C. 525;

to the Secretary of State for the War Department, and such Secretary of State has certified 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, no proceeding by petition or otherwise will lie for the revocation of letters patent granted in respect thereof. (a)

(a) Patents Act, 1883, s. 44 (9).

CHAPTER XXV.

OFFENCES UNDER THE PATENTS ACTS.

Representing as Patented an Article for which no Patent has been Granted.—Section 105 of the Patents Act, 1883, provides as follows:—

“(1) Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, . . . shall be liable for every offence, on summary conviction, to a fine not exceeding five pounds. (a)

“(2) A person shall be deemed, for the purpose of this enactment, to represent that an article is patented . . . if he sells the article with the word ‘patent,’ ‘patented,’ or any word or words expressing or implying that a patent . . . has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.”

Seeing that to justify the use of the word “patent” or “patented” a patent must have been granted in respect of the article to which the word is applied, it is an offence to sell an article so marked when provisional protection only has been obtained by the inventor. (b)

It would also seem, from the language of the section, that it is an offence to use the word “patent” or “patented” in connection with an article for sale even after the complete specification has been accepted, so long as the patent is still unsealed. But Section 15 of the Patents Act, 1883, gives an applicant whose complete specification has been accepted all the privileges of a patentee, except as to proceedings against infringers; and in view of this section, the magistrate in *Reg. v. Townsend* (c) refused

(a) Section 112 (3) provides as to the Isle of Man: “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 may be 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.”

(b) *Reg. v. Wallis*, 3 R. P. O. 1; *Reg. v. Crampton*, 3 R. P. O. 367.

(c) 13 R. P. O. 265.

to convict an inventor who, after the acceptance of his complete specification, marked with the word "patent" goods made in accordance therewith.

What the position is, under this section, of a patentee whose patent has expired, is not very clear. It would seem that he commits no offence in continuing to use the word "patent;" and if he uses in conjunction with that word the date and number of his letters patent, his action would hardly be likely to deceive the public. (d) Under the Merchandise Marks Act, where the words are, "existing patent," it has been held not to be an offence to continue to use the word patent after the expiration of the patent term. (e).

In Trade Mark cases the use of the word "registered" when the only registration of the mark was a foreign registration, has been held to be an offence under Section 105 of the Patents Act, 1883, as amounting to a representation that the mark was registered in the United Kingdom. (f)

Falsifying the Register of Patents.—By Section 93 of the Patents Act, 1883, it is enacted as follows:—

"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 misdemeanour." (g)

Assumption and Use of the Royal Arms.—So, likewise, the assumption or use, by any person without authority, in connection with any trade, business, calling, or profession, of the Royal Arms, or Arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession, by or under the authority of the Queen, or of any of the Royal family, or of any Government Department, is also an offence under the Patents Act, 1883. (h)

(d) See *Ransome v. Graham*, 51 L. J. Ch. p. 903.

(e) *Gridley v. Swinborne*, 52 J. P. 791; 5 T. L. R. 71. As to the use of the words "Manufactured by Royal Letters Patent" in connection with a product which is not made by any patented process, but in the making of which patented machinery is employed, see *Cochrane v. Macnish*, [1896] A. C. 225.

(f) *Wright, Crossley & Co. v. Dobbin*

& Co., 15 R. P. C. 21; *McSymons v. Shuttleworth*, 15 R. P. C. 748.

(g) Punishment for a misdemeanour under the Patents Act, 1883, shall in the Isle of Man be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding £100, at the discretion of the Court. See Sect. 112 (2).

(h) Patents Act, 1883, s. 106.

Any person guilty of this offence is liable, on summary conviction, to a fine not exceeding twenty pounds. (i)

Unregistered Patent Agents.—The Patents Act, 1888, provides for the registration of patent agents, and under that Act no person is 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 in pursuance of the Act. (j).

Any person who knowingly describes himself as a patent agent, without being registered, is liable, on summary conviction, to a fine not exceeding twenty pounds. (k)

To convict of this offence it must be shewn that the person charged has expressly described himself as a patent agent. The use of the term "patent expert" by an unregistered person has been held not to amount to this offence. (l)

The circumstance that a patent agent has *bonâ fide* practised as such prior to the coming into operation of this section, does not exempt such agent from the necessity of registration. If he continues to describe himself as a patent agent, without having registered, he is guilty of an offence. (m)

But an agent practising *bonâ fide* prior to the passing of the Act is entitled to be registered. (n)

Under the Patent Agents' Rules, 1889, certain entrance and annual fees are payable by patent agents on registration. (o) These rules have statutory force, and any person who has not paid his annual registration fee ceases to be registered, and if he continues practising, is liable to be prosecuted under the above section. (p)

In Scotland, offences punishable summarily under the Patents Act, 1888, may be prosecuted in the Sheriff Court. (q)

(i) Patents Act, 1888, s. 106.

(j) Patents Act, 1888, s. 1 (1). The Rules as to Patent Agents will be found in Appendix II. post.

(k) Patents Act, 1888, s. 1 (4).

(l) *Graham v. Eli*, 15 R. P. C. 259.

(m) *Starey v. Graham*, [1899] 1 Q. B. 406; 68 L. J. Q. B. 257; 80 L. T. 185;

47 W. R. 392.

(n) Patents Act, 1888, s. 1 (3).

(o) See these Rules, in Appendix II. post.

(p) *Institute of Patent Agents v. Lockwood*, [1894] A. C. 327; 11 R. P. C. 374; 71 L. T. 205; 63 L. J. P. C. 74.

(q) Patents Act, 1888, s. 108.

CHAPTER XXVI.

INTERNATIONAL PROTECTION OF INVENTIONS.

International Convention.—Section 103 of the Patents Act, 1883 (amended by Section 6 of the Patents Act, 1885), empowers her Majesty to enter into arrangements with the governments of foreign states for the mutual protection of inventions. Where this is done any person who has applied for protection in the foreign state obtains, if he applies for a patent in England within seven months from the date of such foreign protection, a priority over other applicants, so that his English patent is ante-dated to the date of the application in the foreign state. A foreign patentee who obtains the advantage of this priority is not, however, permitted to recover damages in respect of any infringement of his patent committed in this country, prior to the actual date of the acceptance of his complete specification.

The provisions of Section 103, however, are only operative in respect of those foreign states to which the Queen by Order in Council makes them applicable, and only so long as such order continues in force.

This section was enacted with the object of enabling the English government to take advantage of the International agreement for the protection of industrial property signed at Paris on the 20th of March, 1883. (a)

Her Majesty's Government acceded to this convention on behalf of the United Kingdom on the 17th of March, 1884, (b) and such accession was duly accepted on the 2nd of April, 1884.

By Order in Council dated the 7th of July, 1884, the provisions of Section 103 of the Patents Act, 1883, were made applicable to

(a) See *Carter Medicine Co.'s Trade Mark*, 9 R. P. C. p. 403. The original parties to this agreement were Belgium, Brazil, Spain, France, Guatemala, Italy, Holland, Portugal, Salvador, Servia, and Switzerland.

(b) The right of her Majesty to accede subsequently on notice given, on behalf of the Isle of Man, Channel Islands, and any other of her Majesty's possessions being reserved. See Appendix III. post.

the countries at that time parties to the Industrial Union established by the Convention. (c)

Under the Convention the subjects of the respective states which are parties thereto (which states form collectively an International Union for the Protection of Industrial Property) enjoy in each state the same advantages as regards patents for inventions as the subjects of that state themselves enjoy under its laws. (d)

Any person who has applied for a patent in any one of the states of the Union becomes entitled to a right of priority in respect of the same invention in the other continental states of the Union during a period of six months and in states of the Union beyond sea during seven months. (e)

The protection thus afforded enables the patentee to introduce and work his patented invention in any one of the states of the Union during the prescribed period without depriving himself thereby of the right to subsequently take out a patent in such state for that invention. (f) But the foreign inventor who so introduces his invention is bound to work it in accordance with the laws of the country into which it is introduced. (g)

The Convention also provides for the temporary protection of patentable inventions shewn at International Exhibitions. (h)

In the Convention the word "patents" comprises the various kinds of industrial patents recognized by the legislature of each of the contracting states. (i)

Protection of Colonial Inventions.—Letters Patent for the United Kingdom do not give protection beyond the limits of the United Kingdom; her Majesty's Colonial possessions are therefore, so far as regards English patent law, virtually in the position of foreign countries. Hence, provision has been made under the Patents Act, 1883, for the establishment between them and the United Kingdom of the same system of mutual protection in respect of inventions

(c) These included Ecuador and Tunis in addition to those above mentioned as original parties. Other Orders in Council have since extended the application of the section to other states. See post, Appendix III.

(d) Article II.

(e) Article IV.

(f) Hence s. 103 of the Patents Act, 1883, provides that the publication or use of the invention in the United Kingdom or the Isle of Man during the seven

months of protection allowed by that section shall not invalidate the subsequent letters patent granted thereunder.

(g) Article V.

(h) Article XI.

(i) See Final Protocol, Appendix III. post. The Convention also provides for periodical conferences to revise and perfect the Union system; and for the establishment of an International office and staff in Switzerland.

as may exist under the International Convention between the mother country and foreign states.

By Section 104 it is enacted that 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 patented in the United Kingdom, it shall be lawful for her Majesty from time to time, by Order in Council, to apply the provisions of Section 103 of the Patents Act, 1883, with such variations or additions as to her Majesty in Council may seem fit, to such British possession. Such order when made takes effect as if it were a part of the Act, but may be revoked by the Queen in Council.

Thus, the procedure described hereafter as applicable to the case of a foreign inventor who is entitled to apply for an English patent under Section 103 applies equally to a Colonial inventor who resides in any British possession to which the Queen by Order in Council has extended the application of that section.

Foreign Applications—How Made.—A foreign inventor who has applied for protection of his invention in one of the states of the International Union created under the Convention, must, if he desires to enjoy in the United Kingdom the special protection and priority afforded by the provisions of Section 103, apply for his English letters patent under that section, otherwise he will lose the benefit of that seven months' protection which the section affords, and will not be entitled to have his grant antedated to the date of his foreign application. (*j*)

Applications under this section are governed by special provisions contained in the Patents Rules, 1890, under the heading, "International and Colonial Arrangements." These, so far as they vary the practice on ordinary applications, (*k*) will now be detailed.

Every application for letters patent under Section 103 must contain a declaration as to the making of the foreign application, and specify the foreign states or British possessions in which foreign applications have been made, and the official date or dates thereof respectively. (*l*)

The application must be made within seven months from the date of the first foreign application, (*m*) and must be signed by

(*j*) See *British Training Co. v. Groth*, 8 R. P. C. 122.

(*k*) See ante, p. 280, chap. xiv.

(*l*) P. R. rule 25.

(*m*) Where a foreign applicant had

abandoned his original application in the foreign country, and subsequently obtained protection there on a renewed application, Webster, A.G., held that the period of seven months ran from the date of such

the person or persons by whom such foreign application was made. (*n*)

If such person, or any of such persons, be dead, it must be signed by the legal personal representative of such dead person, as well as by the other applicants, if any. (*o*)

A foreign corporation may apply under Section 103. Indeed, if the foreign patent has been taken out by a corporation, such corporation is the only possible applicant, for the application must be made by the foreign patentee, and cannot be made by an agent. (*p*)

The application must be made on Form A² in the second schedule to the Patents Rules, 1890. (*q*)

In addition to the specification, provisional or complete, the applicant must also leave at the Patent Office: (1) a copy or copies of the specification and drawings, or documents corresponding thereto, filed or deposited by the applicant in the Patent Office of the foreign state or British possession in respect of the first foreign application, duly certified by the official chief or head of the Patent Office of such foreign state or British possession, or otherwise verified to the satisfaction of the Comptroller; (2) a statutory declaration as to the identity of the invention in respect of which the first foreign application was made, and if the specification or document corresponding thereto be in a foreign language, a translation thereof must be annexed to and verified by such declaration. (*r*)

The comptroller, on receipt of the application and the prescribed documents, is required to make an entry of the applications in both countries, and of their respective official dates. (*s*) Thereafter, all further proceedings in connection with the application must be taken within the times and in the manner prescribed by the Acts or Rules for ordinary applications. (*t*)

The patent is entered in the Register of Patents as dated of the date on which the first foreign application was made, and the payment of renewal fees and the expiration of the patent are reckoned as from the date of the first foreign application. (*u*)

renewed application, on its being shewn that the prior application had been entirely abortive: *Van de Poele's Patent*, 7 R. P. C. 69.

(*n*) *Ibid.*

(*o*) *Ibid.*

(*p*) *Qurez's Application*, 6 R. P. C. 552; *Shallenberger's Application*, 6 R. P. C.

550.

(*q*) P. R. rule 26.

(*r*) P. R. rule 26.

(*s*) P. R. rule 27.

(*t*) P. R. rule 28; Patents Act, 1888, s. 103 (3).

(*u*) P. R. rule 29.

Privileges conferred by Section 103 those of Priority only.—While enabling the Crown to accede to the International Convention, Section 103 of the Patents Act, 1883, gives the foreign inventor a right of priority only in the date of his letters patent: it does not enable a foreigner to patent any invention in the United Kingdom which is not good subject-matter according to English law. (v)

Nor does the circumstance that the patent granted to the foreigner under the section has been ante-dated entitle such foreigner to oppose an English applicant on the ground that the invention has been patented by the opponent on an application of prior date, when an ordinary applicant would not have such *locus standi*. For the right to oppose in such case depends on the priority of the application, not of the grant, and the ante-dating of the grant under the section does not also ante-date the application of the foreign patentee.

Thus, in *Everitt's Patent*, (w) foreign patentees who applied on the 8th of October, 1886, and obtained a grant ante-dated to the 18th of August, 1886, were held to have no *locus standi* in the case of an application dated the 20th of August, 1886, to oppose on the ground that the invention had been patented on an application of prior date.

The mere circumstance that the state of which the foreign applicant is a citizen only acceded to the Convention at a date later than the date of the applicant's foreign patent, will not deprive such applicant of his right to have his English patent ante-dated, provided an Order in Council has applied Section 103 to that state prior to his application in England. (x) This of course, assumes that the English application is made within the prescribed seven months.

No Jurisdiction to Impose Terms.—The Comptroller-General and the Law Officer have no jurisdiction to impose terms upon an applicant under Section 103. Provided he is qualified to apply under the section, he is entitled to have his letters patent ante-dated, no matter how third parties may be affected thereby. (y)

As a patent under Section 103 can only be granted to the

(v) *Carter Medicine Co.'s Trade Mark*, 9 R. P. C. 401.

(w) Griff. A. P. C. 28. See, also, *L'Oiseau & Pierrard's Application*, Griff. A. P. C. 36.

(x) *Main's Patent*, 7 R. P. C. 13.

(y) *L'Oiseau & Pierrard*, Griff. A. P. C. 36; *Main's Patent*, 7 R. P. C. p. 15 *Quære*, whether terms might be imposed where the foreign applicant had been guilty of bad faith (per Webster, A.G.).

person who has obtained protection abroad, the priority given by this section has no application to an applicant who seeks letters patent for an invention communicated from abroad, the object of the section being to encourage foreign inventors to themselves apply for protection, and work their inventions, in the United Kingdom. (z)

(z) *Shallenberger's Application*, 6 R. P. C. 550.

APPENDICES.

APPENDIX I.

STATUTES RELATING TO LETTERS PATENT FOR INVENTIONS.

THE STATUTE OF MONOPOLIES, 1623.

(21 JAC. I. c. 3.)

*An Act concerning Monopolies and Dispensations with Penal
Laws and the Forfeitures thereof. (a)*

“FORASMUCH as your most excellent Majesty, in your royal judgment, and of your blessed disposition to the weal and quiet of your subjects, did, in the year of our Lord God one thousand six hundred and ten, publish in print to the whole realm, and to all posterity, that all grants of monopolies and of the benefit of any penal laws or of power to dispense with the law or to compound for the forfeiture are contrary to your Majesty’s laws, which your Majesty’s declaration is truly consonant and agreeable to the ancient and fundamental laws of this your realm : And whereas your Majesty was further graciously pleased expressly to command that no suitor should presume to move your Majesty for matters of that nature ; yet nevertheless upon misinformations and untrue pretences of public good, many such grants have been unduly obtained, and unlawfully put in execution, to the great grievance and inconvenience of your Majesty’s subjects, contrary to the laws of this your realm, and contrary to your Majesty’s most royal and blessed intention so

The king’s declaration against monopolies and grants of penalties and dispensations.

(a) The side notes for this Statute are those given in the edition of the Statutes of the Realm, printed by com-

mand of George III. in 1819. The spelling in the text has been modernized.

Sect. 1. published as aforesaid." For avoiding whereof, and preventing of the like in time to come, may it please your most excellent Majesty, at the humble suit of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, that it may be declared and enacted, and be it declared and enacted, by authority of this present Parliament, that all monopolies and all commissions, grants, licenses, charters, and letters patent heretofore made or granted, or hereafter to be made or granted, to any person or persons, bodies politic or corporate whatsoever, of or for the sole buying, selling, making, working, or using of anything within this realm or the dominion of Wales, or of any other monopolies, or of power, liberty, or faculty to dispense with any others, or to give license or toleration to do, use, or exercise, any thing against the tenor or purport of any law or Statute, or to give or make any warrant for any such dispensation, license, or toleration to be had or made; or to agree or compound with any others for any penalty or forfeiture limited by any Statute; or of any grant or promise of the benefit, profit, or commodity of any forfeiture, penalty, or sum of money, that is or shall be due by any Statute, before judgment thereupon had; and all proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things whatsoever any way tending to the instituting, erecting, strengthening, furthering, or countenancing of the same, or any of them, are altogether contrary to the laws of this realm, and so are and shall be utterly void and of none effect, and in nowise to be put in use or execution.

All monopolies and grants, etc., thereof, or of dispensations and penalties declared void.

Validity of all monopolies and of all such grants, etc., shall be tried by the common law.

2. And be it further declared and enacted by the authority aforesaid, that all monopolies, and all such commissions, grants, licenses, charters, letters patent, proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things tending as aforesaid, and the force and validity of them and of every of them, ought to be and shall be for ever hereafter examined, heard, tried, and determined, by and according to the common laws of this realm, and not otherwise.

All persons disabled to use such grants, monopolies, etc.

3. And be it further enacted by the authority aforesaid, that all person and persons, bodies politic and corporate whatsoever, which now are or hereafter shall be, shall stand and be disabled and incapable to have, use, exercise, or put in use any monopoly, or any such commission, grant, license, charter, letters patent, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, or any

liberty, power or faculty, grounded or pretended to be grounded upon them or any of them. Sect. 3.

4. And be it further enacted by the authority aforesaid, that if any person or persons, at any time after the end of forty days next after the end of this present session of Parliament, shall be hindered, grieved, disturbed, or disquieted, or his or their goods or chattels any way seized, attached, distrained, taken, carried away, or detained, by occasion or pretext of any monopoly, or of any such commission, grant, license, power, liberty, faculty, letters patent, proclamation, inhibition, restraint, warrant of assistance or other matter or thing tending as aforesaid, and will sue to be relieved in or for any of the premises; that then, and in every such case, the same person and persons shall and may have his and their remedy for the same at the common law, by any action or actions, to be grounded upon this Statute; the same action and actions to be heard and determined in the Courts of King's Bench, Common Pleas, and Exchequer, or in any of them, against him or them, by whom he or they shall be so hindered, grieved, disturbed, or disquieted, or against him or them by whom his or their goods or chattels shall be so seized, attached, distrained, taken, carried away, or detained; wherein all and every such person and persons, which shall be so hindered, grieved, disturbed, or disquieted, or whose goods or chattels shall be so seized, attached, distrained, taken, carried away, or detained, shall recover three times so much as the damages which he or they sustained by means or occasion of being so hindered, grieved, disturbed, or disquieted, or by means of having his or their goods or chattels seized, attached, distrained, taken, carried away, or detained, and double costs; and in such suits, or for the staying or delaying thereof, no essoin, protection, wager of law, aid-prayer, privilege, injunction, or order of restraint, shall be in any wise prayed, granted, admitted, or allowed, nor any more than one imparlance: And if any person or persons shall, after notice given, that the action depending is grounded upon this Statute, cause or procure any action at the common law, grounded upon this Statute, to be stayed or delayed before judgment, by colour or means of any order, warrant, power or authority, save only of the Court wherein such actions as aforesaid shall be brought and depending, or after judgment had upon such action, shall cause or procure the execution of or upon any such judgment to be stayed or delayed by colour or means of any order, warrant, power,

Party aggrieved by any monopoly or grant, etc., shall recover treble damages by action in the superior Courts with double costs.

Penalty on unduly delaying any such action, etc., praemunire under St. 16 Ric. II. c. 5.

Sect. 4.

or authority, save only by writ of error or attain; that then the said person and persons so offending shall incur and sustain the pains, penalties, and forfeitures ordained and provided by the Statute of provision and præmunire made in the sixteenth year of the reign of King Richard the Second.

Proviso for existing letters patent for twenty-one years or less for new inventions.

5. *Provided nevertheless, and be it declared and enacted, that any declaration before mentioned shall not extend to any letters patent and grants of privilege for the term of one and twenty years or under, heretofore made, of the sole working or making of any manner of new manufacture within this realm, to the first and true inventor or inventors of such manufactures, which others at the time of the making of such letters patent and grants did not use, so they be not contrary to the law nor mischievous to the State, by raising of the prices of commodities at home, or hurt of trade, or generally inconvenient, but that the same shall be of such force as they were or should be if this Act had not been made, and of none other: and if the same were made for more than one and twenty years, that then the same, for the term of one and twenty years only, to be accounted from the date of the first letters patent and grants thereof made, shall be of such force as they were or should have been if the same had been made but for the term of one and twenty years only, and as if this Act had never been had or made, and of none other. (b)*

Proviso for future patents for fourteen years or less, for new inventions.

6. Provided also, and be it declared and enacted, that any declaration before mentioned shall not extend to any letters patent and grants of privilege for the term of fourteen years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within this realm to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patent and grants shall not use, so as also they be not contrary to the law nor mischievous to the State by raising prices of commodities at home, or hurt of trade, or generally inconvenient: The said fourteen years to be accomplished from the date of the first letters patent or grants of such privilege hereafter to be made, but that the same shall be of such force as they should be if this Act had never been made, and of none other.

Proviso for existing grants by Act of Parliament.

7. Provided also, and it is hereby further intended, declared, and enacted by authority aforesaid, that this Act, or any thing therein contained, shall not in any wise extend or be prejudicial to any grant, or privilege, power, or authority whatsoever,

(b) Repealed by S. L. R. Act, 1863 (26 & 27 Vict. c. 125).

heretofore made granted, allowed or confirmed by any Act of Parliament now in force, so long as the same shall so continue in force. Sect. 7.

8. Provided also, that this Act shall not extend to any warrant or privy seal, made or directed or to be made or directed by his Majesty, his heirs or successors, to the justices of the Courts of the King's Bench or Common Pleas, and barons of the Exchequer, justices of assize, justices of oyer and terminer and gaol-delivery, justices of the peace, and other justices for the time being, having power to hear and determine offences done against any penal statute to compound for the forfeitures of any penal statute depending in suit and question before them, or any of them respectively, after plea pleaded by the party defendant. Proviso for warrants to justices to compound penalties.

9. Provided also, and it is hereby further intended, declared, and enacted, that this Act, or any thing therein contained, shall not in any wise extend or be prejudicial unto the city of London, or to any city, borough, or town corporate within this realm, for or concerning any grants, charters, or letters patent, to them or any of them, made or granted or for or concerning any custom or customs used by or within them or any of them; or unto any corporation, companies, or fellowships of any art, trade, occupation, or mystery, or to any companies or societies of merchants within this realm, erected for the maintenance, enlargement, or ordering of any trade of merchandise; but that the same charters, customs, corporations, companies, fellowships, and societies, and their liberties, privileges, powers, and immunities, shall be and continue of such force and effect as they were before the making of this Act, and of none other; any thing before in this Act contained to the contrary in any wise notwithstanding. Proviso for charters of London and other corporations.

10. *Provided also, and be it enacted, that this Act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before mentioned, shall not extend to any letters patent or grants of privilege heretofore made, or hereafter to be made, of, for or concerning printing, nor to any commission, grant, or letters patent heretofore made or hereafter to be made of, for, or concerning the digging, making, or compounding of saltpetre, or gunpowder, or the casting or making of ordnance, or shot for ordnance, nor to any grant or letters patent heretofore made, or hereafter to be made, of any office or offices heretofore erected, made, or ordained and now in being, and put in execution, other than such offices as have* Proviso for patents concerning printing, salt-petre, gunpowder, ordnance, etc., and grants of offices.

Sect. 10. *been decried by any his Majesty's proclamation or proclamations: but that all and every the same grants, commissions, and letters patent, and all other matters and things tending to the maintaining, strengthening, and furtherance of the same, or any of them, shall be and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this Act had never been had nor made, and not otherwise. (c)*

Proviso for patents, etc., concerning alum-mines.

11. *Provided also, and be it enacted, that this Act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before mentioned, shall not extend to any commission, grant, letters patent, or privilege heretofore made, or hereafter to be made, of, for, or concerning the digging, compounding, or making of alum, or alum-mines: but that all and every the same commissions, grants, letters patents, and privileges, shall be and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if the Act had never been had nor made, and not otherwise. (d)*

Proviso for customs, etc., of hoast-men of Newcastle as to coals.

12. *Provided also, and be it enacted, that this Act, or any declaration, provision, penalty, forfeiture, or other thing before mentioned, shall not extend or be prejudicial to any use, custom, prescription, franchise, freedom, jurisdiction, immunity, liberty, or privilege, heretofore claimed, used, or enjoyed by the governors and stewards and brethren of the fellowship of the hoast-men of the town of Newcastle-upon-Tyne, or by the ancient fellowship, guild, or fraternity, commonly called hoast-men, for or concerning the selling, carrying, lading, disposing, shipping, venting, or trading of or for any sea coals, stone coals, or pit coals, forth or out of the haven or river of Tyne, or to any grant made by the said governor and stewards and brethren of the fellowship of the said hoast-men to the late Queen Elizabeth, of any duty or sum of money to be paid for, or in respect of, any such coals as aforesaid: nor to any grants, letters patent, or commission, heretofore granted, or hereafter to be granted, of, for, or concerning the licensing of the keeping of any tavern or taverns; or selling, uttering, or retailing of wines to be drunk or spent in the mansion-house, or houses, or other place in the tenure or occupation of the party or parties so selling or uttering the same; or for or concerning the making of any compositions for such licenses, so as the benefit of such compositions be reserved and applied to and for the use of his Majesty, his heirs or successors, and not to the private use of any person or persons. (e)*

Licenses for taverns, etc.

13. Provided also, and be it enacted, that this Act, or any declaration, provision, penalty, forfeiture, or other thing, before mentioned, shall not extend or be prejudicial to a grant or privilege for or concerning the making of glass, by his Majesty's letters patent under the Great Seal of England, bearing date the two-and-twentieth day of May, in the one-and-twentieth year of his Majesty's reign of England, made and granted to Sir Robert Mansell, Knight, Vice-Admiral of England: nor to a grant or letters patent, bearing date the twelfth of June, in the thirteenth year of his Majesty's reign of England, made to James Maxwell, Esquire, concerning the transportation of calves' skins: but that the said several letters patent last mentioned, shall be and remain of the like force and effect, and as free from the declarations, provisions, penalties, and forfeitures before mentioned, as if this Act had never been had nor made, and not otherwise.

Sect. 13.

Proviso for grants for glass making.

Exportation of calves' skins.

14. Provided also, and be it declared and enacted, that this Act, or any declaration, provision, penalty, forfeiture, or other thing before mentioned, shall not extend or be prejudicial to a grant or privilege for or concerning the making of smalt, by his Majesty's letters patent under the Great Seal of England, bearing date the sixteenth day of February, in the sixteenth year of his Majesty's reign of England, made or granted to Abraham Baker; nor to a grant or privilege for or concerning the melting of iron ewer, and of making the same into cast-works or bars with sea coals or pit coals, by his Majesty's letters patent, under the Great Seal of England, bearing date the twentieth day of February, in the nineteenth year of his Majesty's reign of England, made or granted to Edward Lord Dudley; but that the same several letters patent and grants shall be and remain of the like force and effect, and as free from the declarations, provisions, penalties, and forfeitures before mentioned, as if this Act had never been had nor made, and not otherwise.

Proviso for grants for making smalt.

Melting iron ore.

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

46 AND 47 VICT. c. 57.

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

[25th August, 1883.]

BE IT ENACTED, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: (a)

PART I.

PRELIMINARY.

Short title.

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

Division of Act into parts.

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

Part I.—PRELIMINARY.

II.—PATENTS.

III.—DESIGNS.

IV.—TRADE MARKS.

V.—GENERAL.

Commence-
ment of Act.

3. This Act, except where it is otherwise expressed, shall commence from and immediately after the thirty-first day of December, one thousand eight hundred and eighty-three.

(a) The provisions of the Amending Patents Acts (1885-1888), so far as they relate to letters patent for inventions,

are here incorporated with this, the principal Act; and distinguished by the use of heavier type.

PART II.

Sect. 4.

PATENTS.

Application for and Grant of Patent.

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

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

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. (b)

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. Application and specification.

(2) An application must contain a declaration 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 desires or desire to obtain a patent; and must be accompanied by either a provisional or complete specification.

The declaration may be either a statutory declaration under the Statutory Declarations Act, 1835, or not, as may be from time to time prescribed. (c)

(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, if required.

The requirement of this sub-section 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. The same drawings may accompany both specifications.
And no patent heretofore sealed shall be invalid by reason only

(b) This further provision was enacted by the Patent Act, 1885, s. 5, which see, post.

(c) Added by the Patent Act, 1885, s. 2.

Sect. 5. that the complete specification was not accompanied by drawings, but referred to those which accompanied the provisional specification. (d)

(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.

Reference of application to examiner.

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

Power for comptroller to refuse application or require amendment.

[7. (1) *If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings has not or have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the comptroller may require that the application, specification, or drawings be amended before he proceeds with the application.*

(2) *Where the comptroller 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 has been made, but before a patent has been sealed, an application is made accompanied by a specification bearing the same or a similar title, it shall be the duty of the examiner to report to the comptroller whether the specification appears to him to comprise the same invention; and, if he reports in the affirmative, the comptroller shall give notice to the applicants that he has so reported.*

(6) *Where the examiner reports in the affirmative, the comptroller may determine, subject to an appeal to the law officer, whether the invention comprised in both applications is the same, and if so he may refuse to seal a patent on the application of the second applicant.] (e)*

Power of comptroller to refuse application or require amendment.

“7. (1) *If the examiner reports that the nature of the invention*

(d) Added by the Patents Act, 1886, s. 6.

(e) Repealed Patents Act, 1888, ss. 2, 27.

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.

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

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

“(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.” (*f*)

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

(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 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. Comparison of provisional and complete specification.

(2) If the examiner reports that the conditions hereinbefore contained have not been complied with, the comptroller may

(*f*) This section was substituted for the above original section 7, by the Patents Act, 1888, s. 2. the comptroller for a period not exceeding one month: see Patent Act, 1885, s. 3, and s. 12, infra.

(*g*) This time may be extended by

Sect. 9. 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 months 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. (*h*)

(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 [*other than an appeal to the law officer under this Act*], 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. (*hh*)

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.

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 patented in this country on an application of prior date [*or on the ground of an examiner having reported to the comptroller that the specification appears to him to comprise the same invention as is comprised in a specification bearing the same or a similar title, and accompanying a previous application*], 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

(*h*) The time for accepting a complete specification may be extended for a period not exceeding three months:

see Patent Act, 1885, ss. 3 and 12.

(*hh*) Words in italics repealed, the Patents Act, 1888, s. 3.

between the leaving of the provisional specification and the leaving of the complete specification, but on no other ground. (*i*) Sect. 11.

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

A complete specification may be left and accepted within such extended times, not exceeding one month and three months respectively after the said nine and twelve months respectively, as the comptroller may on payment of the prescribed fee allow, and where such extension of time has been allowed, a further extension of four months after the said fifteen months shall be allowed for the sealing of the patent; Extension of time for leaving and accepting complete specification and sealing.

(*i*) The words in italics were repealed, and the words in the heavier type, enacted in lieu of them, by the Patents Act, 1888, s. 4.

Sect. 12. and the principal Act shall have effect as if any time so allowed were added to the said periods specified in the principal Act. (*j*)

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.

Specifications, etc., not to be published unless application accepted.

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. (*k*)

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

(*j*) Enacted by the Patent Act, 1885, s. 3.

(*k*) Enacted by the Patent Act, 1885, s. 4.

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 specifica-
tion.

(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

Sect. 18. subject to what conditions, if any, the amendment ought to be allowed.

(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) [*The foregoing provisions of this section do not apply when, and so long as any action for infringement or other legal proceeding in relation to a patent is pending.*]

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

Power to disclaim part of invention, during action, etc.

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 meantime 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

(l) The words in heavier type were substituted for those in italics, by the Patents Act, 1888, s. 5.

original claim was framed in good faith and with reasonable skill and knowledge. Sect. 20.

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

Compulsory Licenses.

22. If on the petition of any person interested it is proved to the Board of Trade that by reason of the default of a patentee to grant licenses on reasonable terms— Power for Board to order grant of licenses.

(a) The patent is not being worked in the United Kingdom, or

(b) The reasonable requirements of the public with respect to the invention cannot be supplied, or

(c) Any person is prevented from working or using to the best advantage an invention of which he is possessed, the Board may order the patentee to grant licenses on such terms as to the amount of royalties, security for payment or otherwise, as the Board, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may be enforced by mandamus.

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 Fees in schedule.

Sect. 24. 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.

(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.

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

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 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 enforce- Sect. 25.
 able as if they were orders of a division of the High Court of
 Justice.

Revocation.

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

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

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

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

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

(b) Any person 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,

Sect. 26. 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.

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. Sect. 29.

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

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

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

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

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, etc., 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 or judgment in his favour shall have his full costs, charges, and expenses, as between solicitor and client, unless the Court or judge trying the action certifies that he ought not to have the same. Certificate of validity questioned and costs thereon.

32. Where any person claiming to be the patentee of an invention, by circulars, and 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 Remedy in case of groundless threats of legal proceedings.

Sect. 32. thereby, if the alleged manufacture, use, sale, or purchase, to which the threats related, was not in fact an infringement of any legal rights of the person making such threats: Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

Miscellaneous.

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 destruction 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. Sect. 38.

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

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

(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.

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. (*m*)

Protection of patents and designs exhibited at international exhibitions.

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.

Publication of illustrated journal, indexes, etc.

(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.

(*m*) The words in heavier type were enacted by the Patents Acts, 1886, s 3, in order to extend this section to industrial and international exhibitions held out of the United Kingdom: see that Act, *infra*.

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

Patent
museum.

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

Power to re-
quire models
on payment.

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

Foreign
vessels in
British
waters.

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

Assignment
to Secretary
for War of
certain
inventions.

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.

(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 such invention and patent as aforesaid.

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

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

Existing Patents.

Provisions
respecting
existing
patents.

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

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

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

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

Definitions.

Sect. 46.

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 :

Definitions
of patent,
patentee, and
invention.

“ 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.”

PART V. (n)

GENERAL.

Patent Office and Proceedings thereat.

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

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

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

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

83. (1) The Board of Trade may at any time after the

Officers and
Clerks.

(n) Part III. (Secs. 47-61) and Part IV. (Secs. 62-81), which relate respectively to designs and trade marks, are here omitted.

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

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

Seal of patent office.

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

Trust not to be entered in registers.

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

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

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

Entry of assignments and transmissions in registers.

87. 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 (o) or *y* 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 (p) such regulations as may be prescribed; and certified copies, sealed with the seal of the

(o) Added to this section by the Patents Act, 1888, s. 21.

(p) Added to this section by the Patents Act, 1888, s. 22.

Patent Office, of any entry in any such register shall be given to any person requiring the same, on payment of the prescribed fee. Sect. 88.

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

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

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

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

91. The comptroller may, on request in writing accompanied by the prescribed fee— Power for comptroller to correct clerical errors.

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

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

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 misdemeanour. Falsification of entries in registers.

(*q*) Added to this section by the Patents Act, 1888, s. 23. (added by the Patents Act, 1888, s. 24) and s. 92 are omitted here as only having

(*r*) Sub-section (*c*) and sub-section (*d*) reference to trade marks and designs.

Sect. 94.

Exercise of
discretionary
power by
comptroller.

94. Where any discretionary power is by this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, 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 direc-
tions of law
officers.

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

Certificate of
comptroller to
be evidence.

96. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorized by this Act, or any general rules made thereunder, to make or do, shall be *primâ 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
leaving docu-
ments 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, etc.

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 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. Sect. 99.

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 specifications, etc.

101. (1) The Board of Trade may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act— Power for Board of Trade to make general rules for classifying goods and regulating business of Patent Office.

- (a) For regulating the practice of registration under this Act;
- (b) For classifying goods for the purposes of designs and trade marks;
- (c) For making or requiring duplicates of specifications, 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,

Sect. 101.

to patentees and to public authorities, bodies, and institutions at home and abroad ;

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

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

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

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

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

Annual reports of comptroller.

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

Proceedings of Board of Trade.

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

(2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorized in that behalf by the President of the Board, shall be

received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown. Sect. 102.

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

International and Colonial Arrangements.

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

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

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

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

(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this

(s) This section was added to the Act by the Patents Act, 1888, s. 25. this Act for the words in italics by the Patents Act, 1885, s. 6.

(t) These words were substituted in

Sect. 103. section, must be made in the same manner as an ordinary application under this Act: Provided that, in the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Act.

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

Provision for
Colonies and
India.

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 purpose 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.

Penalty on
unauthorized
assumption of
Royal arms.

106. Any person who, without the authority of her Majesty, or any of the Royal family, or of any government department, assumes or uses in connexion with any trade, business, calling,

or profession, the Royal arms, or arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority as aforesaid, shall be liable on summary conviction to a fine not exceeding twenty pounds. Sect. 106.

Scotland, Ireland, etc.

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

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

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

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

Sect. 111. mean the High Court of Justice in Ireland and her Majesty's Court of Appeal in Ireland.

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

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

Isle of Man.

(1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man, in proceedings for infringement or in any action or proceeding respecting a patent, design, or trade mark competent to those Courts.

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

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

Repeal, Transitional Provisions, Savings.

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

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

(a) Affect the past operation of any of those enactments, or any patent 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. (u) Sect. 113.

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

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

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

(u) Referring to the present Statute, the Patents Act, 1888 (s. 27), enacts that 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. The Patents Act, 1888, came into operation on the 1st of January, 1889 (see s. 28).

Sect. 117. "Comptroller" means the Comptroller-General of Patents, Designs, and Trade Marks:

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

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

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

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

THE FIRST SCHEDULE.

FORMS OF APPLICATION, ETC.

- Form A. (Form of Application for Patent). (*v*)
- Form B. (Form of Provisional Specification). (*w*)
- Form C. (Form of Complete Specification). (*x*)

FORM D.

Form of Patent.

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

(*v*) This form is now replaced by those provided by the Patent Rules, 1890. See post, pp. 655 and 667-672.

(*w*) Ibid. See post, p. 673

(*x*) Ibid. See post, p. 674.

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

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

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

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

Know ye, therefore, that We, of our especial grace, certain knowledge, and mere motion, do by these presents, for us, our heirs and successors, give and grant unto the said patentee our 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

(y) A simple declaration is all that is now required in practice of an applicant for Letters Patent: see Patents

Act, 1885, s. 2, and the Official Forms annexed to the Patent Rules, 1890, Appendix II. pp. 667-672 post.

THE SECOND SCHEDULE.

Schedule:
Repeals.

This schedule contained a scale of patent fees, 'but is omitted here, as it is now superseded by the schedule annexed to the Patents Rules, 1892. See post, pp. 699, 700.

THE THIRD SCHEDULE.

Enactments Repealed.

21 James I. c. 3 [1623.]	The Statute of Monopolies. In part; namely— Sections 10, 11, & 12.
5 & 6 Will. IV. c. 62... [1835.]	The Statutory Declarations Act, 1835. In part; namely— Section 11.
5 & 6 Will. IV. c. 83... [1835.]	An Act to amend the law touching Letters Patent for Inventions.
2 & 3 Vict. c. 67 [1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William IV., intituled, "An Act to Amend the Law touching Letters Patent for Inventions."
5 & 6 Vict. c. 100 [1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vict. c. 65 [1843.]	An Act to amend the laws relating to the copyright of designs.
7 & 8 Vict. c. 69 (z) ... [1844.]	An Act for amending an Act passed in the fourth year of the reign of his late Majesty, intituled, "An Act for the Better Administration of Justice in his Majesty's Privy Council, and to extend its Jurisdiction and Powers." In part; namely— Sections 2 to 5, both included.
13 & 14 Vict. c. 104... [1850.]	An Act to extend and amend the Acts relating to the copyright of designs.
15 & 16 Vict. c. 83... [1852.]	The Patent Law Amendment Act, 1852.
16 & 17 Vict. c. 5..... [1853.]	An Act to substitute stamp duties for fees on passing letters patent for inventions and to provide for the purchase for the public use of certain indexes of specifications.
16 & 17 Vict. c. 115... [1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.
21 & 22 Vict. c. 70..... [1858.]	An Act to amend the Act of the fifth and sixth years of her present Majesty, to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
22 Vict. c. 13..... [1859.]	An Act to amend the law concerning patents for inventions with respect to inventions for improvements in instruments and munitions of war.

(z) Sections 6 & 7 of this Act are repealed by the S. I. R. No. 2 Act, 1874.

Schedule :	24 & 25 Vict. c. 73.....	An Act to amend the law relating to the copyright of designs.
Repeals.	[1861.]	
	28 & 29 Vict. c. 3.....	The Industrial Exhibitions Act, 1865.
	[1865.]	
	33 & 34 Vict. c. 27.....	The Protection of Inventions Act, 1870.
	[1870.]	
	33 & 34 Vict. c. 97.....	The Stamp Act, 1870.
	[1870.]	In part; namely— Section sixty-five, and in the schedule the words and figures— “Certificate of the registration of a design... £5 0 0 And see sect. 65.”
	38 & 39 Vict. c. 91.....	The Trade Marks Registration Act, 1875.
	[1875.]	
	38 & 39 Vict. c. 93.....	The Copyright of Designs Act, 1875.
	[1875.]	
	39 & 40 Vict. c. 33.....	The Trade Marks Registration Amendment Act, 1876.
	[1876.]	
	40 & 41 Vict. c. 37.....	The Trade Marks Registration Extension Act, 1877.
	[1877.]	
	43 & 44 Vict. c. 10.....	The Great Seal Act, 1880.
	[1880.]	In part; namely— Section five.
	45 & 46 Vict. c. 72.....	The Revenue, Friendly Societies, and National Debt Act, 1882.
	[1882.]	In part; namely— Section sixteen.

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

(48 & 49 VICT. c. 63.)

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

[14th August, 1885.]

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

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

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

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, or not, as may be from time to time prescribed.

3. Whereas under the principal Act, a complete specification is required (by section eight) to be left within nine months, and (by section nine) to be accepted within twelve months, from the date of application, and a patent is required by section twelve to be sealed within fifteen months from the date of application, and it is expedient to empower the comptroller to extend in 5 & 6 Will. IV. c. 62. Amendment of sects. 8, 9, and 12 of 46 & 47 Vict. c. 57.

Sect. 3. certain cases the said times: Be it therefore enacted as follows :—

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

Specifications,
etc., not to be
published
unless
application
accepted.

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

Power to
grant patents
to several
persons
jointly.

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

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."

PATENTS ACT, 1886.

49 & 50 VICT. c. 37.

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

[25th June, 1886.]

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

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

1. This Act may be cited as the Patents Act, 1886, and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 and 1885, and, together with those Acts, may be cited as the Patents, Designs, and Trade Marks Acts, 1883 to 1886.

Short title and construction.
46 & 47 Vict. c. 57.
48 & 49 Vict. c. 63.

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

The same drawings may accompany both specifications.

3. Whereas by section thirty-nine of the Patents, Designs, and Trade Marks Act, 1883, as respects patents, and by section

Protection of patents and designs

Sect. 3. 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 :—

exhibited at international exhibitions.

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

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

PATENTS, DESIGNS, AND TRADE MARKS
ACT, 1888.

(51 & 52 VICT. c. 50.)

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

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

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

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

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

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

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

Sect. 1.

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

Amendments
of 46 & 47
Vict. c. 57.

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

Sect. 7, as to
applications.

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

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

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

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

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

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

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.

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

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, "or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an

application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification."

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

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

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

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

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

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

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

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

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

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

"(3) A certificate, signed by the President of the Board of

(a) Sections six to twenty inclusive of this Act relate to designs or trade marks only, and are here omitted.

Sect. 25.

Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified."

Jurisdiction
of Lancashire
Palatine
Court.

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

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

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

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.

Commence-
ment of Act.

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

Short title.

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

APPENDIX II.

*RULES RELATING TO LETTERS PATENT
FOR INVENTIONS.*

PATENTS RULES, 1890.

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

Short Title.

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

Commencement.

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

Interpretation.

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

Fees.

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

Forms.

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

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

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

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

Rule 6. forth in the Second Schedule to these Rules, may, as far as they are applicable, be used in any proceedings under these Rules.

General.

Hours of business.

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

Christmas Day.

Good Friday.

The day observed as her Majesty's birthday.

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

Agency.

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

Statement of address.

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

Size, etc., of documents.

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

Exercise of discretionary power by comptroller.

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

Notice of hearing.

Notice by applicant.

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

Comptroller may require statement, etc.

13. Whether the applicant desires to be heard or not, the comptroller may at any time require him to submit a statement in writing within

(a) For this rule is now substituted see post, p. 701.
rule 2 of the Patents Rules, 1898, which

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. **Rule 13.**

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

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

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

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

16A. Any application, notice, or other document 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.

17. The statutory declarations required by the said Acts and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:— Manner in which, and persons before whom, declaration is to be taken.

- (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 her 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 her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a notary public, or before a judge or magistrate.

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

Rule 18.*Application with Provisional or Complete Specification.*

Order of recording applications.

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

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

Application for separate patents by way of amendment.

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

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

Application by representative of deceased inventor.

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

Notice and advertisement of acceptance.

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

Inspection on acceptance of complete specification.

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

Application on Communication from Abroad.

Communication from abroad.

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

International and Colonial Arrangements.

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

25. An application in the United Kingdom for a patent for any invention in respect of which a foreign application has been made shall contain a declaration that such foreign application has been made and shall specify all the foreign States or British Possessions in which foreign applications have been made, and the official

date or dates thereof respectively. The application must be made, within seven months from the date of the first foreign application, and must be signed by the person or persons by whom such first foreign application was made. If such person, or any of such persons, be dead, the application must be signed by the legal personal representative of such dead person, as well as by the other applicants, if any.

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

- (1) A copy or copies of the specification, and drawings or documents corresponding thereto, filed or deposited by the applicant in the Patent Office of the foreign State or British Possession in respect of the first foreign application, duly certified by the official chief or head of the Patent Office of such foreign State or British Possession as aforesaid, or otherwise verified to the satisfaction of the comptroller ;
- (2) A statutory declaration as to the identity of the invention in respect of which the application is made with the invention in respect of which the first foreign application was made, and if the specification or document corresponding thereto be in a foreign language, a translation thereof shall be annexed to and verified by such statutory declaration.

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

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

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

Sizes and Methods of preparing Drawings accompanying Provisional or Complete Specifications.

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

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

- Rule 31.** They must be made on pure white, hot-pressed, rolled, or calendered drawing-paper of smooth surface and good quality, and, where possible, without colour or Indian-ink washes.
- Requirements as to paper, etc.**
- Size of drawings.** They must be on sheets of one of the following sizes (the smaller being preferable), 13 inches at the sides by 8 inches at the top and bottom, or 13 inches at the sides by 16 inches at the top and bottom, including margin, which must be half an inch wide. If there are more figures than can be shewn on one of the smaller-sized sheets two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large drawing is required, it should be *continued* on subsequent sheets. There is no limit to the number of sheets that may be sent in.
- Quality of ink.** To ensure their satisfactory reproduction, the drawings must be executed with *absolutely black Indian ink*; the same strength and colour of fine and shade lines to be maintained throughout. Section lines, and lines for effect, or shading lines, must not be closely drawn. A specimen drawing is inserted in illustration of this requirement. Reference figures and letters must be bold, distinct, and not less than an eighth of an inch in height; and the same letters should be used in different views of the same parts. In cases of complicated drawings, the reference letters must be shewn outside the figure, and connected with the part referred to by a fine line.
- Scale of drawings.** The scale adopted should be large enough to shew clearly wherein the invention consists, and only so much of the apparatus, machine, etc., need be shewn as effects this purpose. When the scale is shewn on the drawing it should be denoted, *not* by words, but by a drawn scale, as illustrated in the specimen.
- Drawings to bear name of applicant, etc.** Drawings must bear the name of the applicant (and in the case of drawings left with a complete specification after a provisional specification, the number and year of the application) in the *left-hand top corner*; the number of sheets of drawings sent, and the number of each sheet in the *right-hand top corner*; and the signature of the applicant or his agent in the *right-hand bottom corner*.
- No written description of the invention should appear on the drawings.
- Restrictions as to wood engravings.** Wood engravings, or representations of the invention, other than the drawings prepared as above described, will not be received, unless of such a character as to be suitable for reproduction by the process of photo-lithography.
- Copies of drawings.** 32. A *facsimile* of the original drawings, but *without* colour or Indian ink washes, and prepared strictly in accordance with the regulations prescribed in Rule 31, must accompany the originals, and be marked "true copy."
- Provisional drawings used for complete specification.** 33. If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings for his complete specification, he should refer to them as those "left with the provisional specification."

Opposition to Grants of Patents.

- Notice of opposition.** 34. A notice of opposition to the grant of a patent shall be on Form D, and shall state the ground or grounds on which the person

giving such notice (hereinafter in Rules 37, 38, 41, and 43 called the opponent) intends to oppose the grant, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy.

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

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

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

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

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

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

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

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

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

43. Where the ground of an opposition is that the applicant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, unless evidence in support

- Rule 43.** of such allegation be left at the Patent Office within the time prescribed by these Rules, the opposition shall be deemed to be abandoned, and a patent shall be sealed forthwith.
- Decision to be notified to parties. 44. The decision of the comptroller, after hearing any party who applies under Rule 41, shall be notified by him to the parties.

Certificates of Payment or Renewal. (b)

- Payment of fees of 50l. and 100l. for continuance of patent. 45. *If a patentee intends at the expiration of the fourth or eighth year from the date of his patent to keep the same in force, he shall, before the expiration of such fourth or eighth year, as the case may be, subject as hereinafter provided, pay the prescribed fee of 50l. or 100l., as the case may be.*
- As to patents granted before commencement of Act. 46. *In the case of patents granted before the commencement of the said Acts, the above Rule shall be read as if the words "seventh year" were therein written instead of the words "eighth year."*
- Payment of annual fees in lieu of 50l. and 100l. 47. *If the patentee intends to pay annual fees in lieu of the above-mentioned fees of 50l. and 100l., he shall, before the expiration of the fourth and each succeeding year during the term of the patent, until and inclusive of the thirteenth year thereof, pay the prescribed fee.*
The form J in the second schedule, duly stamped, should be used for the purpose of this and the payment referred to in Rule 45.
- Certificate of payment. 48. On due compliance with these Rules, and as soon as may be after such respective periods as aforesaid, or any enlargement thereof respectively duly granted, the comptroller shall issue a certificate that the prescribed payment has been duly made.

Enlargement of Time.

- Enlargement of time for payments. 49. An application for an enlargement of the time for making a prescribed payment shall state in detail the circumstances in which the patentee by accident, mistake, or inadvertence has failed to make such payment, and the comptroller may require the patentee to substantiate, by such proof as he may think necessary, the allegations contained in the application for enlargement.
- Extension of time for leaving and accepting complete specification. 50. An application for enlargement of time for leaving or accepting a complete specification shall state in detail in what circumstances and upon what grounds such extension is applied for, and the comptroller may require the applicant to substantiate such allegations by such proof as the comptroller may think necessary.
- In other cases. 51. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the comptroller if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

Amendment of Specification.

- Request for leave to amend. 52. A request for leave to amend a specification must be signed by the applicant or patentee (hereinafter in Rules 54, 55, and 58 called the applicant) and accompanied by a duly certified printed copy of the

(b) Rules 45, 46, and 47 of these Patents Rules, 1892 (second set).
 rules are repealed by rule 3 of the

original specification and drawings, shewing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the comptroller may in each case direct. Rule 52.

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

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

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

56. Upon such declarations being left, and such list being delivered, the provisions of Rules 38, 39, 40, 41, and 44 shall apply to the case, and the further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated. Further proceedings.

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

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

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

Compulsory Licenses.

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

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

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

- Rule 63.** 63. If and when a *prima facie* case for relief has been made out to the satisfaction of the Board of Trade, the petitioner shall, upon their requisition, and on or before a day to be named by them, deliver to the patentee copies of the petition and of the affidavits or statutory declarations and other documentary evidence (if any) tendered in support thereof.
- Procedure. Petitioner's evidence. Patentee's evidence. Evidence in reply. Further proceedings.
64. Within 14 days after the day of such delivery the patentee shall leave at the Patent Office his affidavits or statutory declarations in opposition to the petition, and deliver copies thereof to the petitioner.
65. The petitioner within 14 days from such delivery shall leave at the Patent Office his affidavits or statutory declarations in reply, and deliver copies thereof to the patentee; such last-mentioned affidavits or declarations shall be confined to matters strictly in reply.
66. Subject to any further directions which the Board of Trade may give, the parties shall then be heard at such time, before such person or persons, in such manner, and in accordance with such procedure as the Board of Trade may, in the circumstances of the case, direct, but so that full opportunity shall be given to the patentee to show cause against the petition.
- Register of Patents.*
- Entry of grant. 67. Upon the sealing of a patent the comptroller shall cause to be entered in the Register of Patents the name, address, and description of the patentee as the grantee thereof, and the title of the invention.
- Request for entry of subsequent proprietorship. 68. Where a person becomes entitled to a patent or to any share or interest therein, by assignment, either throughout the United Kingdom and the Isle of Man, or for any place or places therein, or by transmission or other operation of law, a request for the entry of his name in the register as such complete or partial proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the comptroller, and left at the Patent Office.
- Signature of request. 69. Such request shall in the case of individuals be made and signed by the person requiring to be registered as proprietor, or by his agent duly authorized to the satisfaction of the comptroller, and in the case of a body corporate by their agent, authorized in like manner.
- Particulars to be stated in request. 70. Every such request shall state the name, address, and description of the person claiming to be entitled to the patent, or to any share or interest therein, as the case may be (hereinafter called the claimant), and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the register as proprietor, so as to shew the manner in which, and the person or persons to whom, the patent, or such share or interest therein as aforesaid, has been assigned or transmitted.
- Production of documents of title and other proof. 71. Every assignment and every other document containing, giving effect to, or being evidence of, the transmission of a patent or affecting the proprietorship thereof as claimed by such request, except such documents as are matters of record, shall be produced to the comptroller, together with the request above prescribed, and such other proof of title as he may require for his satisfaction.

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. **Rule 71.**

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

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

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

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

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

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

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

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

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

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

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

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

Power to Dispense with Evidence, etc.

80. Where, under these Rules, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence

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

Repeal.

Repeal.

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

Dated 31st day of March, 1890.

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

FIRST SCHEDULE.

List of Patent Fees.

(Now superseded: see Patent Rules, 1892 (second set), R. 5, post p. 598.)

SECOND SCHEDULE.

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

Form **A.**



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

APPLICATION FOR PATENT.

(a) _____

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

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

(b) Here insert title of invention.

_____ 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 _____ 18 _____

(d) _____

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

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

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

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

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

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

_____ day of _____ 18_____

* To be signed
by applicant or
applicants.

* _____

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

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

_____ day of _____ 18_____

† To be signed
by applicant or
applicants.

† _____

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

Form **A1.**

(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
name and full ad-
dress 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
communicant.

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

Dated _____ day of _____ 18__.

(d) _____

(d) To be signed
by applicant or
applicants.

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

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

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

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

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

_____ day of _____ 18__

* To be signed
by applicant or
applicants.

* _____

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

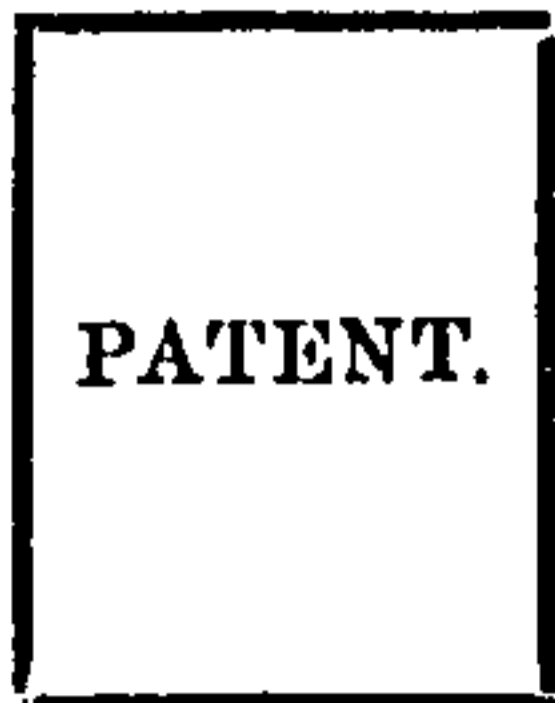
_____ hereby request that all notices, requisitions, and
communications in respect of the within application may be sent
to _____
_____ at _____

_____ day of _____ 18__

† To be signed
by applicant or
applicants.

† _____

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



Form **A2.**

APPLICATION FOR PATENT UNDER INTER-
NATIONAL AND COLONIAL ARRANGEMENTS.

(a)

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

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

(b) Here insert title of invention.

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

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

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

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

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

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)

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 applica-
tion.

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

(g) _____

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

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

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

Form B.

PROVISIONAL SPECIFICATION.

(To be furnished in duplicate.)

(a) _____

(a) Here insert title as in declaration.

(b) _____

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

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

(c) Here insert short description of invention.

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

"Dated this _____ day of _____ 18 ."

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

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

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

Form C. (a)

PATENT.

COMPLETE SPECIFICATION.

(To be furnished in duplicate—one unstamped.)

(a) Here insert title as in declaration.

(a) _____

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

(b) _____

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

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

Here state distinctly the features of novelty claimed.

- 1.
- 2.
- 3.

(c) _____

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

“Dated this _____ day of _____ 18 .”

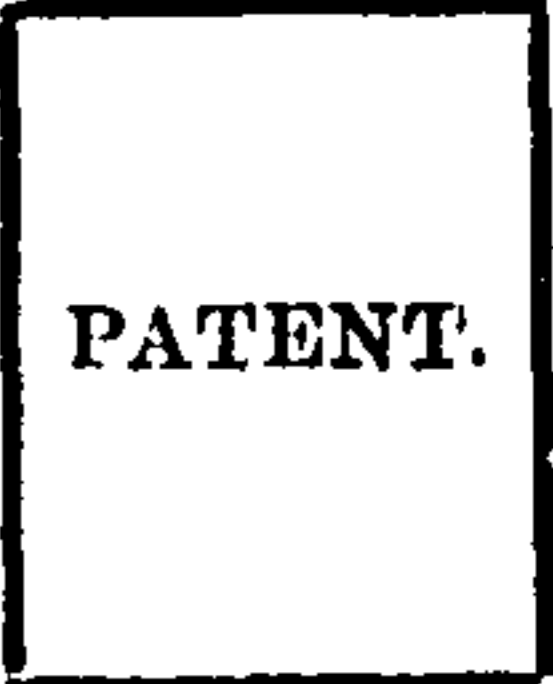
To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

(a) For Form C1, see post, p. 697.

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

Form **D.**

FORM OF OPPOSITION TO GRANT OF
PATENT.



(To be accompanied by an unstamped copy.)

* I _____

* Here state name and full address.

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

upon the ground † _____

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

(Signed) ‡ _____

‡ Here insert signature of opponent.

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

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

Form **E**.



FORM OF APPLICATION FOR HEARING BY
THE COMPTROLLER.

IN CASES OF REFUSAL TO ACCEPT, OPPOSITION, OR APPLI-
CATIONS FOR AMENDMENTS, ETC.

SIR,

(a) Here insert
address.

of (a) _____

hereby apply to be heard in reference to

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

Sir,

Your obedient Servant,

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

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

Form **F.**

FORM OF APPLICATION FOR AMENDMENT OF
SPECIFICATION OR DRAWINGS.



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

*

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

My reasons for making this amendment are as follows † _____

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

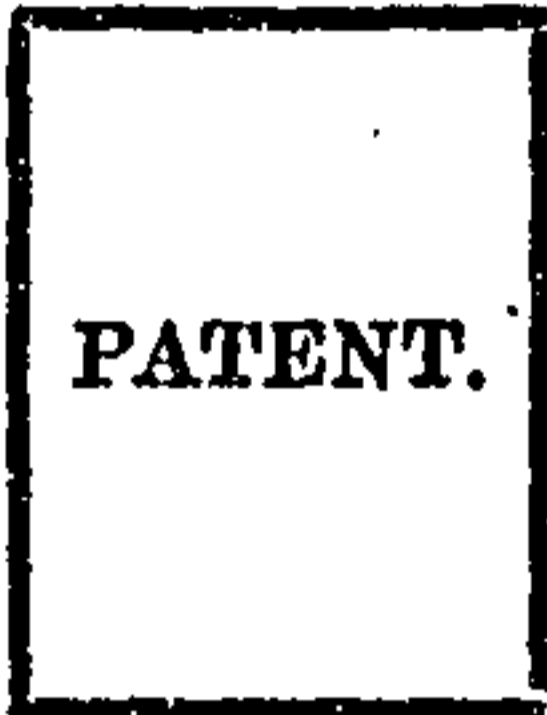
‡ To be signed by applicant.

(Signed) ‡ _____

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

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

Form G.



FORM OF OPPOSITION TO AMENDMENT OF
SPECIFICATION OR DRAWINGS.

(To be accompanied by an unstamped copy.)

* Here state
name and full
address of oppo-
nent.

*

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

† Here state
reason of opposi-
tion.

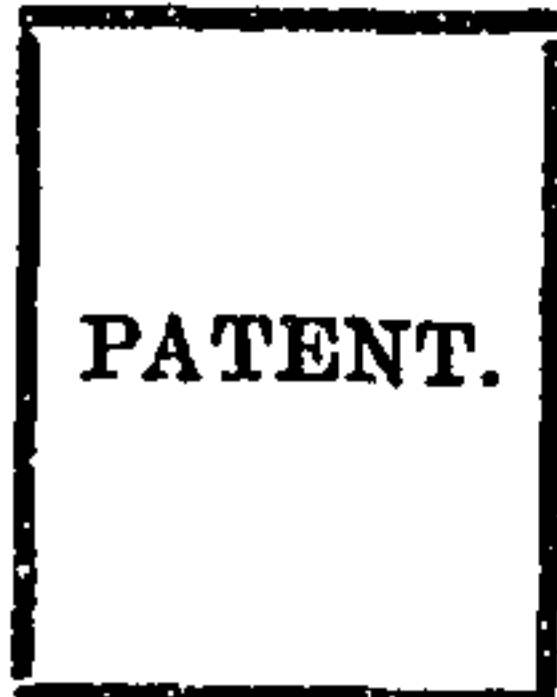
(Signed) _____

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

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

Form **H.**

FORM OF APPLICATION FOR COMPULSORY
GRANT OF LICENSE.



(To be accompanied by an unstamped copy.)

* _____

* Here state name and full address of applicant.

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

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

(Signed) _____

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

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

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

Form **H1.**

FORM OF PETITION FOR COMPULSORY GRANT
OF LICENSES.

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

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

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

(b) Here insert title of invention.

SHEWETH as follows :—

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

1. A patent dated _____ No. _____ was duly granted to _____ for an invention of (b)

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

2. The nature of my interest in the matter of this petition is as follows :—(c)

3. (d)

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

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

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

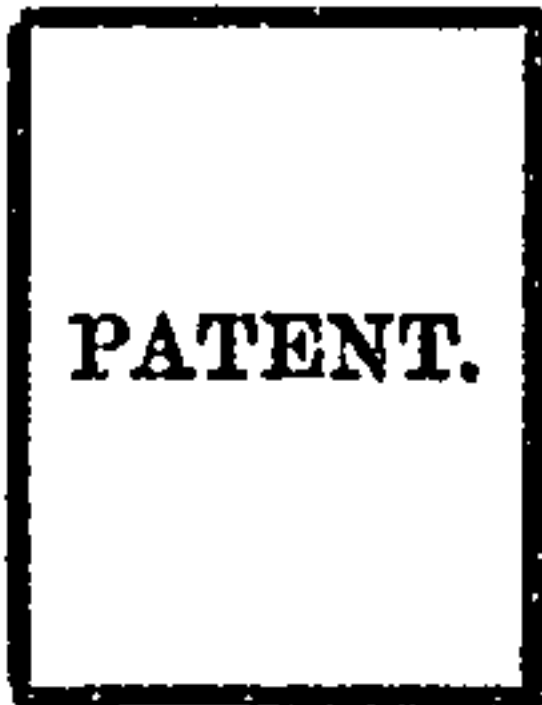
Your petitioner therefore prays that an order may be made by the Board of Trade (f)

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

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

Form I.

FORM OF OPPOSITION TO COMPULSORY
GRANT OF LICENSE.



* Here state
name and full
address.

*

hereby give notice of objection to the application of _____

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

(Signed) _____

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

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

Form J.

APPLICATION FOR CERTIFICATE OF PAY-
MENT OR RENEWAL.

_____ hereby transmit the fee prescribed for the continuation

* Here insert
name of patentee.

in force of * _____ Patent No. _____, of 18_____

for a further period of _____.

† Here insert
name and full
address.

Name † _____

Address _____

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

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

CERTIFICATE OF PAYMENT OR RENEWAL.

PATENT.

Letters Patent No. _____ of 188_____.

_____ 18_____.

This is to certify that _____ did this _____

day of _____ 18_____, make the prescribed payment of

£ _____ in respect of a period of _____ from _____

and that by virtue of such payment the rights of the patentee remain

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

Seal

Patent Office, London.

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

Form **K**.

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



SIR,

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

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

(a) See rule 49.

I am, Sir,

Your obedient Servant,

(b) _____

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

To the Comptroller,

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

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

Form L.



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

(a) Or We.
Here insert
name, full ad-
dress, and de-
scription.

I (a) _____

(b) My or our. hereby request that you will enter (b) _____ name (c) in the
(c) Or names. Register of Patents :—

(d) I or We. (d) _____ claim to be entitled (e) _____

(e) Here insert
the nature of the
claim.

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

(f) Here give
name and ad-
dress, etc., of pa-
tentee or paten-
tees.

(g) Here insert
title of the inven-
tion.

for (g) _____

(h) Here sp-
cify the particu-
lars of such docu-
ment, giving its
date, and the
parties to the
same, and shew-
ing how the claim
here made is sub-
stantiated.

by virtue of (h) _____

(i) Here insert
the nature of the
document.

And in proof whereof I transmit the accompanying (i) _____

(j) Where any
document which
is a matter of re-
cord is required
to be left, a certi-
fied or official
copy in lieu of
an attested copy
must be left.

thereof (j) _____

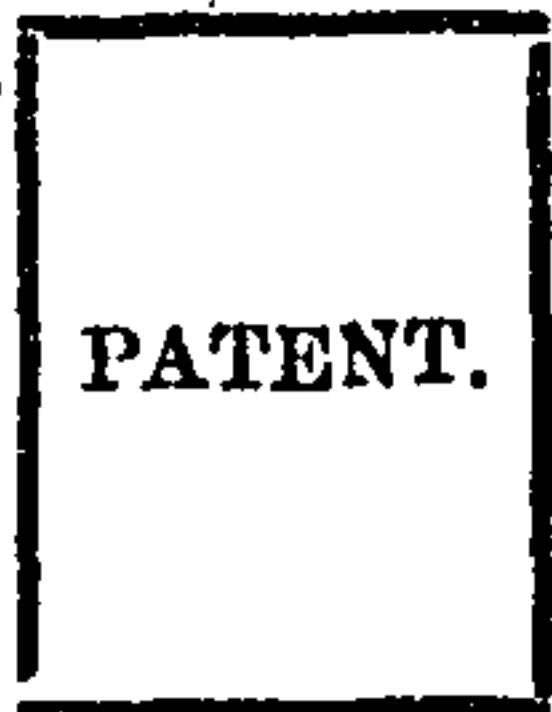
I am, Sir,
Your obedient Servant,

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

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

Form **M.**

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



SIR,

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

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

I am, Sir,

Your obedient Servant,

(a) _____

(a) Here insert
full address.

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

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

Form **N.**



APPLICATION FOR DUPLICATE OF PATENT.

Date

SIR,

I REGRET to have to inform you that the Letters Patent

* Here insert
date, No., name,
and full address
of patentee.

dated *

No.

granted to

† Here insert
title of invention.

for an invention of †

‡ Here insert
the word "de-
stroyed" or
"lost," as the
case may be.

have been ‡

I beg therefore to apply for the issue of a duplicate of such

§ Here state
interest possessed
by applicant in
the Letters Pa-
tent.

Letters Patent. §

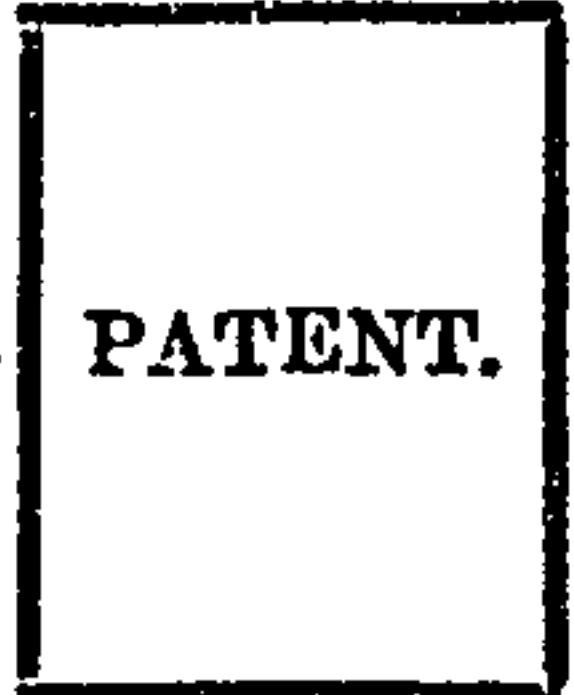
[Signature of Applicant.]

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

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

Form O.

NOTICE OF INTENDED EXHIBITION OF AN
UNPATENTED INVENTION.



* _____

* Here state name and full address of applicant.

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

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

† State "opened" or "is to open."

† _____ herewith enclose _____

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

(Signed) _____

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

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

Form **P.**



FORM OF REQUEST FOR CORRECTION OF
CLERICAL ERROR.

SIR,

(a) Or errors.

I HEREBY request that the following clerical error (a) _____

in the (b) _____

(b) Here state
whether in appli-
cation, specifica-
tion, or register.

No. _____ of 18____, may be corrected in the manner shown in red

ink in the certified copy of the original (b) _____

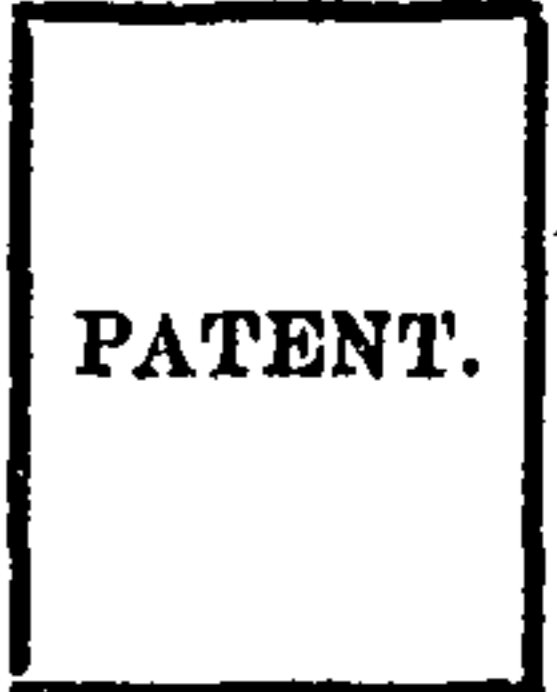
hereunto annexed.

Signature _____

Full Address _____

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

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



Form Q.

CERTIFICATE OF COMPTROLLER-GENERAL.

Patent Office,
London,

18

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

To * _____

* Here insert
name and full ad-
dress of person
requiring the in-
formation.

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

Form R.

PATENT.

FORM OF NOTICE FOR ALTERATION OF AN
ADDRESS IN REGISTER.

SIR,

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

(a) _____

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

(b) Here insert full address.

(b) _____

Sir,

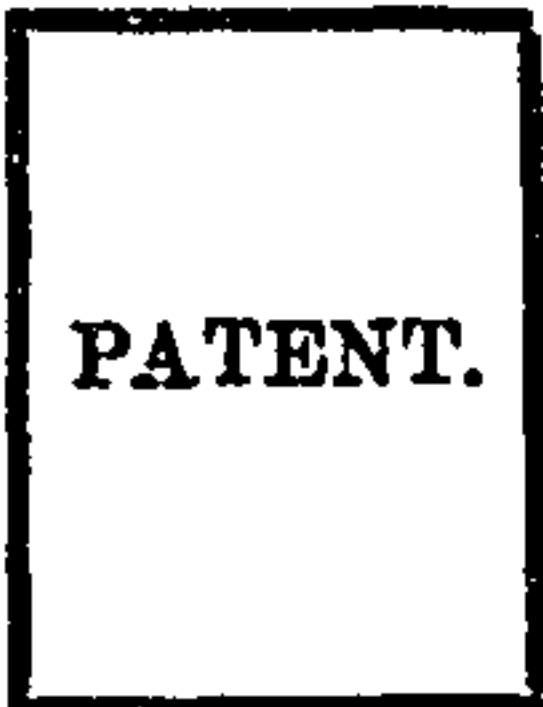
Your obedient Servant,

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

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

Form S.

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



(a) _____

(a) Here state
name and full
address of appli-
cant.

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

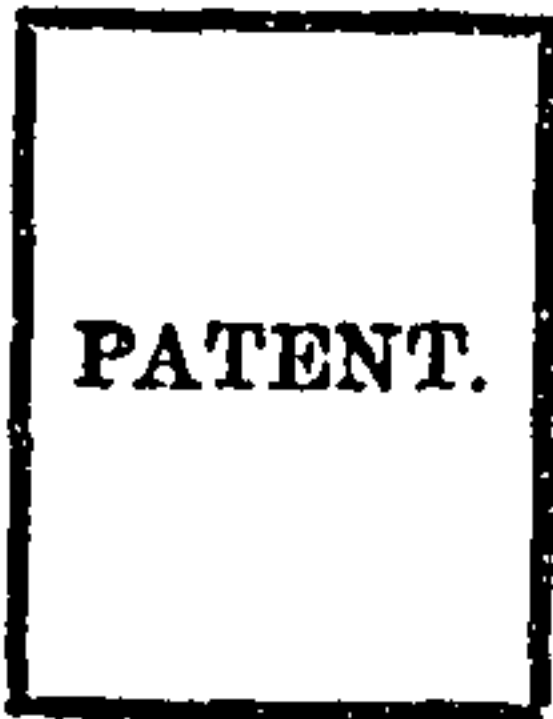
(b) Here state
the purport of the
order.

Sir,
Your obedient Servant,

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

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

Form T.



FORM OF APPEAL TO LAW OFFICER.

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

I, (a) _____ of (a) _____

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

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

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.

18____, whereby he (c) _____

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

(d) Insert number and year.

Signature _____

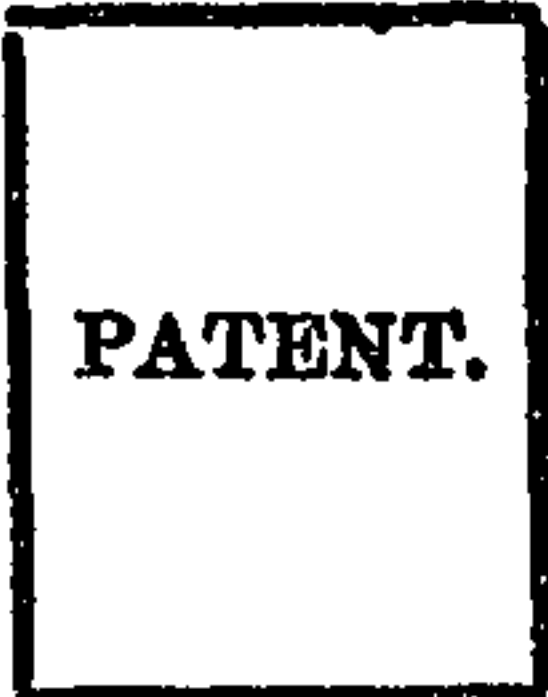
Date _____

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

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

Form U.

FORM OF APPLICATION FOR EXTENSION OF
TIME FOR LEAVING A COMPLETE SPECI-
FICATION.



SIR,

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

_____ dated _____.

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

(a) See Rule 50.

Sir,

Your obedient servant,

(b) _____

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

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

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

Form V.



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

SIR,

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

The circumstances in and grounds upon which this extension is
(a) See Rule 50. applied 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,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

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

31st March, 1890.

THE PATENTS RULES, 1892.

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

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

Fees.

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

Forms.

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

19th day of February, 1892.

(Signed)

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

FIRST SCHEDULE.

Fee.

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

(Signed)

M. E. HICKS-BEACH,

President of the Board of Trade.

Approved—

(Signed)

W. H. WALROND,

HERBERT EUSTACE MAXWELL,

Lords Commissioners of Her Majesty's Treasury.

19th February, 1892.

SECOND SCHEDULE.

Form.

PATENTS FORM C¹.

To the Comptroller-General.

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

Obverse.

to

(Name in full) _____

(Address) _____

PATENTS,
7½d.

Reverse.

½d.

The Comptroller-General,

Patent Office,

25, Southampton Buildings,

London, W.C.

(Signed)

M. E. HICKS-BEACH,

President of the Board of Trade.

PATENTS RULES, 1892

(SECOND SET).

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883-88, the Board of Trade do hereby make the following Rules:—

Short Title.

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

Commencement.

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

Certificates of Payment or Renewal.

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

Payment of Annual Fees for Continuance of Patent.

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

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

Fees.

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

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

4th July, 1892.

SCHEDULE.

*List of Fees Payable on and in Connexion with Letters Patent.
Up to Sealing.*

	£	s.	d.	£	s.	d.
1. On application for provisional protection	1	0	0			
2. On filing complete specification	3	0	0			
	<hr/>			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			
<hr/>						
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			
<hr/>						
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 op- ponent respectively	1	0	0			
11. On application to amend specification during action or proceeding. By patentee	3	0	0			
<hr/>						
12. On application to the Board of Trade for a compulsory license. By person applying	5	0	0			
13. On opposition to grant of compulsory license. By patentee	5	0	0			
On certificate of renewal :—						
14. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year	5	0	0			
15. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	6	0	0			
16. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	7	0	0			
17. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	8	0	0			
18. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	9	0	0			
19. Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	10	0	0			
20. Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	11	0	0			

	£	s.	d.
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 request to comptroller to correct a clerical error up to sealing	0	5	0
after sealing	1	0	0
35. For certificate of comptroller under Section 96	0	5	0
36. For altering address in register	0	5	0
37. For enlargement of time for filing complete specification, not exceeding one month	2	0	0
38. For enlargement of time for acceptance of complete specification:—			
Not exceeding one month	2	0	0
„ two months	4	0	0
„ three months	6	0	0

M. E. HICKS-BEACH,

President of the Board of Trade.

4th July, 1892.

Approved;

SIDNEY HERBERT,

HERBERT EUSTACE MAXWELL,

Lord Commissioners of

Her Majesty's Treasury.

PATENTS RULES, 1898.

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

1. These Rules may be cited as the Patents Rules, 1898, and shall come into operation from and immediately after the date hereof.

2. For Rule 8 of the Patents Rules, 1890, shall be substituted the following Rule:—

An application for a patent must be signed by the applicant, but all other communications between the applicant and the comptroller, and all attendances by the applicant upon the comptroller, may be made by or through an agent duly authorized to the satisfaction of the comptroller, and, if he so require, resident in the United Kingdom, but 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 Patent, Designs, and Trade Marks Act, 1888, relating to the registration of Patent Agents, and not since restored.

Dated this 15th day of September, 1898.

CHAS. T. RITCHIE,
President of the Board of Trade.

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 attendance is required a reasonable sum for conduct money.

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

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

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

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

HENRY JAMES, A.G.

FARRER HERSCHELL, S.G.

RULES OF HER MAJESTY'S PRIVY COUNCIL

With Reference to Applications

For the Extension or Prolongation of Letters Patent made by Order
in Council, November, 1897.

ORDER IN COUNCIL.

At the Court at Windsor,
The 26th day of November, 1897.

Present—

The Queen's Most Excellent Majesty,

Lord President,
Lord Privy Seal,
Mr. Ritchie.

Whereas by the 25th section of an Act of Parliament passed in the 46th and 47th years of her Majesty's reign, intituled "The Patents, Designs, and Trade Marks Act, 1883," it is amongst other things enacted that a patentee may, after advertising in manner directed by any rules made under the said section his intention to do so, present a petition to her Majesty in Council, praying that his 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; that 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 that it shall be lawful for her Majesty in Council to make from time to time rules of procedure and practice for regulating the 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:

And whereas her Majesty in Council has deemed it expedient to make rules for regulating proceedings in such petitions.

Her Majesty is therefore pleased, by and with the advice of her Privy Council, to approve of the several rules and regulations contained in the schedule hereunto annexed, and to order, as it is hereby ordered, that on and after the 1st January, 1898, the same be respectively observed.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

C. L. PEEL.

The Schedule above referred to.

RULES to be observed in Proceedings before the Judicial Committee of the Privy Council under the Patents, Designs, and Trade Marks Act, 1883, Section 25.

Rule 1.

I.

A party intending to apply by petition under Section 25 of the Act shall give public notice by advertising three times in the *London Gazette* and once at least in each of three London newspapers.

If the applicant's principal place of business is situated in the United Kingdom at a distance of fifteen miles or more from Charing Cross, he shall also advertise once at least in some local newspaper published or circulating in the town or district where such place of business is situated. If the applicant has no place of business, then, if he carries on the manufacture of anything made under his specification at a distance of fifteen miles or more from Charing Cross, he shall advertise once at least in some local newspaper published or circulating in the town or district where he carries on such manufacture. If he has no place of business and carries on no such manufacture, then, if he resides at a distance of fifty miles or more from Charing Cross, he shall advertise once at least in some newspaper published or circulating in the town or district where he resides.

The applicant shall in his advertisements state the object of his petition, and shall give notice of the day on which he intends to apply for a time to be fixed for hearing the matter thereof, which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*. He shall also give notice that caveats must be entered at the Council Office on or before such day so named in the said advertisements.

II.

A petition under Section 25 of the Act must be presented within one week from the publication of the last of the advertisements required to be published in the *London Gazette*.

The petition must be accompanied with an affidavit or affidavits of advertisements having been published according to the requirements of the first of these Rules. The statements contained in such affidavit or affidavits may be disputed upon the hearing.

The petitioner shall apply to the Lords of the Committee to fix a time for hearing the petition, and when such time is fixed the petitioner shall forthwith give public notice of the same by advertising once at least in the *London Gazette* and in two London newspapers.

III.

A party presenting a petition under Section 25 of the Act must lodge at the Council Office eight printed copies of the specification: but if the specification has not been printed, and if the expense of making eight copies of any drawing therein contained or referred to would be considerable, the lodging of two copies only shall be deemed sufficient.

Rule 3.

The petitioner shall also lodge at the Council Office eight copies of the balance-sheet of expenditure and receipts relating to the patent in question, which accounts are to be proved on oath before the Lords of the Committee at the hearing. He shall also furnish three copies of the said balance-sheet for the use of the solicitor to the Treasury, and shall, upon receiving two days' notice, give the solicitor to the Treasury, or any person deputed by him for the purpose, reasonable facilities for inspecting and taking extracts from the books of account, by reference to which he proposes to verify the said balance-sheet at the hearing, or from which the materials for making up the said balance-sheet have been derived.

All copies mentioned in this Rule must be lodged and furnished not less than fourteen days before the day fixed for hearing.

IV.

A party intending to oppose a petition under Section 25 of the Act must enter a caveat at the Council Office before the day on which the petitioner applies for a time to be fixed for hearing the matter thereof, and having entered such caveat, shall be entitled to have from the petitioner four weeks' notice of the time appointed for the hearing.

The petitioner shall serve copies of his petition on all parties entering caveats in accordance with this Rule, and no application to fix a time for hearing shall be made without affidavit of such service.

All parties intending to oppose a petition shall within three weeks after such copies are served on them respectively, lodge at the Council Office eight printed copies of the grounds of their objections to the granting of the prayer of the petition.

V.

Parties shall be entitled to have copies of all papers lodged in respect of any petition under Section 25 of the Act at their own expense.

All such petitions and all statements of grounds of objection shall be printed in the form prescribed by the Rules which apply to proceedings before the Judicial Committee of the Privy Council. Balance-sheets of expenditure and receipts shall be printed in a form convenient for binding along with such petitions.

VI.

Costs incurred in the matter of any petition under Section 25 of the Act shall be taxed by the Registrar of the Privy Council, or other officer deputed by the Lords of the Judicial Committee of the Privy Council to tax the costs in the matter of any petition, and the Registrar or such other officer shall have authority to allow or disallow in his discretion all payments made to persons of science or skill examined as witnesses.

VII.

The Lords of the Committee may excuse petitioners and opponents from compliance with any of the requirements of these Rules, and may give such directions in matters of procedure and practice under Section 25 of the Act as they shall consider to be just and expedient.

VIII.

Rule 8.

The Lords of the Committee will hear the Attorney-General or other counsel on behalf of the Crown on the question of granting the prayer of any petition under Section 25 of the Act. The Attorney-General is not required to give notice of the grounds of any objection he may think fit to take, or of any evidence which he may think fit to place before the Lords of the Committee.

PRIVY COUNCIL FEES.

SCHEDULE OF FEES

Allowed to Solicitors conducting Appeals or other business before the LORDS OF THE JUDICIAL COMMITTEE of the PRIVY COUNCIL under her Majesty's Orders in Council of the 11th August, 1842, and the 13th June, 1853.

	£	s.	d.
Retaining Fee	0	13	4
Perusing official Copy of Proceedings allowed at the rate of, for 25 folios, manuscript	0	6	8
Do. per printed sheet of 8 pages	1	1	0
Attendances at the Council Office, or elsewhere, on ordinary business, such as to enter an Appeal or an Appearance, to make a search, or to lodge a Petition or Affidavit, or to retain Counsel	0	10	0
Attending at Privy Council Office to examine proof of printed copy of Transcript Record with the original <i>per diem</i>	2	2	0
Attending at Council Chamber on a Petition	1	6	8
Attending Council Chamber all day on an Appeal not called on	2	6	8
Attending a Hearing	3	6	8
Attending a Judgment	1	6	8
Attending Council Office on the drawing up of Minutes for Committee Report	1	1	0
Correcting Proofs, per printed sheet of 8 pages	0	10	6
Correcting Foreign or Indian Proofs, per printed sheet	1	1	0
Instructions for Petition of Appeal	0	10	0
Drawing Petition or Case <i>per folio</i>	0	2	0
Copying <i>per folio</i>	0	0	6
Drawing small Petitions for Orders, etc.	0	10	0
Instructions for Case	1	0	0
Attending Consultation	1	0	0
Sessions Fee for the legal year	3	3	0
Attending Taxation	2	2	0

II.

COUNCIL OFFICE FEES

Privy
Council
Fees.

On Appeals and Petitions to the Queen in Council.

	£	s.	d.
Entering Appearance	0	10	0
Lodging Petition of Appeal	1	1	0
Entering Petition of Appeal	1	1	0
Lodging Case	1	1	0
Setting down Case	0	10	0
Summons	0	10	0
Committee Report	1	10	0
Order of her Majesty in Council under seal	3	2	6
Do. do. plain copy	0	5	0
Committee Order under seal	1	12	6
Do. plain copy	0	5	0
Lodging Affidavit	1	1	0
Do. Petition	1	1	0
Notice to attend	0	10	0
Searching Council Office Books for Information of Parties	0	10	0
Certificate delivered to Parties	0	10	0
Copies of Papers, per side of foolscap	0	5	0
Committee References	2	2	0
Lodging Caveat	1	1	0
Subpoena to Witnesses	0	10	0
Fee for Taxation, Appeals	3	3	0
Do. do. Petitions	1	1	0

REGISTER OF PATENT AGENTS' RULES, 1889.

For the purpose of giving effect to the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of patent agents, the Board of Trade, by virtue of the provisions of the said Act, hereby make the following Rules:—

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

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

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

3. The Institute shall cause a correct copy of the Register to be, Printed once every year, printed, under their direction, and published and placed on sale. Such correct copy shall, in the year 1889, be printed and published at as early a date as is possible, and in every year subsequent to the year 1889, shall be printed and published on the 31st day of January. A copy of the Register for the time being purporting to be so printed and published shall be admissible as evidence of all matters stated therein, and the absence of the name of any person from the Register shall be evidence, until the contrary is made to appear, that such person is not registered in pursuance of the Act. Printed copies to be published annually, and to be evidence of contents of Register.

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

5. A person who is desirous of being registered in pursuance of the Act, on the ground that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, shall produce or transmit to the Board of Trade a statutory declaration in the Form 2 in Appendix A.; provided that the Board of Trade may in any case in which they shall think fit, require further or other proof that the person had prior to this Act. Registration of persons who were patent agents prior to the passing of this Act.

(a) See post, Patent Agents Rules, 1891.

Rule 5. the passing of the Act been *bonâ fide* practising as a patent agent. Upon the receipt of such statutory declaration or of such further or other proof to their satisfaction as the case may be, the Board of Trade shall transmit to the Registrar a certificate that the person therein named is entitled to be registered in pursuance of the Act, and the Registrar shall on the receipt of such certificate cause the name of such person to be entered in the Register.

Final qualifying examination for registration.

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

Exemption of pupils and assistants from preliminary examination.

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

Qualifications of persons generally for registration.

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

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

Final qualifying examinations to be held by the Institute.

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

- (a) The subjects for and the mode of conducting the examination of candidates;
- (b) The times and places of the examinations, and the notices to be given of examinations;
- (c) The certificates to be given to persons of their having passed the examinations;
- (d) The appointment and removal of examiners, and the remuneration, by fees or otherwise, of the examiners so appointed; and

- (e) Any other matter or thing as to which the Institute may think it necessary to make regulations for the purpose of carrying out this Rule. Rule 9.

10. The Registrar shall from time to time insert in the Register any alteration which may come to his knowledge in the name or address of any person registered. Corrections of names and addresses in Register.

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

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

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

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

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

16. If any registered person shall be convicted in her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony of misdemeanour, or after due enquiry, is proved to the satisfaction of the Board of Trade to have been guilty of disgraceful professional conduct, or having been entitled to practise as a solicitor or law agent shall have ceased to be so entitled, the Board Erasure of names of persons convicted of crimes, and persons found guilty of

- Rule 16.** of Trade may order the Registrar to erase from the Register the name of such person: Provided that no person shall be adjudged by the Board of Trade to have been guilty of disgraceful professional conduct unless such person has received notice of, and had an opportunity of defending himself from, any charge brought against him.
- disgraceful conduct.
- Restoration of erased name.
- 17.—(1) Where the Board of Trade direct the erasure from the Register of a name of any person, or of any other entry, the name of the person or the entry shall not be again entered in the Register, except by order of the Board of Trade.
- (2) The Board of Trade may in any case in which they may think fit restore to the Register such name or entry erased therefrom either without fee, or on payment of such fee, not exceeding the registration fee, as the Board of Trade may from time to time fix, and the Registrar shall restore the name accordingly.
- (3) The name of any person erased from the Register at the request or with the consent of such person shall, unless it might, if not so erased, have been erased by order of the Board of Trade, be restored to the Register by the Registrar on his application and on payment of such fee, not exceeding the registration fee, as the Institute shall from time to time fix.
- Inquiry by Board of Trade before erasure of name from Register.
18. For the purpose of exercising in any case the powers of erasing from and of restoring to the Register the name of a person, or an entry, the Board of Trade may appoint a committee consisting of such persons as they shall think fit. Every application to the Board of Trade for the erasure from, or restoration to, the Register of the name of any patent agent shall be referred for hearing and enquiry to the committee, who shall report thereon to the Board of Trade, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the Board of Trade.
- Appeal to Board of Trade.
- Notice of appeal.
19. Any person aggrieved by any order, direction, or refusal of the Institute or Registrar may appeal to the Board of Trade.
20. A person who intends to appeal to the Board of Trade under these Rules (in these Rules referred to as the appellant) shall, within fourteen days from the date of the making or giving of the order, direction, or refusal complained of, leave at the office of the Institute a notice in writing signed by him of such his intention.
- Case on appeal.
21. The notice of intention to appeal shall be accompanied by a statement in writing of the grounds of the appeal, and of the case of the appellant in support thereof.
- Transmission of notice of appeal to Board of Trade.
22. The appellant shall also immediately after leaving his notice of appeal at the Institute send by post a copy thereof with a copy of the appellant's case in support thereof addressed to the Secretary of the Board of Trade, 7, Whitehall Gardens, London.
- Directions as to hearing of appeal.
23. The Board of Trade may thereupon give such directions (if any) as they may think fit for the purpose of the hearing of the appeal.
- Notice of hearing of appeal.
24. Seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing of the appeal shall be given to the appellant and the Institute and the Registrar.

25. The appeal may be heard by the President, a Secretary, or an Assistant Secretary of the Board of Trade, and the decision and order thereon of the President, Secretary, or Assistant Secretary, as the case may be, shall be the decision of the Board of Trade on such appeal. On the appeal such decision may be given or order made in reference to the subject-matter of the appeal as the case may require. **Rule 25.**
Hearing and decision of appeal.

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

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

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

29. In these Rules, unless the context otherwise requires—
“The Act” means the Patents, Designs, and Trade Marks Act, 1888. Definitions.
“The Institute” means the Institute of Patent Agents, acting through the Council for the time being.
“The Registrar” means the Registrar appointed under these Rules.
“Registered patent agent” means any agent for obtaining patents in the United Kingdom whose name is registered under the Act and these Rules.

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

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

By the Board of Trade,
COURTENAY BOYLE,
Assistant Secretary, Railway Department.
The 11th day of June, 1889.

**Form of
Register.**

APPENDIX A.

FORM 1.

FORM OF REGISTER.

Name.	Designation.	Address.	Date of Registration

FORM 2.

FORM OF STATUTORY DECLARATION.

Register of Patent Agents Rules, 1889.

I, *A.B.* [*insert full name, and in the case of a member of a firm add, "a member of the firm of _____", of _____, in the county of _____, Patent Agent,*]
do solemnly and sincerely declare as follows:—

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

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

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

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

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

Declared at

APPENDIX B.

Examina-
tion.

PARTICULARS OF PRELIMINARY EXAMINATIONS.

1. The Matriculation Examination at any University in England, Scotland, or Ireland.

2. The Oxford or Cambridge Middle Class Senior Local Examinations.

3. The Examinations of the Civil Service Commissioners for admission to the Civil Service.

APPENDIX C.

FEES.

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

REGISTER OF PATENT AGENTS' RULES, 1891.

Whereas by the Register of Patent Agents Rules, 1889, it is provided, amongst other things, that the Register of Patent Agents established by the said Rules shall be kept, and certain duties in reference thereto and to the examination and registration of and otherwise in relation to Patent Agents shall be performed, by the Institute of Patent Agents referred to in the said Rules :

And whereas the said Institute of Patent Agents has been dissolved and ceased to exist, and in place thereof the Chartered Institute of Patent Agents has, by Royal Charter dated the 11th day of August, 1891, been incorporated :

Now, therefore, for the purpose of giving effect to the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of Patent Agents, the Board of Trade, by virtue of the provisions of the said Act, hereby make the following Rules :—

Transfer of powers and duties of Institute of Patent Agents to Chartered Institute.

1. From and after the commencement of these Rules all the duties and powers of the Institute of Patent Agents under the Register of Patent Agents Rules, 1889 (hereafter in the present Rules referred to as "the Rules of 1889"), shall be transferred to and vested in the Chartered Institute of Patent Agents, and the Rules of 1889 shall, where applicable, and save so far as they are altered by the present Rules, have effect, with the following modifications :—

(1) For the words "The Institute of Patent Agents" there shall be substituted the words "The Chartered Institute of Patent Agents."

(2) The Registrar shall be the person who, for the purposes of the duties of the Registrar under the Rules of 1889 and the present Rules, shall be continued in office or appointed by the Chartered Institute of Patent Agents.

Saving rights, privileges, acts, appointments, and regulations under Rules of 1889.

2. Nothing contained in the present Rules shall affect any right, privilege, obligation, or liability acquired, accrued, or incurred, any act done, or appointment or regulation made under the Rules of 1889 ; and any regulation made by the Institute of Patent Agents under the Rules of 1889 prior to the commencement of the present Rules shall be subject to alteration and revocation by subsequent regulations to be made by the Chartered Institute of Patent Agents under Rule 27 of the Rules of 1889, as amended by the present Rules.

Publication of Register.

3. So much of Rule 3 of the Rules of 1889 as provides that the correct copy of the Register therein referred to shall be printed and published in every year subsequent to the year 1889 on the 31st day of January is hereby annulled, and instead thereof the following Rule shall have effect :—

In the month of February in each year, and at such other times as the Chartered Institute of Patent Agents may think desirable, the said Chartered Institute shall cause a correct copy of the Register to be printed under their direction, and placed on sale. Rule 3.

4. Instead of Appendix B. to the Rules of 1889 there shall be substituted the Appendix to the present Rules, which may be cited as Appendix B. Alteration of Appendix B.

5. The present Rules shall commence and come into operation on the 19th day of November, 1891, and, together with the Rules of 1889, may be cited as the Register of Patent Agents Rules, 1889 to 1891. Commence-ment and citation.

By the Board of Trade,
COURTENAY BOYLE,
Assistant Secretary.

Dated the 18th day of November, 1891.

APPENDIX B.

PARTICULARS OF PRELIMINARY EXAMINATIONS.

1. The Matriculation examination at any University in England, Scotland, or Ireland.
2. The Oxford or Cambridge Middle Class Senior Local Examinations.
3. The first public examination before Moderators at Oxford.
4. The previous examination at Cambridge.
5. The examination in Arts for the second year at Durham.
6. The examination for first-class certificate of the College of Preceptors (40 & 41 Vict. c. 25, s. 10).
7. The examination resulting in the obtaining of a Whitworth Scholarship.

APPENDIX III.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY. (a)

Signed at Paris, March 20, 1883.

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

I.

INTERNATIONAL CONVENTION.

Acceded to by her Majesty's Government, March 17, 1884.

(Translation.)

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 Guatémala, 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 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., &c. :—

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.

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.

(a) The original French is printed in smaller type below each Article.

ARTICLE II.

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

Article 2.

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.

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.

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

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 sur le territoire de l'un des États de l'Union.

ARTICLE IV.

Any person who has duly applied for a patent, industrial design or model, or trade-mark in one of the Contracting States, shall enjoy, as regards registration in the other States, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

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

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

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 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 mois pour les brevets d'invention, et de trois 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 V.

Article 5. 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.

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 VI.

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

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

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

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

Toute marque de fabrique ou de commerce régulièrement déposée dans le pays d'origine sera admise au dépôt et protégée telle quelle dans tous les autres pays de l'Union.

Sera considéré comme pays d'origine le pays où le déposant son principal établissement.

Si ce principal établissement n'est point situé dans un des pays de l'Union, sera considéré comme pays d'origine celui auquel appartient le déposant.

Le dépôt pourra être refusé, si l'objet pour lequel il est demandé est considéré comme contraire à la morale ou à l'ordre public.

ARTICLE VII.

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

La nature du produit sur lequel la marque de fabrique ou de commerce doit être apposée ne peut, dans aucun cas, faire obstacle au dépôt de la marque.

ARTICLE VIII.

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

Le nom commercial sera protégé dans tous les pays de l'Union sans obligation de dépôt, qu'il fasse ou non partie d'une marque de fabrique ou de commerce.

ARTICLE IX.

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

The seizure shall be effected at the request of either the proper

Public Department or of the interested party, pursuant to the internal legislation of each country. **Article 9.**

Tout produit portant illicitement une marque de fabrique ou de commerce, ou un nom commercial, pourra être saisi à l'importation dans ceux des États de l'Union dans lesquels cette marque ou ce nom commercial ont droit à la protection légale.

La saisie aura lieu à la requête soit du Ministère Public, soit de la partie intéressée, conformément à la législation intérieure de chaque État.

ARTICLE X.

The provisions of the preceding Article shall apply to all goods falsely bearing the name of any locality as indication of the place of origin, when such indication is associated with a trade name of a fictitious character or assumed with a fraudulent intention.

Any manufacturer of, or trader in, such goods, established in the locality falsely designated as the place of origin, shall be deemed an interested party.

Les dispositions de l'Article précédent seront applicables à tout produit portant faussement, comme indication de provenance, le nom d'une localité déterminée, lorsque cette indication sera jointe à un nom commercial fictif ou emprunté dans une intention frauduleuse.

Est réputé partie intéressée tout fabricant ou commerçant engagé dans la fabrication ou le commerce de ce produit, et établi dans la localité faussement indiquée comme provenance.

ARTICLE XI.

The High Contracting Parties agree to grant temporary protection to patentable inventions, to industrial designs or models, and trade-marks, for articles exhibited at official or officially recognized International Exhibitions.

Les Hautes Parties Contractantes s'engagent à accorder une protection temporaire aux inventions brevetables, aux dessins ou modèles industriels, ainsi qu'aux marques de fabrique ou de commerce, pour les produits qui figureront aux Expositions Internationales officielles ou officiellement reconnues.

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.

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.

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

Article 13. Confederation, and shall work under its supervision. Its functions shall be determined by agreement between the States of the Union.

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.

The present Convention shall be submitted to periodical revisions, with a view to introducing improvements calculated to perfect the system of the Union.

To this end Conferences shall be successively held in one of the Contracting States by Delegates of the said States. The next meeting shall take place in 1885 at Rome.

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.

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.

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.

States which have not taken part in the present Convention shall be permitted to adhere to it at their request.

Such adhesion shall be notified officially through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the others. It shall imply complete accession to all the clauses, and admission to all the advantages stipulated by the present Convention.

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 tout les clauses et admission à tous les avantages stipulés par la présente Convention.

ARTICLE XVII.

The execution of the reciprocal engagements contained in the present Convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the Constitutional laws of those of the High Contracting Parties who are bound to procure

the application of the same, which they engage to do with as little delay as possible. Article 17.

L'exécution des engagements réciproques contenus dans la présente Convention est subordonnée, en tant qu'il en sera 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.

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 effect the denouncing State, the Convention remaining in operation as regards the other Contracting Parties.

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 adhesions. 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.

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

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

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.
(L.S.)	VILLENEUVE.
(L.S.)	Duc DE FERNAN-NUNEZ.
(L.S.)	P. CHALLEMEL-LACOUR.
(L.S.)	CH. HERISSON.
(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.

Protocol.

II.

FINAL PROTOCOL.

(Translation.)

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

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

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, etc.

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

4. Paragraph 1 of Article VI. is to be understood as meaning that no trade-mark shall be excluded from protection in any State of the Union, from the fact alone that it does not satisfy, in regard to the signs composing it, the conditions of the legislation of that State ; provided that on this point it comply with the legislation of the country of origin, and that it had been properly registered in said country of origin. With this exception, which relates only to the form of the mark, and under reserve of the provisions of the other Articles of the Convention, the internal legislation of each State remains in force.

To avoid misconstruction, it is agreed that the use of public armorial bearings and decorations may be considered as being contrary to public order in the sense of the last paragraph of Article VI.

5. The organization of the special Department for Industrial Property mentioned in Article XII. shall comprise, so far as possible, the publication in each State of a periodical official paper.

6. The common expenses of the International Office, instituted by virtue of Article XII., are in no case to exceed for a single year a total sum representing an average of 2000 fr. for each Contracting State.

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

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

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

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

1st class	France, Italy.
2nd class	Spain.
3rd class	Belgium, Brazil, Portugal, Switzerland.

4th class	Holland.
5th class	Servia.
6th class	Guatemala, Salvador.

Protocol.

The Swiss Government will superintend the expenses of the International Office, advance the necessary funds, and render an annual account, which will be communicated to all the other Administrations.

The International Office will centralize information of every kind relating to the protection of Industrial Property, and will bring it together in the form of a general statistical statement, which will be distributed to all the Administrations. It will interest itself in all matters of common utility to the Union, and will edit, with the help of the documents supplied to it by the various Administrations, a periodical paper in the French language dealing with questions regarding the object of the Union.

The numbers of this paper, as well as all the documents published by the International Office, will be circulated among the Administrations of the States of the Union in the proportion of the number of contributing units as mentioned above. Such further copies as may be desired, either by the said Administrations or by Societies or private persons, will be paid for separately.

The International Office shall at all times hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of Industrial Property.

The Administration of the country in which the next conference is to be held will make preparations for the transactions of that conference, with the assistance of the International Office.

The Director of the International Office will be present at the meetings of the conferences, and will take part in the discussions, but without the privilege of voting.

He will furnish an annual Report upon his administration of the office, which shall be communicated to all the members of the Union.

The official language of the International Office will be French.

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

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

(Signed)

BEYENS.
 VILLENEUVE.
 Duc DE FERNAN-NUNEZ.
 P. CHALLEMEL-LACOUR.
 CH. HERISSON.
 CH. JAGERSCHMIDT.
 CRISANTO-MEDINA.
 RESSMAN.
 Baron DE ZUYLEN DE NYEVELT.
 JOSE DA SILVA MENDES LEAL.
 F. D'AZEVEDO.
 J.-M. TORRES-CAICEDO.
 SIMA M. MARINOVITCH.
 LARDY.
 J. WEIBEL.

Accession to
Convention.

III.

ACCESSION OF HER MAJESTY'S GOVERNMENT TO THE CONVENTION
SIGNED AT PARIS, *March 20, 1883.*

THE Undersigned, Ambassador Extraordinary and Plenipotentiary of her Majesty the Queen of the United Kingdom of Great Britain and Ireland to the French Republic, declares that her Britannic Majesty, having had the International Convention for the Protection of Industrial Property, concluded at Paris on the 20th March, 1883, and the Protocol relating thereto, signed on the same date, laid before her, and availing herself of the right reserved by Article XVI. of that Convention to States not parties to the original Convention, accedes, on behalf of the United Kingdom of Great Britain and Ireland, to the said International Convention for the Protection of Industrial Property, and to the said Protocol, which are to be considered as inserted word for word in the present Declaration, and formally engages, as far as regards the President of the French Republic and the other High Contracting Parties, to co-operate on her part in the execution of the stipulations contained in the Convention and Protocol aforesaid.

The undersigned makes this Declaration on the part of her Britannic Majesty with the express understanding that power is reserved to her Britannic Majesty to accede to the Convention on behalf of the Isle of Man and the Channel Islands, and any of her Majesty's possessions, on due notice to that effect being given through her Majesty's Government.

In witness whereof the Undersigned, duly authorized, has signed the present Declaration of Accession, and has affixed thereto the seal of his arms.

Done at Paris, on the 17th day of March, 1884.

(L.S.) (Signed) LYONS.

IV.

DECLARATION OF ACCEPTANCE OF ACCESSION.

(*Translation.*)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, having acceded to the International Convention relative to the Protection of Industrial Property, concluded at Paris, March 20, 1883, together with a Protocol dated the same day, by the Declaration of Accession delivered by her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic; the text of which Declaration is word for word as follows:—

[Here is inserted the text of No. III. in English.]

The President of the French Republic has authorized the Undersigned, President of the Council, Minister for Foreign Affairs, to formally accept the said Accession, together with the reserves which are contained in it concerning the Isle of Man, the Channel Islands,

and all other possessions of her Britannic Majesty, engaging as well in his own name as in that of the other High Contracting Parties, to assist in the accomplishment of the obligations stipulated in the Convention and the Protocol thereto annexed, which may concern the United Kingdom of Great Britain and Ireland. Acceptance
of Acces-
sion.

In witness whereof the Undersigned, duly authorized, has drawn up the present Declaration of Acceptance, and has affixed thereto his seal.

Done at Paris, the 2nd April, 1884.

(L.S.) (Signed) JULES FERRY.

ORDER IN COUNCIL

APPLYING SECTION 103 OF THE ACT OF 1883 TO THE SIGNATORIES TO THE INTERNATIONAL CONVENTION (a).

*At the Court at Windsor, the 26th day of June, 1884: Present—
The Queen's most Excellent Majesty in Council.*

WHEREAS by the provisions of the Patents, Designs, and Trade Marks Act, 1893, it is among other things provided:—

That 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, subject to the conditions further provided and set forth in the said Act, be entitled to a patent for his invention, or to registration of his design or trade mark (as the case may be) under the said Act in priority to other applicants, and such patent or registration shall have the same date as the date of the protection obtained in such foreign State. Recital of
Act of 1883,
sect. 103.

And whereas it has pleased her Majesty to make an arrangement of the nature contemplated by the said Act, by and in virtue of a declaration signed and sealed by her Majesty's Ambassador at Paris on the 17th March, 1884, duly conveying the accession of Great Britain to the International Convention and Protocol for the Protection of Industrial Property, signed by the representatives of certain Powers on the 20th day of March, 1883, and duly ratified on the 6th day of June, 1884, power being reserved to her Majesty to hereafter accede to the provisions of the said Convention and Protocol on behalf of the Isle of Man, the Channel Islands, and any of her Majesty's possessions, which declaration or accession was duly accepted by the French Government on behalf of the signatory Powers, by and in virtue of a declaration dated the 2nd April, 1884. Recital of
accession of
Great Britain
to Interna-
tional Con-
vention.

Now, therefore, her Majesty, by and with the advice and consent of her Privy Council, and by virtue of the authority committed to her by the said Act, doth declare, and it is hereby declared, that the provisions of the said Act hereinbefore specified shall apply to the following countries, namely:—

Belgium.	Italy.	Salvador.	Switzerland.
Brazil.	Netherlands.	Servia.	Ecuador.
France.	Portugal.	Spain.	Tunis.
Guatemala.			

(a) See the *London Gazette* of July 1, 1884.

Order in Council.

And it is hereby further ordered and declared that this Order shall take effect from the 7th day of July, 1884.

C. L. PEEL.

Order, when Order takes effect.

To the list of States above set forth must now be added the following:—Santo Domingo (by Order dated January 17, 1884), Sweden and Norway (July 9, 1885), Queensland (September 17, 1885), Paraguay, Uruguay (September 24, 1886), United States (July 12, 1887), Netherlands (East India Colonies) (November 17, 1888), Mexico (May 28, 1889), New Zealand (February 8, 1890), Netherlands (Curaçao and Surinam) (May 17, 1890), Dominican Republic (October 21, 1890), Zanzibar (May 16, 1893), Tasmania (April 30, 1894), Denmark (and Faroe Islands) (November 20, 1894), Western Australia (May 11, 1895).

For other States to which these international arrangements have been applied, see post, p. 740.

ORDER IN COUNCIL

WITH REFERENCE TO THE PARIS EXHIBITION, 1900.

At the Court at Osborne House, Isle of Wight, the 2nd day of February, 1899.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas "The Patents Designs and Trade Marks Act 1883" amongst other things provides by Section 39 that the exhibition of an invention at an industrial or international exhibition certified as such by the Board of Trade or the publication of any description of the invention during the period of the holding of the exhibition or the use of the 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:

And whereas the said Act further provides by Section 57 that the exhibition at an industrial or international exhibition certified as such by the Board of Trade or the exhibition elsewhere during the period of the holding of the exhibition without the privity or consent of the proprietor of a design or of any article to which a design is applied or the publication during the holding of any such exhibition of a description of a design shall not prevent the design from being registered or

invalidate the registration thereof, provided that both the following conditions are complied with, namely :—

**Order in
Council.**

- (a) The exhibitor must before exhibiting the design or article or publishing a description of the design give the Comptroller the prescribed notice of his intention to do so ; and
- (b) The application for registration must be made before or within six months from the date of the opening of the exhibition :

And whereas her Majesty, by virtue of the authority committed to her by the provisions of "The Patents Act, 1886," is empowered by Order in Council from time to time to declare that the provisions of the said Act of 1883, above recited, 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 hereinbefore recited sections of the said Act of 1883 :

Now therefore, her Majesty by and with the advice of her Privy Council and by virtue of the authority committed to her by the said Act of 1886, doth declare, and it is hereby declared, that the provisions of the foregoing sections of the said Act of 1883 shall apply to the International Exhibition to be held at Paris in the year 1900, and further, that the exhibitor of an invention a design or any article to which a design is applied shall be relieved from the conditions specified in the said hereinbefore recited sections of the said Act of 1883 of giving notice as therein required of his intention to exhibit such invention, design, or article to which a design is applied.

A. W. FITZROY.

CIRCULAR OF INFORMATION.

Issued by the Patent Office for the Guidance of Inventors applying for Letters Patent.

1. Mode of Proceeding to obtain Patents for Inventions in the United Kingdom.—(i.) All applications and communications must be made in English. No models are required.

(ii.) Any person, whether a British subject or not, may make an application for a patent, either by direct communication with the office or through the intervention of an agent. See p. 738, paragraph 16.

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

Applicants must apply in their real names and not under assumed or trade names.

A company (body corporate) may apply for a patent as joint applicant with the inventor, but not as sole applicant, unless the application is made in respect of an invention communicated from abroad (Form A1), or under the International and Colonial arrangements (Form A2). The application should be made under the seal of the company.

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

The declaration on Form A (or A1 or A2) must be signed by the applicant or applicants; but all other communications may be made by or through agents duly authorised to the satisfaction of the comptroller. For applications under the International and Colonial arrangements, see pp. 739, 740, paragraph 22.

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

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

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

Application accompanied by Provisional Specification.

- (vi.) An application for Provisional Protection consists of—
- (a) The Application Form A or (for inventions communicated from abroad) A1, or (for applications under the International and Colonial arrangements) A2, stamped £1, duly filled in as directed by the marginal notes on the form, and signed by the applicant or applicants, and
 - (b) The Provisional Specification, Form B, in duplicate. Form B does not require to be stamped.

(vii.) The provisional specification must fairly describe the nature of the invention and be accompanied by drawings if required. See (xiii.) below for regulations as to drawings. The applicant should in this document give a clear description of the invention, but he need not enter into all the minute details as to the manner in which the invention is to be carried out.

(viii.) Unless a complete specification, stamped £3, is left within nine months from the date of application (or with extension fee (Form U), ten months), the application is deemed to be abandoned. The complete specification should be prepared as stated at (x.) below. It should refer to the number and date of the provisional specification, and should contain a full and detailed description of the invention, independent of the description given in the provisional specification. Drawings which may have been filed with the provisional specification may be used again with the complete specification, if they are considered suitable. Where this is done the drawings should be referred to in the complete specification as those "left with the provisional specification."

Application accompanied by Complete Specification.

(ix.) An application accompanied by complete specification consists of—

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

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

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

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by their patent. In the claims the actual novelty or novelties in the structure, or composition, or processes, or apparatus, should be stated. Claims are not intended to be made for the efficiency or advantages of the invention.

Titles of Inventions.

(xi.) The title of the invention should appear on the application form and at the commencement of the specification, and the wording of the title in the two documents should be identical.

In the title of the invention the following forms are not allowable—

- (a) Fancy names or titles, *e.g.*, The Simplex Wheel; The Hercules Braces.
- (b) The use of the inventor's name, or of the word "Patent."
- (c) The abbreviation "*etc.*" This should be replaced by words expressing the intended meaning of the term, or by the phrase "and the like."

Specifications and other Documents.

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

Drawings.

(xiii.) The provisional or complete specification need not (a) be accompanied by drawings if the specification sufficiently describes the invention without them, but if furnished, they should accompany the provisional or complete specification to which they refer. No drawing or sketch such as requires a special engraving for letterpress should appear in the specification itself.

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

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

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

(a) The words "need not be accompanied by drawings," apply mainly to inventions for processes and the like.

Mechanical inventions capable of illustration by drawings should be described with their aid.

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

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

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

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

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

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

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

2. Forms of Application and other Patent Forms.—(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), 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 person in either of the ways specified, the stamped forms can be ordered by post from the Controller of Stamps, Room 7, Inland Revenue Office, Somerset House, London, W.C. In that case a bankers' draft or a money or postal order, payable to the Commissioners of Inland Revenue and crossed Bank of England, for the value of the stamp and for the cost of postage and registration, must be forwarded to Somerset House with the application for the Form.

	£	s.	d.
Form A. Application for patent	1	0	0
„ A ¹ . „ „ for invention communicated from abroad	1	0	0
„ A ² . Application for patent under International and Colonial arrangements	1	0	0
„ B. Provisional specification	No fee.		
„ C. Complete specification	3	0	0

(a) It is desirable that the reference letters in the "true copy" be in *faint blue pencil* (not aniline pencil).

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	Form C ¹ . On postal request for printed copy of specification (for use in the United Kingdom only)	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 opponent respectively	1	0	0
	„ F. On application to amend specification. Up to sealing	1	10	0
	„ On application to amend specification. After sealing	3	0	0
	„ G. On notice of opposition to amendment. By opponent	0	10	0
	„ H. On application to the Board of Trade for a com- pulsory license	5	0	0
	„ I. On opposition to grant of compulsory license	5	0	0
	„ J. On certificate of payment of renewal fee :— Before the expiration of the 4th year from date of patent, and in respect of the 5th year	5	0	0
	„ „ 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 an assignment, transmission, or agreement	0	10	0
	„ M. For every entry of a license	0	10	0
	„ N. For duplicate of letters patent	2	0	0
	„ O. On notice to comptroller of intended exhibition of unpatented invention	0	10	0
	„ P. On request to comptroller to correct a clerical error. Up to sealing	0	5	0
	„ On request to comptroller to correct a clerical error. After sealing	1	0	0
	„ Q. For certificate of comptroller	0	5	0
	„ R. For altering address in register	0	5	0
	„ S. For every entry of an extension of patent	0	10	0
	„ T. On appeal from comptroller to law officer	3	0	0
	„ U. On enlargement of time for leaving complete specification :—Not exceeding 1 month	2	0	0
	„ V. On enlargement of time for acceptance of complete specification 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, however, usually kept on sale at the undermentioned places:—

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

The following Post Offices:—

London General Post Office, E.C.	Post Office, 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, S.W.,
” Charing Cross, W.C.	

and at the following Chief Post Offices:—

IN ENGLAND AND WALES.			
Accrington.	Dorchester.	Oldbury.	Whitby.
Altrincham.	Driffield.	Oldham.	Widnes.
Ashton-under-Lyne.	Droitwich.	Patrinton.	Wigan.
Barnsley.	Dudley.	Plymouth.	Wolverhampton.
Barrow-in-Furness.	Durham.	Pontefract.	Wolverton.
Bath.	Exeter.	Portsmouth.	Woolwich.
Bedford.	Gateshead.	Prescot.	Worcester.
Beverley.	Goole.	Preston.	York.
Birkenhead.	Greenwich.	Reading.	
Birmingham.	Guildford.	Redditch.	
Blackburn.	Halifax.	Richmond (Yorks.).	IN SCOTLAND.
Bolton.	Hartlepool.	Ripon.	Aberdeen.
Bradford.	Huddersfield.	Rochdale.	Dumbarton.
Brighton.	Hull.	Rotherham.	Dundee.
Bristol.	Ipswich.	Rugby.	Edinburgh.
Bromsgrove.	K. ighley.	Salford.	Glasgow.
Burnley.	Kendal.	St. Helens.	Greenock.
Burslem.	Kidderminster.	Scarborough.	Inverness.
Burton-on-Trent.	Knarsbro'.	Sedgeley.	Lanark.
Bury.	Knutsford.	Sheffield.	Leith.
Cambridge.	Lancaster.	Southampton.	Paisley.
Cardiff.	Leamington.	Stafford.	Perth.
Carlisle.	Leeds.	Stalybridge.	Renfrew.
Chatham.	Leicester.	Stoke-on-Trent.	
Chester.	Lichfield.	Stourbridge.	
Clitheroe.	Lincoln.	Stourport.	IN IRELAND.
Congleton.	Liverpool.	Sunderland.	Belfast.
Coventry.	Macclesfield.	Swansea.	Cork.
Crewe.	Manchester.	Tamworth.	Dublin.
Croydon.	Middlesbrough.	Truro.	Dundalk.
Darlaston.	Nantwich.	Tunstall.	Galway.
Derby.	Newcastle.	Wakefield.	Limerick.
Dewsbury.	Newport (Mon.).	Walsall.	Londonerry.
Doncaster.	Northallerton.	Warrington.	Waterford.
	Northampton.	Wednesbury.	Wexford.
	Nottingham.	West Bromwich.	
	Nuneaton.		

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.

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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. 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 description which cannot be written upon the printed copy, should be written upon a separate sheet and attached to the print. See par. 2, Forms F and P.

Note.—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.

TABLE SHOWING AMOUNT OF RENEWAL FEES PAYABLE YEAR BY YEAR.

Year in which the patent is dated.	Amount payable in respective years.										
	1899.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.	1909.
	£	£	£	£	£	£	£	£	£	£	£
1886	14										
1887	13	14									
1888	12	13	14								
1889	11	12	13	14							
1890	10	11	12	13	14						
1891	9	10	11	12	13	14					
1892	8	9	10	11	12	13	14				
1893	7	8		10	11	12	13	14			
1894	6	7	8	9	10	11	12	13	14		
1895	5	6	7	8	9	10	11	12	13	14	
1896		5	6	7	8	9	10	11	12	13	14
1897			5	6	7	8	9	10	11	12	13
1898				5	6	7	8	9	10	11	12
1899					5	6	7	8	9	10	11

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.

As the payment of these renewal fees is regulated by Act of Parliament, a fee cannot be received a *single day* after it is due; but

if by accident, mistake, or inadvertence the payment has been omitted, application may be made to the comptroller, on Patent Form "K," for an extension of time to make such payment, specifying the reason for such omission, but no extension can be allowed beyond three months. See par. 2, Form K.

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

7. **Assignments, Licenses, etc.**—Deeds of assignments 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 assignment sent for registration must be under hand and seal and duly stamped in accordance with the provisions of the Stamp Act, 1891, and must be accompanied by an attested copy written upon foolscap paper (on one side only) and bearing a 1s. impressed stamp, and by the stamped Form of Request. See par. 2, Form L and Form M. Names of individual members of firms should be set out on the Form of Request.

8. **Exhibitions of Unpatented Inventions.**—Any person may exhibit an unpatented invention at an exhibition certified by the Board of Trade as industrial or international, without prejudice to his subsequent patent rights, provided (a) that he gives the prescribed notice to the comptroller of his intention so to exhibit it, and (b) that the application for a patent be made within six months from the date of the opening of the exhibition. See par. 2, Form O. In the case of exhibitions held out of the United Kingdom (Sec. 3 of the Act of 1886) no notice of intention to exhibit is required to be given to the comptroller.

9. **Comptroller's Certificate.**—Any one wishing to be informed as soon as a complete specification is accepted, or an application for amendment is entered, should forward a copy of Form Q with a request for such information. See par. 2, Form Q. An applicant for a patent, however, is duly notified of the acceptance of his complete specification.

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, etc.**—Searches cannot be undertaken by the Patent Office, but must be made by the person requiring information, or by his solicitor or agent. See par. 25.

The following fees are charged:—

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

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

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

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12. **Information by Post.**—Any person wishing to know whether a particular patent is still in force, 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.

13. **Date of Printing Specification and Sealing Patent.**—Specifications are printed three weeks after the complete specification has been accepted. The patent is usually sealed about ten weeks after the acceptance of the complete specification, *i.e.* about ten days after the expiration of the period allowed for opposition. See par. 3.

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 any article sold by him is a patented article when no patent has been granted for the same 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 Section 15 of the Act, and Reports of Patent Cases, vol. 13, p. 265.)

16. **Advice on Patent Matters, Opinions as to the Merit or Novelty of Inventions, the Infringement or Fraudulent Appropriation of Inventions, etc.**—(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) The Patent Laws of this country make no provision for an official search as regards novelty; and 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 it is of a frivolous nature. According to Section 46 of the Patents, etc., Act, 1883, "'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."

(c) It is left to every person to protect his rights by opposition or otherwise. See par. 3. 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, etc.—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 photo-lithography may be obtained at the undermentioned rates:—

No. of copies.	Whole sheets imperial (30 × 22).		Half-sheets imperial (15 × 22).		Foolscap size (13 × 16).		Half foolscap size (13 × 9).	
	s.	d.	s.	d.	s.	d.	s.	d.
Single copies	25	0	15	0	15	0	10	0
Not exceeding 6 copies ...	28	0	18	0	17	0	12	0
„ 12 „ ...	30	0	20	0	18	6	13	6
„ 25 „ ...	32	0	22	0	20	0	15	0

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

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

21. Patents, etc., in the British Colonies and Foreign States.—Applications for Colonial or Foreign Patents, etc., 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:—

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

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A copy of the text of the Convention, published by Messrs. Eyre and Spottiswoode, may be purchased for 2*d.* through any bookseller.

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

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

Ecuador (Designs and Trade Marks only), Greece (Designs and Trade Marks only), 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 seven months from the date of the *first* foreign application, and must be signed by the person or persons by whom such first foreign application was made. It must be made upon Form A² (stamped £1, and obtainable upon prepayment of the value of the stamp, through any Money Order Office), and in addition to the specification, provisional or complete, must be accompanied by—

1. A copy or copies of the specification and drawings as filed in the Patent Office of the foreign State or British Possession in respect of the first foreign application duly certified by the official chief of such Patent Office, or otherwise verified to the satisfaction of the comptroller;
2. A statutory declaration as to the identity of the invention in respect of which the application is made with the invention in respect of which the said first foreign application was made, and if the specification be in a foreign language, a translation thereof shall be annexed to and verified by such statutory declaration.

An International Office, in connection with the Convention, has been established at Berne, Switzerland, which publishes a monthly periodical, entitled "La Propriété Industrielle." The yearly subscription (including postage) for all countries within the Postal Union is 5 francs 60 centimes, and should be forwarded by money order to 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, in 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 her Majesty's birthday, Christmas Eve, Easter Eve, and Whitsun Eve, the Library is closed at 4 p.m.

During the re-building of the Patent Office, the Free Library will be transferred to temporary premises in Bishop's Court, Chancery Lane (a few yards west of the Chancery Lane Post-office).

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 :—Barbados, Belgium, Canada, Cape Colony, Denmark, France, Germany, Italy, Japan, Mauritius, Natal, New South Wales, Norway, Portugal, Queensland, Russia, St. Lucia, St. Vincent, Straits Settlements, Sweden, Switzerland, Trinidad, United States of America, Victoria.

25. Patent Office Publications.—These may be consulted daily at the Free Public Library in the Patent Office; at the Science and Art Department, South Kensington; and at the Free Libraries, etc., named on pp., etc. (a) They are also on sale at the Patent Office, 25, Southampton Buildings, Chancery Lane, W.C.

Specifications and other publications will be forwarded by post on receipt of the price and of the postage when such is charged. *Sums amounting to 1s. or more must be remitted by postal or post-office order payable to the Comptroller-General.* Postage stamps sent in payment of any amount exceeding 11d. will be returned. Cheques will not be accepted.

In ordering specifications the name of the patentee, and the No. and year of the patent must be given. These particulars can be obtained by searching the Indexes of Patents and (for recent specifications) the Illustrated Official Journal. Such searches cannot be undertaken by the Patent Office (see par. 11). The Indexes and the Journals can be referred to at the places named in the List "A" following (b), and at the Patent Office Library (see par. 24). The price of each specification is 8d., which includes postage in the United Kingdom.

Printed specifications or other publications cannot be returned by the purchasers, unless a wrong No. has been supplied through an error on the part of the Patent Office.

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

(a) The Lists of places receiving donations of Patent Office Works and the List of Patent Office Publications are here omitted.
(b) Ibid.

War Office
Memo.

WAR OFFICE MEMORANDUM FOR INVENTORS.

WAR OFFICE,
1st February, 1900.

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 rewards in consequence of the use of such inventions, 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 and 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 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 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 authorised 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 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 War Department for the designs, drawings, and patterns supplied.

**War Office
Memo.**

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 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 employes as are required to obtain official permission before taking out a patent, with regard to whom special regulations are in force.

RALPH H. KNOX.

Admiralty
Memo.

LETTER AND MEMORANDUM FOR INVENTORS
ISSUED BY THE ADMIRALTY.

ADMIRALTY, S.W.,
189 .

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 July, 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,
Your obedient Servant,
EVAN MACGREGOR.

MEMORANDUM FOR INVENTORS.

ADMIRALTY,
1st July, 1895.

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 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. 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; and the liability will be strictly confined to the limits of expenditure authorised 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, 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 her Majesty's Government for all purposes whatever. Reasonable prices will be paid by the Admiralty 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 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 employes as are required to obtain official permission before taking out a patent, with regard to whom special regulations are in force.

Forms.

APPENDIX IV.

FORMS AND PRECEDENTS.

A.—PROCEEDINGS FOR REVOCATION OF LETTERS
PATENT.

(See ante, p. 358, Chapter XX.)

No. 1.

Petition for Revocation. (a)

In the High Court of Justice, 1893, D. No.
Chancery Division.

Mr. Justice

In the Matter of the Patents, Designs, and Trade Marks Acts,
1883—1888,

and

In the Matter of Letters Patent granted to J. D., jun.,
No. of ,

and

Between T. P. Petitioner
and

J. D. the Elder and

W. R. Co., Ltd. . . . Respondents.

To Her Majesty's High Court of Justice.

The Humble Petition of T. P., of in the County of London,
gunmaker.

Sheweth as follows:—

1. Your petitioner is duly authorized by her Majesty's Attorney-
General in England to present this petition.2. Letters Patent dated , of 1884, have been granted to
J. D., junior, for an invention entitled, "Improvements in the extract-
ing mechanism of drop-down small arms."

3. The said Letters Patent by assignment dated, ,

(a) *Deeley's Patent.*

were absolutely assigned by the said J. D., junior, to the respondent, J. D., senior, who is the owner of the said Letters Patent. The respondents, W. R. & Co., Ltd., are the sole and exclusive licensees of the said Letters Patent.

4. By judgment of this Hon. Court, dated _____, in an action in which the respondents were plaintiffs and the petitioner was defendant, the said Letters Patent were adjudged and declared void in law, and of no force and effect. The said judgment was, on the _____ day of _____, affirmed by her Majesty's Court of Appeal (England).

5. The said invention was not new at the date of the said Letters Patent for the reasons stated in the Particulars of Objections delivered herewith.

6. The said alleged invention was not any manner of new manufacture, the subject-matter of Letters Patent within Section 6 of the Statute of Monopolies.

Your Petitioner humbly prays that the said Letters Patent may be revoked. And your Petitioner will ever pray.

(Signed) T. P.

It is intended to serve this petition on—

J. D. the elder of, etc.,

And on W. R. & Co., Ltd., of, etc.

Pursuant to Section 26 (4) (b) of the Patents, Designs, and Trade Marks Act, 1883, I hereby authorize the presentation of the above written petition to the High Court of Justice.

Dated this _____ day of _____, .

C. RUSSELL,
Attorney-General.

No. 2.

Another Petition for Revocation. (a)

In the High Court of Justice,
Chancery Division.

Mr. Justice _____,

In the Matter of G. & G.'s Patent No. _____, A.D. 1882,

and

In the Matter of the Patents, Designs, and Trade Marks Act,
1883.

To Her Majesty's High Court of Justice.

The Humble Petition of S. Z. F., of _____, in the City of London.

Sheweth as follows :—

1. Your petitioner is an electrician, and the patentee of many inventions in connection with the production, distribution, and utilization of electric currents, which inventions are now in extensive practical use.

(a) *Goulard and Gibbs' Patent.*

Forms.

2. Among other methods of distribution, for some time past your petitioner has especially occupied himself with methods of effecting the same by means of secondary generators, by which electrical action is obtained at different points of an electrical circuit by means of electric induction only, without interrupting such circuit or making any connection conveying the current.

3. In or about the month of _____, 1885, your petitioner invented an improved form of secondary generator, for the purpose of effecting, economically and conveniently, the above-mentioned object, and on the _____ day of _____, your petitioner applied for and obtained a Provisional Protection, No. _____, for such invention, and has since filed a complete specification for the said invention.

4. Since obtaining the said provisional protection, your petitioner has manufactured and used secondary generators constructed according to your petitioner's said invention, and the same have been shewn to possess great advantages over other forms, and to be of great practical utility.

5. The sale and user of the said secondary generators, made according to your petitioner's invention, has recently been interfered with by a limited company named the N. Company. The said company claim to be entitled to restrain any person using any mode of electrical distribution by means of secondary generators of whatever form or construction such generators may be.

6. The said claim of the aforesaid company purports to be based upon Letters Patent granted to L. G. & J. D. G., and numbered _____ A.D. _____. The invention in respect of which the said Letters Patent were granted was in no wise novel at the date of the same, and the said Letters Patent are, and always have been, of no force and validity by reason thereof, and of the other matters set forth in the Particulars of Objections delivered herewith in pursuance of Section 26 of the above-named Act.

7. The existence of the above-named Letters Patent claiming a wide and general monopoly of the system of distribution by means of secondary generators, which was known to, and the property of the public at the date of the said Letters Patent, has been, and is, the cause of great injury to the public by preventing the sale of machines made according to your petitioner's invention, as well as those made by other inventors, who likewise have made improvements in secondary generators and in the distribution of electricity thereby.

8. That the public are prejudiced by the above-mentioned general claim in the said Letters Patent, because consumers of electricity are not in general acquainted with the science of electricity and the technical application thereof, and are therefore unable to form an opinion as to the invalidity of the said Letters Patent, whereby the sale and use of improved secondary generators are wholly prevented.

9. The office of Mr. _____, of _____, in the County of Middlesex, is the place where the petitioner may be served with any petition or summons, or notice of any proceedings or order of this Court relating to the matters herein referred to.

Your petitioner therefore humbly prays for the revocation of Letters Patent, No. _____, A.D. 1882, or that such order

may be made in the premises as to this Hon. Court may seem meet.

Forms.

And your Petitioner will ever pray, etc.

(Signed) S. Z. F.

It is intended to serve this petition on L. G., J. D. G., and the N. Company, Limited.

I hereby authorize the presentation to the High Court of Justice of the above written petition.

Royal Courts of Justice.
(Date.)

(Signed) RICHARD E. WEBSTER,
Attorney-General.

No. 3.

Another Petition for Revocation. (a)

In the High Court of Justice,
Chancery Division.

1895, G. No.

Mr. Justice

In the Matter of Letters Patent No. of A.D. 1894, granted
to C. P. G. and E. H.,

and

In the Matter of the Patents, Designs, and Trade Marks Acts,
1883 to 1888.

To Her Majesty's High Court of Justice.

The Humble Petition of trading as M. & Company of
in the County of London, Opticians and Dealers in Photo-
graphic Instruments, and of trading as V. & S. of
in the Empire of Germany, on the day of preferred
unto this Court.

Sheweth as follows :—

Your petitioners, M. & Company, are dealers in photographic apparatus. Your petitioners, V. & S., are manufacturers of optical instruments.

The said Letters Patent, No. of , were granted on an application dated to C. P. G., manufacturer, of , and E. H., optician, of , both near Berlin, in the Empire of Germany, for an alleged invention consisting in "Improvements relating to Double Lenses for photographic purposes."

In the specification describing the said alleged invention the patentees claimed as novel, (1) a photographic double objective, the two separate systems of which are independently corrected for spherical chromatic and astigmatic error, and to this end consist each of three cemented lenses, one of the cemented surfaces of which acts by converging, *i.e.* by collecting the rays of light (to correct the astigmatic error), and the other cemented surface acts by diverging, *i.e.* by

(a) *Goerz and Hoegh's Patent.*

No. 4.

Forms.

Particulars of Objections.

Delivered by the Plaintiff with his Petition, pursuant to the Patents Act, 1883, Section 26 (5).

In the High Court of Justice, 1893, D. No.
Chancery Division.

Mr. Justice

In the Matter of the Patents, Designs, and Trade Marks Acts,
1883—1888,

and

In the Matter of J. D. junior's Patent granted to J. D. jun.,
No. of ,

and

Between T. P. Petitioner

and

J. D. the Elder and

W. R. Co., Ltd. Respondents.

Particulars of Objections.

1. The inventions claimed by the 1st, 4th, and 5th claims of the specification of J. D. junior, No. of 1884, are anticipated by the specification of T. P., No. of , particularly with reference to the 4th claim in the said specification of T. P., and to the descriptions and illustrations referring to that part of his therein described invention.

2. The invention claimed by the 3rd claim of the specification of J. D. junior, No. of 1884, is anticipated by the specification of T. P., No. of , particularly with reference to the 2nd claim of the said specification of T. P., and to the description and illustrations referring to the said 2nd claim.

3. The invention described in the 3rd, 4th, and 5th claims of the specification of J. D. junior, No. of 1884, was anticipated by one L. E. A., at in the County of London, between October and November , 1882, by making a gun with ejecting mechanism similar in every respect to that described and claimed in the said 3rd, 4th, and 5th claims of the said J. D. junior's specification.

4. None of the claims to the said J. D. junior's specification disclose subject-matter for Letters Patent.

Dated

No. 5.

Another Form of Particulars of Objections.

In the High Court of Justice, 189 , G. No.

Chancery Division.

Mr. Justice

Forms.

In the Matter of G. & G.'s Patent, No. A.D. 1882,
and
In the Matter of the Patents, Designs, and Trade Marks Act
1883.

Particulars of Objections.

Delivered by the Petitioner with his Petition for the Revocation
of Letters Patent, No. 4362, A.D. 1882.

The petitioner will, at the hearing of this petition, rely on the following objections to the validity of the said Letters Patent:—

1. That L. G. & J. D. G. were not the true and first inventors of the alleged invention comprised in the said Letters Patent.

2. That the alleged invention was not new at the date of the said Letters Patent.

3. That the alleged invention consists solely of a suggestion to use on a large scale the ordinary and well-known mode of deriving electrical action by induction—by means of an induction coil—from a conductor carrying a varying current, both the means employed and the practical use of them for such purpose being well known, and the same is therefore not a fit subject-matter for Letters Patent.

4. That claims 1 and 2 of the specification of the said Letters Patent are for a principle only, and not for any manner of new manufacture, and that the alleged invention is therefore not fit subject-matter for Letters Patent.

5. That the alleged invention, as disclosed by the Queen's printer's copy of the specification filed under the said Letters Patent, did not make any useful addition to the stock of knowledge existing at the date of the said Letters Patent.

6. That the grant of the said Letters Patent to the said L. G. & J. D. G. was subject to the condition that they should within six months from the date of the said Letters Patent duly file a specification, particularly describing and ascertaining the nature of their said alleged invention, and the manner in which the same was to be performed, and they did not do so. (*a*)

7. That the specification purporting to be filed in pursuance of the condition hereinbefore referred to does not describe or ascertain the nature of the said alleged invention, or the manner in which the same was to be performed, and does not distinguish what is old therein from what is new, and is vague and calculated to mislead the public, more especially in the following particulars:—

That the complete specification contains no reference to the primary current being kept constant, and no means of doing this are indicated. Also, that the use of the system for motive power is claimed, but no suitable method of effecting this is described. Also, that the alleged invention is incapable of being exactly defined in the absence of any definition

(*a*) This patent (*Goulard and Gibbs'*) had been granted prior to the coming into operation of the Patents Act, 1883.

The specifications are now sent in before the patent is sealed. See ante, pp. 16, 287.

of the meaning of the words "currents of high tension." Also, that the words "of which the quality and value depend only on the construction of the secondary coils of the said electrical generators" in the first paragraph of the said specification are calculated to mislead, and are intended to convey and do convey a misleading and erroneous meaning.

7A. That the complete specification of the above mentioned Letters Patent describes and claims an invention different from that described in the provisional specification, because the principle and essence of the alleged invention as described in the provisional specification was the employment of an alternating current in connection with an unlimited number of inductive coils based upon the following statements, namely—that the primary current in passing through these coils suffers no other modification than that due to the resistance of the inductor, and that the currents generated in a hundred induction coils placed on the circuit will only have changed the value of the primary current to the extent of the sum of their resistances, and that under these circumstances the number of induction coils could be indefinitely multiplied, whereas the complete specification omits all reference to these wholly erroneous and misleading statements, and claims a system which is wholly devoid of these essential characteristics, being results which are possible, though old, instead of the impossible results which are the whole basis of the alleged invention indicated in the provisional specification.

8. That the alleged invention, in respect of which the said Letters Patent were granted, was published within the realm prior to the date of the same by the following publications :—

The several specifications of inventions in respect of which Letters Patent or provisional protection were respectively granted as follows, namely :—

(a) To E. C. S., in respect of a communication from F. N., dated , No. , for certain improvements in electro-magnetic apparatus, suitable for the production of motive power, of heat, and light. The portions relied on are page , line , to page , line ; also, page , line , to page , line ; and the and claims.

(b), (c), (d), etc., etc.

The above are prior publications of the alleged inventions claimed in each of the claims in the Letters Patent granted to the said L. G. & J. D. G.

9. That the alleged inventions, in respect of which the said Letters Patent were granted, were used within this realm prior to the date of the same as follows :—

(1) The alleged inventions claimed in the two claiming clauses of the specification were in ordinary and common use in connection with telegraphy ; the alleged inventions consisting simply in the ordinary device of having several induction coils on one circuit.

(2) The same inventions were used to produce light by J. A. E. G. at , in or about the month of , and

Forms.

subsequently, prior to the date of the said Letters Patent, at his said residence, and at various places in London, of which your petitioner cannot as yet give further particulars.

- (3) And also the same were in ordinary and common use for the purposes of producing light (more especially in connection with the use of vacuum tubes) by all electricians, to whom the currents so produced were of a convenient kind, inasmuch as the alleged inventions consist wholly of the use of induction coils on a circuit carrying an alternating current, a device which was well known and commonly used by electricians prior to the date of the said Letters Patent.

No. 6.

Another Form of Particulars of Objections. (a)

In the High Court of Justice,
Chancery Division,
Mr. Justice

1895, G. No.

In the Matter of Letters Patent, No. of 1894, granted
to C. P. G. and E. H.

and

In the Matter of the Patents, Designs, and Trade Marks
Acts, 1883—1888.

Particulars of Objections.

The following are the objections to the validity of the said Letters Patent delivered with the Petition as required by section 26, sub-section 5, of the Patents, Designs, and Trade Marks Act, 1883.

1. The respondents were not the true and first inventors of the alleged invention.

2. The petitioners, V. & S., are the true and first inventors of the said invention, and have manufactured and sold photographic double objectives in Germany and elsewhere, since of .

3 The alleged invention is not novel by reason of the following:—

The petitioners, V. & S., sold to your petitioners, M. & Company, within this realm, on the day of , before the date of the said Letters Patent, a photographic double objective, similar in all respects to that claimed by the respondents as their alleged invention in their said Letters Patent.

The petitioners, M. & Company, sold at their shop situate at to on the day of a photographic double objective, similar in all respects to

(a) *Goerz and Hoegh's Patent.*

that claimed by the respondents as their invention in their said Letters Patent. **Forms.**

4. Considering the state of public knowledge in the art of the manufacture of lenses at the date of the said Letters Patent, the alleged invention was not good subject-matter for valid Letters Patent.
(Signed)

Delivered, etc.

No. 7.

Another Form of Particulars of Objections. (a)

[Insert Heading in Action.]

“Take notice, that the petitioner will, upon the hearing of his petition, rely upon the following objections to impeach the patent in the petition mentioned :—

1. That the alleged inventor was not the first and true inventor.
2. That the petitioner was the true inventor.
3. That the petitioner had publicly manufactured within this realm, before the date of the said patent, the whole invention therein claimed, viz., in the year at , and in the years to inclusive, at the works,
4. That the petitioner publicly used within this realm, before the date of the said patent, the whole invention claimed therein, viz., at the times and places above-mentioned.
5. That the petitioner publicly sold within this realm, before the date of the said patent, the whole invention therein claimed, viz., in the years to , inclusive, at the works,
6. That the said patent was obtained in fraud of the petitioner's rights, viz., by means of information as to the petitioner's process conveyed by J. H., an employé of the petitioner's, to W. H., by whom the said information was communicated to the patentee.”

No. 8.

Interrogatories on Petition for Revocation.

[Insert Heading as in Form No. 3, supra.]

Interrogatories on behalf of the above-named petitioners for the examination of the above-named respondents.

1. Did you not have an interview with (or receive a communication by letter from) Messrs. V. & S. on the day of at , or at some other, and what time and place, with reference to photographic double objectives made by Messrs. V. ?
2. At such interview (if any), or in such communication (if any),

(a) See *Haddan's Patent*, 2 R. P. C. 219.

Forms.

did not Messrs. V. describe and explain the nature and construction of a photographic double objective made by them and sold under the name of the "Colinear"?

3. If you say Yes, was not such description and explanation given as a confidential communication made by Messrs. V. for the express purpose of demonstrating to you the difference between their photographic double objective and that made by you in accordance with your Letters Patent, No. of ?

4. Were you not aware that Messrs. V. were in the habit of exporting to England photographic and other lenses made by them?

5. Is not Messrs. V.'s said photographic double objective substantially the same as the form of lens claimed by you in your Letters Patent, No. of page lines ? If you say No, state in what respects it differs from the said form.

6. When were you first aware of, and when did you first complain to Messrs. V., of the sale by them or their agents, or otherwise, in England, of a lens made by them substantially in accordance with the specification of your Letters Patent, No. of ?

7. Refer to your Letters Patent, No. of on page lines and the words . Do you say that the variation there described is contained or mentioned in your former Letters Patent, No. of ? If Yes, state where in the said Letters Patent the statement of such variation occurs.

8. Refer to your Letters Patent, No. of on page lines and the words . Do you say that the characteristics here mentioned are laid down in the first claiming clause of your said former Letters Patent? If so, state where in the said claiming clause the said characteristics are mentioned. Do you say that other cases or combinations are included or claimed in Claim 1 of the said former Letters Patent in addition to the two particular combinations of lenses claimed in sub-sections (a) and (b) respectively of Claim 1? If you say Yes, state where such further combinations are included or claimed.

9. Refer to published at on (supplied herewith), and state where you first became aware of such publication. State further whether the description of the photographic double objective of Messrs. V. & S. therein contained does not describe a form of objective substantially the same as that claimed by you in your Letters Patent, No. of . If you say No, state in what respect it differs therefrom.

No. 9.

**Order granting Leave to Apply to Amend Specification
while a Petition is Pending.**

[Insert Heading as in Form No. 4.]

Upon motion on the and days of , made unto this Court by counsel for J. D. the elder, and W. R. & Company Limited, the respondents to the petition of T. P., on the day of , ,

preferred unto this Court, and upon hearing counsel for the petitioner, the said T. P., and upon reading an affidavit of E. G. H., filed the day of , , and the exhibits referred to; an affidavit of R. T. W., filed the same day, and the exhibit therein referred to; an affidavit of C. J. B., filed the day of , , and the exhibits therein referred to; a statutory declaration of J. D. the elder, declared on the day of , ; a declaration of T. P., declared on the day of , ; specifications of Letters Patent, numbered respectively of and . This Court did order that the motion should stand for judgment, and the said motion standing this day in the paper for judgment in the presence of counsel for the respondents and petitioner. This Court doth order that the said respondents be at liberty to proceed with their application to the Comptroller of the Patent Office for leave to amend the specification of the above-mentioned Letters Patent by way of disclaimer. The costs of the said motion are reserved, and the said petition is to stand over until after such proceedings. (a)

No. 10.

Another Order Granting Leave to Apply to Amend Specification. (b)

In the High Court of Justice,
Chancery Division.

Mr. Justice

In the Matter of G. & G.'s Patent, No. of , 188 ,
and

In the Matter of the Patents, Designs, and Trade Marks
Act, 1883,

and

In the Matter of the Petition of S. Z. F.

Upon motion this day made unto this Court by counsel for L. G. and J. D. G. and the N. Company, the respondents to the petition preferred by the above-named S. Z. F., and upon hearing counsel for the said petitioner and affidavit of the petitioner, S. Z. F., filed the 17th day of November, 1887, and an affidavit of J. D. G. filed the 19th day of November, 1887, This Court doth order that the applicants be at liberty forthwith to apply to amend their specification filed in pursuance of the above Letters Patent, No. 4862 of 1882, by way of disclaimer, the applicants undertaking to prosecute their proceedings with all diligence. And it is ordered that the petitioner be at liberty within fourteen days after notice of the amendments made in the said specification, either to amend his Petition and the Particulars of Objections delivered by him, or to discontinue all proceedings thereunder. And it is ordered that the respondents, L. G. and J. D. G.,

(a) As to this form of order, see, however, *Ludington Cigarette Machine Co. v. Baron Cigarette Machine Co.*

17 R. P. C. 214.

(b) *Goulard and Gibbs' Patent.*