

authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;

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

79. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorised to take such declaration in testimony of such declaration having been made and subscribed before him, may be admitted by the Comptroller without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

Notice of seal of officer taking declaration to prove itself.

Statutory declarations may, in the case of an appeal, be used in lieu of evidence by affidavit, and if so used they have all the incidents and consequences of evidence by affidavit. Any declarant may be cross-examined (by leave of the Comptroller) on his declaration. (See sect. 77 (1) and notes thereon, *ante*, p. 262.)

#### DESIGNS IN CLASSES 13, 14, AND 15.

80. All applications for registration of designs in Classes 13, 14, and 15 shall be lodged at the Office or left at or sent to the Manchester Branch Office, at the option of the applicant.

Application at Manchester.

81. Until the Board of Trade shall otherwise direct, the Manchester Branch Office (hereinafter called the Manchester Office) shall be the Manchester Branch of

Manchester Office.

the Trade Marks Registry of the Patent Office, 48, Royal Exchange, Manchester, and applications for registration of designs in Classes 13, 14 and 15 and all communications intended to be made at or sent to the Manchester Office shall be addressed to the Keeper of Cotton Marks (hereinafter called the Keeper), at 48, Royal Exchange, Manchester.

Applications  
in duplicate.

82. All applications for registration of designs in Classes 13, 14 and 15 shall be in duplicate, and if the application be lodged at the Office, one copy shall forthwith be sent by the Comptroller to the Keeper; if an application be addressed to the Keeper, he shall forthwith send one copy to the Comptroller. One of the Forms of application shall be stamped and the other unstamped.

Form of  
application  
for checks or  
stripes.

83. Applications in Class 15 for registration of designs consisting substantially of checks or stripes only, shall be made on Form Designs (Manchester) No. 2. If any doubt arises as to whether a design presented for registration on Form Designs (Manchester) No. 2 is a design consisting substantially of checks or stripes only, that doubt shall be determined by the Comptroller.

Form of  
application  
for designs  
other than  
checks or  
stripes.  
Manchester  
Register.

84. Applications in Classes 13 and 14 for registration of designs shall be made on Form Designs (Manchester) No. 1.

85. There shall be kept at the Manchester Office a Register, to be called the Manchester Register, wherein the entries made shall be duplicates of the entries in the Register at the Office relating to designs registered in Classes 13 and 14 in the Third Schedule to the Designs Rules, 1896, of which the copyright shall be existing on the 1st January, 1908, and of those which shall be made on that date and thereafter relating to designs registered in Classes 13, 14 and 15.

Alteration of  
Register.

86. When any alteration or addition is made at the

Office of or to an entry in the Register relating to a design included in those mentioned in Rule 85, the Comptroller shall forthwith give notice thereof to the Keeper, who shall alter the Manchester Register accordingly.

87. Where a dispute arises with reference to a design entered in the Manchester Register, the parties thereto may give notice (in duplicate) to the Keeper on the Form Designs (Manchester) No. 3, and he shall make a note in the Manchester Register of such request and shall send a copy of the note to the Comptroller together with one copy of the notice. One copy of the Form Designs (Manchester) No. 3 shall be stamped and the other unstamped.

Notice of  
dispute.

88. All documents under these Rules shall, when they relate to designs in Classes 13, 14 and 15, be in duplicate, and may be lodged at the Office or left at or sent to the Manchester Office, at the option of the applicant or other person lodging or leaving or sending the same. All documents which the Comptroller is directed to send may be sent from the Manchester Office by the Keeper when they relate to designs in Classes 13, 14 and 15. When any document bears a fee stamp, the duplicate may be unstamped.

Procedure at  
Manchester.

The whole of these provisions are new, and arise under sect. 62 (4), as to which see *ante*, p. 252. The powers and authorities of the Comptroller over all registrations are not affected by these provisions. As to the keeping of the Register and the inspection of deposited designs and entries, see sects. 52 and 67, *ante*, p. 227 and p. 254 respectively. For the Forms (Manchester Nos. 1, 2 and 3), see *post*, pp. 386—388. The special Form Manchester No. 3, referred to in Rule 87, relates to disputes which are referred to the Manchester Chamber of Commerce, and as to which all legal proceedings are excluded by consent of the parties, without power of appeal.

#### APPEALS TO THE BOARD OF TRADE.

89. When any person intends to appeal to the Board of Trade he shall, before doing so, apply to the Comp-

Appeal to  
Board of  
Trade.

troller for a hearing, and may, if he considers it necessary, obtain the grounds of the Comptroller's decision. Within one month from the date of such decision, or from the date of the issue of the grounds thereof, if such have been issued, he shall, if he is advised to appeal to the Board of Trade, lodge a notice of such his intention on Form Designs No. 25, accompanied by a copy of the form of application and six representations of the design applied for and a copy of the grounds of the Comptroller's decision, if any grounds have been issued.

The provisions as to obtaining a statement of the grounds of the Comptroller's decision are new, and are contained in Rules 33 and 34, *supra*. The rest of the Rule corresponds with the old Rule 15. For the Form No. 25, see *post*, p. 388.

There is no appeal from the decision of the Board of Trade: *In re Clarke's Design*, 13 R. P. C. at p. 357. As to proceedings before the Board, see sect. 87 and notes thereon, *ante*, p. 269.

Grounds of appeal to be stated.

90. Such notice shall also be accompanied by a statement in writing of the grounds of appeal, and of the appellant's case in support thereof.

This and the following three Rules repeat the old Rules 16 to 19. See sect. 87, *ante*, p. 269.

Transmission of notice.

91. A copy of the notice and all the accompanying documents shall also be forthwith sent by the appellant to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London.

Directions by Board.

92. The Board of Trade may thereupon give such directions (if any) as they may think fit with respect to parties and evidence, or otherwise, for the purpose of the hearing of the appeal by the Board of Trade.

Hearing of appeal.

93. 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 shall be given by the Board of Trade to the Comptroller and to the appellant.

94. No appeal shall be entertained of which notice has not been given within one month from the date of the decision appealed against, or such further time as the Comptroller may allow, except by special leave of the Board of Trade.

No appeal unless notice duly given.

This provision is new. As to the computation of time and powers of the Comptroller to enlarge time generally, see Rules 64 and 65, *supra*.

#### APPLICATIONS TO AND ORDERS OF THE COURT.

95. Four clear days' notice of every application to the Court under section 72 of the Act for rectification of the Register of Designs shall be given to the Comptroller.

Notice to Comptroller of application to rectify Register.

See sect. 72 and the notes thereon, *ante*, p. 258.

96. Where an Order has been made by the Court in any case under the Act, the person in whose favour such Order has been made, or such one of them, if more than one, as the Comptroller may direct, shall forthwith serve on the Comptroller an office copy of such Order, together with Form Designs No. 26, if required. The Register may, if necessary, thereupon be rectified or altered by the Comptroller.

Order of Court.

For the special provisions in the case of goods in the Manchester Classes, see Rules 85 to 88, *supra*.

For the Form No. 26, see *post*, p. 389.

97. Whenever an Order is made by the Court under the Act, the Comptroller may, if he thinks that the effect of such Order should be made public, advertise a notice thereof in the Journal.

Publication of Order of Court.

#### REPEAL.

98. All general rules relative to designs heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1902, and in force on the

Repeal.

31st day of December, 1907, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such Rules, or to any application or other matter then pending.

This corresponds with the old Rule 37, which repealed all previous General Rules.

Dated this 17th day of December, 1907.

D. LLOYD GEORGE,  
*President of the Board of Trade.*

## SCHEDULES.

### FIRST SCHEDULE.

#### FEES.

The following fees shall be paid under the Act, so far as it relates to designs. Such fees must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid:—

Subject or Proceeding.	Amount.	Corresponding Form.
	£   s.   d.	
1. On application to register one design to be applied to a single article in a class, not being lace, and except articles in Classes 13 to 15 .....	0   5   0	Designs No. 2
2. On application to register one design to be applied to a set of articles in a class, not being lace.....	0   10   0	Designs No. 3
3. On application to register one design to be applied to lace or to register one design in Class 15 .....	0   1   0	Designs No. 4, or Designs (Manchester) No. 2.
4. On application to register one design to be applied to a set of lace articles.....	0   2   0	Designs No. 5
5. On application to register one design in Class 13 or Class 14 .....	0   2   6	Designs (Manchester) No. 1.

FIRST SCHEDULE—continued.

Subject or Proceeding.	Amount.	Corresponding Form.
	£ s. d.	
6. On application to Comptroller to state grounds of decision and materials used under Rule 33.....	0 5 0	Designs No. 7
7. On extension of period of copyright under section 53 (2) .....	1 0 0	Designs No. 8
8. On application for extension of period of copyright under section 53 (3).....	0 10 0	Designs No. 9
9. On extension of period of copyright under section 53 (3) .....	1 10 0	Designs No. 10
10. On joint application to enter name of subsequent proprietor, &c. ....	Same as registration fee.	Designs No. 11 or 12.
11. On application to enter name of subsequent proprietor, &c., under Rule 44, for each design .....	0 10 0	Designs No. 13
12. On application of mortgagee, licensee, or other person having registered interest, for removal of his name .....	0 1 0	Designs No. 15
13. On application for entry of address for service or of new address .....	0 1 0	Designs No. 6 or 16.
14. On application to correct clerical error.....	0 1 0	Designs No. 17
15. On application by proprietor or his representative for cancellation .....	0 1 0	Designs No. 18
16. On application for search under section 57 when registration number is supplied ...	0 1 0	Designs No. 19
17. On application for search under section 57 when registration number is not supplied	0 2 6	Designs No. 20
18. On application for search under Rule 60 ...	0 2 6	Designs No. 21
19. On application for Certificate of Comptroller for legal proceedings or other special purpose .....	0 5 0	Designs No. 22
20. On application for cancellation under section 58.....	1 0 0	Designs No. 23
21. On notice to Comptroller of intended exhibition of an unregistered design .....	0 5 0	Designs No. 24
22. On notice to Keeper under Rule 87 .....	0 2 6	Designs (Manchester) No. 3.
23. On appeal from Comptroller to Board of Trade, in respect of each decision appealed against .....	0 5 0	Designs No. 25
24. For each entry in the Register of an alteration in pursuance of an Order of Court ..	0 5 0	Designs No. 26
25. Copy of Certificate of Registration, each copy .....	0 1 0	Designs No. 27
26. Inspection of Register or design where inspection is permitted, except inspection under the second paragraph of section 56 (1) of the Act, for each quarter of an hour .....	0 1 0	—

## THE DESIGNS RULES, 1908.

FIRST SCHEDULE—*continued.*

Subject or Proceeding.	Amount.	Corresponding Form.
27. Office copy of design.....	£ s. d. cost according to agreement.	—
28. For Office copy of documents, every 100 words .....	0 0 4 (but never less than 1s.)	—
29. For certifying Office copies, MSS. or printed .....	0 1 0	—

The fees to be paid on any proceeding at the Manchester Office shall be the same as for the similar proceeding at the London Office.

Dated this 17th day of December, 1907.

D. LLOYD GEORGE,  
*President of the Board of Trade.*

Approved,  
JOSEPH A. PEASE,  
J. H. WHITLEY,  
*Lords Commissioners of His Majesty's Treasury.*

## SECOND SCHEDULE.

## FORMS.

*(See list of these Forms with corresponding fees, post, p. 373.)*



# THE INTERNATIONAL CONVENTION

FOR THE PROTECTION OF

## INDUSTRIAL PROPERTY *(a)*.

*Signed at Paris, March 20, 1883.*

With the Amendments introduced by THE BRUSSELS ACT of Dec. 14, 1900.

[*Came into operation September 14, 1902.*]

[The amendments introduced by the Brussels Act of 1900 are inserted in italics; clauses in the original Convention which are now omitted under that Act being marked by square brackets.]

### INTERNATIONAL CONVENTION *(b)*.

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

Being equally animated with the desire to secure, by mutual agreement, complete and effectual protection for the industry and commerce of their respective subjects and citizens, and to provide 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 [*here follow the names of the Plenipotentiaries*]:—

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)* "Industrial property" includes patents, industrial designs and models, trade marks and trade names. See, however, Clause I. of the Protocol.

We are here concerned with the Convention only in so far as it deals with designs, although the text is given in full.

## INTERNATIONAL CONVENTION FOR THE

(b) The original Convention was published in French, which, under Art. 6 of the Final Protocol, is the official language of the International Office. The authorised English translation has been given here; but, except in the formal parts, the French version of each article has been printed immediately below the paragraph to which it refers. The terms of the Convention, both in the original and in the English translation, are often vague. In such cases a reference to the original French text is of assistance.

The necessary ratifications were exchanged by the plenipotentiaries of the High Contracting Parties on June 6, 1884, and as Article XVIII. provides that the Convention should come into operation one month after the exchange of ratifications, the date from which it applies to the countries named in Article I. is July 6, 1884.

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

In addition to the original members of the Union the following countries have since given in their adhesion to the Convention and become members:—

<i>Name of Country.</i>	<i>Date of Entry.</i>
Norway .....	1st July, 1885.
Sweden .....	1st July, 1885.
United States of America .....	30th May, 1887.
Dutch Indies .....	1st October, 1888.
Surinam and Curaçoa .....	1st July, 1890.
Dominican Republic .....	11th July, 1890.
New Zealand .....	7th September, 1891.
Denmark .....	1st October, 1894.
Japan .....	15th July, 1899.
Germany .....	1st May, 1903.
Mexico .....	7th September, 1903.
Cuba .....	17th November, 1903.

The additional Act of Brussels has been adopted by all the members of the Union with the exception of Servia and the Dominican Republic.

Similar arrangements for the mutual protection of Designs have been made between Great Britain and Ecuador, Greece, Honduras, Paraguay, Uruguay and Roumania.

## ARTICLE II.

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

Legal  
remedies.

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.

Under the word "patents" are comprised the various kinds of industrial patents, recognised by the legislation of each of the Contracting States, such as importation patents, and improvements patents. (See Final Protocol, 2.)

The last paragraph of this Article 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. (Final Protocol, 3.)

The provisions of this Article have been extended by Article Xn. introduced by the Brussels Act. (See *post.*)

ARTICLE III.

Subjects or citizens of States not forming part of the Union, who are domiciled or have *real and effective* 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.

Rights of subjects of States not within Union established in countries within Union.

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

By this Article subjects or citizens of non-contracting States who are domiciled or have establishments in Contracting States are placed on a better footing than their compatriots at home. The difficult questions arising upon the meaning of the words "*domiciled or have industrial or commercial establishments*" in the original Convention, were attempted to be settled by the addition of "*real and effective*" by the Brussels Act.

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.

Right of priority.

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 *twelve* months for patents, and *four* 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 Etats Contractants, jouira, pour effectuer de dépôt dans les autres Etats, 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 Etats 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 *douze* mois pour les brevets d'invention, et de *quatre* mois pour les dessins ou modèles industriels, ainsi que pour les marques de fabrique ou de commerce. [Ils seront augmentés d'un mois pour les pays d'outremer.]

The original terms of priority specified in the Convention were six months for patents and three months for designs, with an additional month for "countries beyond the sea," but these terms were altered to twelve and four months respectively by the Brussels Act. These terms are adopted by the Patents and Designs Act, 1907. (See sect 91 (1) (a), *ante*, p. 272.)

When first this Article came into operation, some doubt existed whether the period allowed was to be computed from the date of deposit of the application for a patent, or from the date on which the patent was actually sealed in Great Britain, or signed

in the other Contracting States. The Act of 1885, s. 6, substituted "*date of application*" for "*date of the protection obtained*," and this is continued by the new Act (1907), sect. 91 (1) (a).

It appears that *one of the Contracting States* means the first State where application was made.

An additional Article (IVb.) was introduced by the Brussels Act, but this relates only to patents.

The provisions of the Article have been extended by Article Xn. of the Brussels Act. (See *post.*)

#### ARTICLE V.

Importation  
and  
forfeiture.

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.

The first conference of delegates of the Contracting States was held at Rome in April and May, 1886, when the following addition to Article V. was recommended:—

Each country shall determine the sense in which the word *exploiter* (work) is to be interpreted by the law of that country.

#### ARTICLE VI.

Registration  
of trade  
marks.

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 les autres pays de l'Union.

Sera considéré comme pays d'origine le pays où le déposant a 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.

Nature of  
goods to be  
no obstacle  
to registra-  
tion of trade  
mark.

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. Protection of trade names.

*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. Seizure of goods bearing illegal trade mark or name.

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.

*In States the laws of which do not admit of seizure upon importation, prohibition of importation may take the place of such seizure.*

*The authorities shall not be compelled to effect the seizure in the case of goods in transit.*

*Tout produit portant illicitement une marque de fabrique ou de commerce, ou un nom commercial, pourra être saisi à l'importation dans ceux des Etats 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 Etat.*

*Dans les Etats dont la législation n'admet pas la saisie à l'importation, cette saisie pourra être remplacée par la prohibition d'importation.*

*Les autorités ne seront pas tenues d'effectuer la saisie en cas de transit.*

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. Goods falsely bearing name of a locality.

Any producer, manufacturer of, or trader in, such goods, established either in the locality falsely designated as the place of origin, or in the region in which such place is situate, 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 producteur, fabricant ou commerçant, engagé dans la production, la fabrication ou le commerce de ce produit, et établi soit dans la localité faussement indiquée comme lieu de provenance, soit dans la région où cette localité est située.*

ARTICLE XB.

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

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

## ARTICLE XI.

Protection at exhibitions.

The High Contracting Parties agree to grant, *in conformity with the legislation of each country*, temporary protection to patentable inventions, to industrial designs or models, and trade marks, for articles exhibited at official or officially recognised International Exhibitions held in the territory of one of them.

Les Hautes Parties Contractantes accorderont conformément à la législation de chaque pays 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, organisées sur le territoire de l'une d'elles.

Temporary protection is provided for in the United Kingdom by sect. 59 of the Act of 1907.

## ARTICLE XII.

Government Office.

Each of the High Contracting Parties agree 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.

In this country the Patent Office fulfils this obligation.

## ARTICLE XIII.

International Bureau.

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

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

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.

See the Final Protocol, §§ 5 and 6.

*An international office, &c.*—This office has been established at Berne (14 Kanonenweg). A monthly periodical, entitled *La Propriété Industrielle*, is published under its supervision.

## ARTICLE XIV.

Conferences.

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.]

The first meeting was held at Rome in April and May, 1886. The Act of Brussels is the outcome of the meeting held at that place in 1900.

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.

Special arrangements between contracting parties.

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.

Adherence of other States.

Such admission 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, and shall take effect one month after the despatch of the notification sent by the Swiss Government to the other States of the Union, unless a subsequent date have been indicated by the adhering State.

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

See the Note to Art. I. A list of the States belonging to this International Union, and the dates at which the Convention commenced its effective operation, will be found at p. 322.

The original parties to the Convention are all bound from the same date, July 6th, 1884.

As regards any two countries subsequently joining the Convention, the date of admission of the country which last joined the Convention will regulate the date of commencement of the operation of the Convention between the two countries. The provisions of sect. 103 of Patents Act, 1883 (continued by sect. 91 of the 1907 Act), were extended to applications under the International Convention, by Order in Council dated 26th June, 1884. (See *post*, p. 331.)

## ARTICLE XVII.

Convention subordinate to laws of contracting countries.

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.

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.

The International Convention is valid in this country only in so far as its provisions are authorised by the Patents Acts, or by any other law, whether statute or common law, affecting the subjects dealt with in the Convention.

## ARTICLE XVIII.

Commencement of operation of Convention.

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

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

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

The ratifications were exchanged on June 6th, 1884, so that the date from which the Convention operates is July 6th, 1884. Great Britain joined the Convention July 7th, 1884.

## ARTICLE XIX.

Ratification.

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

## II.

## FINAL PROTOCOL.

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:—

“ Industrial property.”

1. The words “ Industrial Property ” are to be understood in their broadest



sonse; they are not to apply simply to industrial products properly so called, but also to agricultural products (wines, corn, fruits, cattle, &c.), and to mineral products employed in commerce (mineral waters, &c.).

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

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.

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

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

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

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

6. The common expenses of the International Office, instituted by virtue of Article XIII., are in no case to exceed for a single year a total sum representing an average of 2,000 fr. for each Contracting State. Expenses of International Office.

\* \* \* \* \*

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. Final Protocol to be read with Convention.

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

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

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

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

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

4. Le paragraphe 1er de l'Article VI. doit être entendu en ce sens qu'aucune marque de fabrique ou de commerce ne pourra être exclue de la protection dans

## INTERNATIONAL CONVENTION FOR THE

P'un des États de l'Union par le fait seul qu'elle ne satisfait pas, au point de vue des signes qui la composent, aux conditions de la législation de cet État, pourvu qu'elle satisfasse, sur ce point, à la législation du pays d'origine et qu'elle ait été, dans ce dernier pays, l'objet d'un dépôt régulier. Sauf cette exception, qui ne concerne que la forme de la marque, et sous réserve des dispositions des autres Articles de la Convention, la législation intérieure de chacun des États recevra son application.

Pour éviter toute fausse interprétation, il est entendu que l'usage des armoiries publiques et des décorations peut être considéré comme contraire à l'ordre public, dans le sens du paragraphe final de l'Article VI.

5. L'organisation du service spécial de la Propriété Industrielle mentionné à l'Article XII, comprendra, autant que possible, la publication, dans chaque État, d'une feuille officielle périodique.

6. Les frais communs du Bureau International institué par l'Article XIII, ne pourront, en aucun cas, dépasser, par année, une somme totale représentant une moyenne de 2,000 fr. par chaque État Contractant.

\* \* \* \* \*

La langue officielle du Bureau International sera la langue Française.

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

## III.

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

Accession of  
Her Britannic  
Majesty to  
the Conven-  
tion.

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.

Reservation  
of right to  
accede on  
behalf of the  
Channel  
Islands and  
Isle of Man.

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 authorised, 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.

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 20th, 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 authorised 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.

Accession of Her Britannic Majesty, with its reservations accepted.

In witness whereof the undersigned, duly authorised, 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, 1883, 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, s. 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

Recital of accession of Great Britain to International Convention.

(a) Published in *London Gazette* of July 1st, 1884. For the other Orders in Council which have been made, see Table at p. 414.

## INTERNATIONAL CONVENTION, ETC.

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 of April, 1884.

Section 103  
applied.

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, viz. :—

Belgium.	Salvador.
Brazil.	Servia.
France.	Spain.
Guatemala.	Switzerland.
Italy.	Ecuador, and
Netherlands.	Tunis.
Portugal.	

Order, when  
order takes  
effect.

And it is hereby further ordered and declared that this Order shall take effect from the 7th day of July, 1884.

C. L. PEEL.

## PART III.

### APPENDIX A.—STATUTES.

[The Statutes in force prior to 1883 are not set out here, as they were entirely replaced by the Consolidation Act of that year. The Acts of 1883—1888, under which most of the decisions arose, and which still affect the validity of Designs registered before the 1st January, 1908, are here set out in full for reference, so far as they relate to Designs.]

The following is a complete list of the earlier repealed Acts :—

Date of Acts.	Title.
27 Geo. III. c. 38. (1787.)	An Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
29 Geo. III. c. 19. (1789.)	An Act for continuing an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
34 Geo. III. c. 23. (1794.)	An Act for amending and making perpetual an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
38 Geo. III. c. 71. (1798.)	An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned.
54 Geo. III. c. 56. (1814.)	An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts.
2 Vict. c. 13. (1839.)	An Act for extending the Copyright of Designs for Calico Printing to Designs for printing other woven Fabrics.
2 Vict. c. 17. (1839.)	An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time.

Session and Chapter.	Title.
5 & 6 Vict. c. 100 ..	An Act to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65 ....	An Act to amend the laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104..	An Act to extend and amend the Acts relating to the Copyright of Designs.
21 & 22 Vict. c. 70 ..	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.
24 & 25 Vict. c. 73 ..	An Act to amend the law relating to the Copyright of Designs.
38 & 39 Vict. c. 93 ..	An Act to amend the Copyright of Designs Acts.

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

(46 & 47 VICT. c. 57.)

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

[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 :

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.

Part II.—PATENTS.

Part III.—DESIGNS.

Part IV.—TRADE MARKS.

Part V.—GENERAL.

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

PART II.

PATENTS.

PART III.

DESIGNS.

*Registration of Designs.*

47.—(1.) The comptroller may, on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in the United Kingdom, register the design under this part of this Act. Application for registration of designs.

(2.) The application 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.

(3.) The application must contain a statement of the nature of the design, and the class or classes of goods in which the applicant desires that the design be registered.

(4.) The same design may be registered in more than one class.

(5.) In case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.

(6.) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to the Board of Trade.

(7.) The Board of Trade shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

48 —(1.) On application for registration of a design the applicant shall furnish to the comptroller the prescribed number of copies of drawings, photographs or tracings of the design sufficient, in the opinion of the comptroller, for enabling him to identify the design; or the applicant may, instead of such copies, furnish exact representations or specimens of the design. Drawings, &c. to be furnished on application.

(2.) The comptroller may, if he thinks fit, refuse any drawing, photograph, tracing, representation, or specimen which is not, in his opinion, suitable for the official records.

49.—(1.) The comptroller shall grant a certificate of registration to the proprietor of the design when registered. Certificate of registration.

(2.) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, grant a copy or copies of the certificate.

*Copyright in Registered Designs.*

Copyright on registration.

50.—(1.) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2.) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration), furnish to the comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the comptroller may erase his name from the register, and thereupon his copyright in the design shall cease.

Marking registered designs.

51. Before delivery on sale of any articles to which a registered design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words or figures, denoting that the design is registered; and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Inspection of registered designs.

52.—(1.) During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorised in writing by the proprietor, or a person authorised by the comptroller or by the Court, and furnishing such information as may enable the comptroller to identify the design, nor except in the presence of the comptroller, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof.

(2.) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

Information as to existence of copyright.

53. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the comptroller to identify the design, and on payment of the prescribed fee, it shall be the duty of the comptroller to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.

Cesser of copyright

54. If the registered design is used in manufacture in any foreign



country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease. in certain events.

*Register of Designs.*

55.—(1.) There shall be kept at the patent office a book called the register of designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may be from time to time proscribed. Register of designs.

(2.) The register of designs shall be *prima facie* evidence of any matters by this Act directed or authorised to be entered therein.

*Fees.*

56. There shall be paid in respect of applications and registration and other matters under this part of this Act such fees as may be from time to time, with the sanction of the Treasury, proscribed 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 shall from time to time direct. Fees on registration, &c

*Industrial and International Exhibitions.*

57. 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,—

- (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.

*Legal Proceedings.*

58. During the existence of copyright in any design—

- (a) It shall not be lawful for any person without the license or written consent of the registered proprietor to apply such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any substance artificial or natural or partly artificial and partly natural; and Penalty on piracy of registered design.

(b) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this section shall be liable for every offence to forfeit a sum not exceeding fifty pounds to the registered proprietor of the design, who may recover such sum as a simple contract debt by action in any Court of competent jurisdiction.

Action for  
damages.

59. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may (if he elects to do so) bring an action for the recovery of any damages arising from the application of any such design, or of any fraudulent or obvious imitation thereof for the purpose of sale, to any article of manufacture or substance, or from the publication, sale or exposure for sale by any person of any article or substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, such person knowing that the proprietor had not given his consent to such application.

#### *Definitions.*

Definition  
of "design,"  
"copyright."

60. In and for the purposes of this Act —

"Design" means any design applicable to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for a sculpture, or other thing within the protection of the Sculpture Copyright Act of the year 1814 (fifty-fourth George the Third, chapter fifty-six).

"Copyright" means the exclusive right to apply a design to any article of manufacture or to any such substance as aforesaid in the class or classes in which the design is registered.

Definition of  
proprietor.

61. The author of any new and original design shall be considered the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every

person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

PART IV.

TRADE MARKS.

PART V.

GENERAL.

*Patent Office and Proceedings thereat.*

82.—(1.) The Treasury may provide for the purposes of this Act an Patent Office. 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 authorised by the Board of Trade.

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

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

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

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

Refusal to grant patent, &c. 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 any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the same and to give effectual receipts for any consideration for such assignment, license, or dealing. Provided that any equities in respect of such patent, design, or trade mark may be enforced in like manner as in respect of any other personal property.

Inspection of and extracts from registers.

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

Scaled copies to be received in evidence.

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

Rectification of registers by Court.

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

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

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

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

Power for comptroller to correct clerical errors.

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

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

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

92.—(1.) The registered proprietor of any registered trade mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Act, and the Court may refuse or grant leave on such terms as it may think fit.

Alteration of registered mark.

(2.) Notice of any intended application to the Court under this section shall be given to the comptroller by the applicant; and the comptroller shall be entitled to be heard on the application.

(3.) If the Court grants leave, the comptroller shall, on proof thereof and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

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

Falsification of entries in registers.

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

Exercise of discretionary power by comptroller.

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

Power of comptroller to take directions of law officers.

96. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *prima facie*

Certificate of comptroller to be evidence.

evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Applications  
and notices  
by post.

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

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

Provision  
as to days  
for leaving  
documents  
at office.

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

Declaration  
by infant,  
lunatic, &c.

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

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

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

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

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 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.

*International and Colonial Arrangements.*

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

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

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

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

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

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

(4.) The provisions of this section shall apply only in the case of those foreign states with respect to which Her Majesty shall from



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

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.

Provision for colonies and India.

(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.*

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.

Penalty on falsely representing articles to be patented.

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

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

Penalty on unauthorised assumption of Royal Arms.

*Scotland; Ireland; &c.*

107. [Relates only to patents.]

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.) [Relates only to patents.]

(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. [Relates only to patents.]

General  
saving for  
jurisdiction  
of Courts.

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

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

Isle of Man.

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

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

*Repeal; Transitional Provisions; Savings.*

Repeal and  
saving for  
past opera-  
tion of re-  
pealed enact-  
ments, &c.

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

- (a) Affect the past operation of any of those enactments, or any patent or copyright or right to use a trade mark granted or acquired, or application pending, or appointment made, or compensation granted, or order or direction made or given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those enactments before or at the commencement of this Act; or

(b) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof, and any such proceeding may be carried on as if this Act had not been passed ; or

(c) Take away or abridge any protection or benefit in relation to any such action or proceeding.

114.—(1.) [Relates only to patents.]

(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. Former registers to be deemed continued.

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

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

### *General Definitions.*

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

“ Person ” includes a body corporate :

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

“ Law Officer ” means Her Majesty’s Attorney-General or Solicitor-General for England :

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

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

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

“ British possession ” means any territory or place situate within Her Majesty’s dominions, and not being or forming part of the United Kingdom, or of the Channel Islands, or of the Isle of Man, and all

territories and places under one legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act :

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

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

### SCHEDULES.

#### THE FIRST SCHEDULE.

[Relates only to patents.]

#### THE THIRD SCHEDULE.

[Contains the Statute 5 & 6 Vict. c. 100, and subsequent Statutes included in list of repealed Statutes, *ante*, p. 333.]

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

(48 & 49 VICT. c. 63.)

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

[14th August, 1885.]

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).

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.

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.”

Construction  
and short  
title.

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

PATENTS ACT, 1886.

(49 & 50 VICT. c. 37.)

*An Act to remove certain doubts respecting the construction of the Patents, Designs, and Trade Marks Act, 1883, so far as respects the drawings by which specifications are required to be accompanied, and as respects exhibitions.* [25th June, 1886.]

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.

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

48 & 49 Vict. c. 63.

Protection of patents and designs exhibited at international exhibitions.

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

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

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

(51 &amp; 52 Vict. c. 50.)

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

[24th December, 1888.]

46 & 47 Vict.  
c. 57.

WHEREAS it is expedient to amend the Patents, Designs, and Trade Marks Act, 1883, herein-after referred to as the principal Act:

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:

Register of  
patent agents

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

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

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

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

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

Sect. 52, as to  
inspection of  
designs.

6. After sub-section one of section fifty-two of the principal Act the following words shall be added; namely,

"Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered."

Sect. 58, as to  
piracy of  
registered  
designs.

7.—(1.) In section fifty-eight of the principal Act the words "or cause to be applied" shall be added after the word "apply."

(2.) To the same section the following words shall be added: "Provided that the total sum forfeited in respect of any one design shall not exceed one hundred pounds."

Sect. 87, as to  
entry of

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.” assignments,  
&c.

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

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

24. To section ninety-one of the principal Act the following subsection 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; namely, Proceedings  
of Board of  
Trade.

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

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

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

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. Construction  
of principal  
Act.

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

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

## PATENTS AND DESIGNS ACT, 1907.

(7 EDW. VII. c. 29.)

## PART I.

## PATENTS.

Revocation  
of patents  
worked out-  
side the  
United  
Kingdom.

**27.**—(1.) At any time not less than four years after the date of a patent and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

(2.) The comptroller shall consider the application, and, if after enquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

(a) forthwith; or

(b) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3.) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4.) Any decision of the comptroller under this section shall be subject to appeal to the Court, and on any such appeal the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

Certificate of  
validity ques-  
tioned and  
costs thereon.

**35.** In an action for infringement of a patent, the Court may certify that the validity of the patent came in question; and, if the Court 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, unless the Court trying the action otherwise directs, have his full costs, charges, and expenses as between solicitor and client.



38. Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person 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 he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats:

Remedy in case of groundless threats of legal proceedings.

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.

39.—(1.) The comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of the Court.

Costs and security for costs.

(2.) If a party giving notice of opposition to the grant of a patent or to the amendment of a specification, or applying to the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller, or, in case of appeal to the law officer, the law officer may require such party to give security for costs of the proceedings or appeal, and in default of such security being given may treat the proceedings or appeal as abandoned.

## PART II.

### DESIGNS.

#### *Registration of Designs.*

49.—(1.) The comptroller may, on the application made in the prescribed form and manner of any person claiming to be the proprietor of any new or original design not previously published in the United Kingdom, register the design under this Part of this Act.

Application for registration of designs.

(2.) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.

(3.) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal to the Board of Trade, and the Board shall, after hearing the applicant and the comptroller, if so required, make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(4.) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the proscribed time shall be deemed to be abandoned.

(5.) A design when registered shall be registered as of the date of the application for registration.

Registration  
of designs in  
new classes.

50. Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

- (a) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or
- (b) on the ground of the design having been previously published in the United Kingdom, by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of  
registration.

51.—(1.) The comptroller shall grant a certificate of registration to the proprietor of the design when registered.

(2.) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

Register of  
designs.

52.—(1.) There shall be kept at the Patent Office a book called the Register of Designs wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may be prescribed.

(2.) The register of designs existing at the commencement of this Act shall be incorporated with and form part of the register of designs under this Act.

(3.) The register of designs shall be *primâ facie* evidence of any matters by this Act directed or authorised to be entered therein.

#### *Copyright in Registered Designs.*

Copyright on  
registration.

53.—(1.) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2.) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall on payment of the prescribed fee extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3.) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under this Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

54.—(1.) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

Require-  
ments before  
delivery on  
sale.

(a) (if exact representations or specimens were not furnished on the application for registration), furnish to the comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the comptroller may erase his name from the register, and thereupon the copyright in the design shall cease; and

(b) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered; and if he fails to do so the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2.) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Board may, if they think fit, by rule under this Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit.

55. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for

Effect of  
disclosure on  
copyright.

goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Inspection of registered designs.

56.—(1.) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the comptroller or by the Court, and furnishing such information as may enable the comptroller to identify the design, and shall not be open to the inspection of any person except in the presence of the comptroller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2.) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3.) Different periods may be prescribed under this section for different classes of goods.

Information as to existence of copyright.

57. On the request of any person furnishing such information as may enable the comptroller to identify the design, and on payment of the prescribed fee, the comptroller shall inform such person whether the registration still exists in respect of the design, and if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Cancellation of registration of designs used wholly or mainly abroad.

58.—(1.) At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom (including those relating to costs) shall apply with the necessary modifications, except that there shall be no appeal from the decision of the comptroller.

(2.) Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

#### *Industrial and International Exhibitions.*

Provisions as to exhibitions.

59.—(1.) 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—

(a) The exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the comptroller the prescribed notice of his intention to do so; and

(b) The application for registration is made before or within six months from the date of the opening of the exhibition.

(2.) His Majesty may, by Order in Council, apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition 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 may be stated in the order.

*Legal Proceedings.*

60.—(1.) During the existence of copyright in any design it shall not be lawful for any person—

Piracy of registered design.

(a) For the purposes of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or

(b) Knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor to publish or expose or cause to be published or exposed for sale that article.

(2.) If any person acts in contravention of this section he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding fifty pounds, recoverable as a simple contract debt, or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable as a simple contract debt in respect of any one design shall not exceed one hundred pounds.

61. The provisions of this Act with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of

Application of certain provisions of

the Act as to  
patents to  
designs.

legal proceedings by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

### PART III.

#### GENERAL.

##### *Patent Office and Proceedings thereat.*

Patent Office.  
5 Edw. 7,  
c. 15.

62.—(1.) The Treasury may continue to provide for the purposes of this Act and the Trade Marks Act, 1905, an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2.) The Patent Office shall be under the immediate control of the comptroller, who shall act under the superintendence and direction of the Board of Trade.

(3.) Any act or thing directed to be done by or to the comptroller may be done by or to any officer authorised by the Board of Trade.

(4.) Rules under this Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing required by this Act to be sent to or done at the Patent Office being sent to or done at any branch office which may be established.

Officers and  
clerks.

63.—(1.) There shall continue to be a comptroller-general of patents, designs, and trade marks, and the Board of Trade may, subject to the approval of the Treasury, appoint the comptroller, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may 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 those salaries and the other expenses of the execution of this Act and the Trade Marks Act, 1905, shall continue to be paid out of money provided by Parliament.

Seal of Patent  
Office.

64. Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence.

#### *Fees.*

Fees.

65. There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the

Board of Trade, so however that the fees proscribed in respect of the instruments and matters mentioned in the First Schedule to this Act shall not exceed those specified in that Schedule.

*Provisions as to Registers and other Documents in Patent Office.*

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

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

68. Reports of examiners made under this Act 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, unless the Court or officer having power to order discovery in such legal proceeding certifies that such production or inspection is desirable in the interests of justice, and ought to be allowed. Privilege of reports of examiners.

69.—(1.) Where an application for a patent has been abandoned, or become void, the specifications and drawings (if any) accompanying or left in connexion with such application, shall not, save as otherwise expressly provided by this Act, at any time be open to public inspection or be published by the comptroller. Prohibition of publication of specification, drawings, &c. where application abandoned, &c.

(2.) Where an application for a design has been abandoned or refused the application and any drawings, photographs, tracings, representations, or specimens left in connexion with the application shall not at any time be open to public inspection or be published by the comptroller.

70. 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 in any patent or any specification;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;

(c) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

71.—(1.) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a Entry of assignments and trans-

missions in  
registers.

registered design, the comptroller shall, on request and on proof of title to his satisfaction, register him as the proprietor of a patent or design.

(2.) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3.) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, license, or dealing: Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

Rectification  
of registers  
by Court.

72.—(1.) The Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

(2.) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register.

(3.) The prescribed notice of any application under this section shall be given to the comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the Court.

(4.) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

#### *Powers and Duties of Comptroller.*

Exercise of  
discretionary  
power by  
comptroller.

73. Where any discretionary power is by or under 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 design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Power of  
comptroller to  
take directions  
of law officers.

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



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

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

76. 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 the 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.

Annual reports of comptroller.

*Evidence, &c.*

77.—(1.) Subject to rules under this Act in any proceeding under this Act before the comptroller the evidence shall be given by statutory declaration in the absence of directions to the contrary; but in any case in which the comptroller thinks it right so to do, he may take evidence vivâ voce in lieu of or in addition to evidence by declaration or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence of affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

Evidence before comptroller.

(2.) In case any part of the evidence is taken vivâ voce, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

78. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be 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.

Certificate of comptroller to be evidence.

79. 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, 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 His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Evidence of documents in Patent Office.

80.—(1.) 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 they have been accepted or allowed at the Patent Office.

Transmission of certified printed copies of specifications, &c.

(2.) Certified copies of or extracts from any such documents and of any documents so transmitted in pursuance of any enactment repealed by this Act shall be given to any person 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.

Applications  
and notices  
by post.

81. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the comptroller, or to any other person under this Act, may be sent by post.

Excluded  
days.

82. Where the last day fixed by this Act for doing anything under this Act falls on any day specified in rules under this Act as an excluded day, the rules may provide for the thing being done on the next following day not being an excluded day.

Declaration  
by infant,  
lunatic, &c.

83.—(1.) If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by or under this Act, the guardian or committee (if any) of the person subject to the disability, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, 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 the person subject to the disability.

(2.) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the declaration or the doing of the thing.

#### *Register of Patent Agents.*

Register of  
patent agents.

84.—(1.) 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 or an Act repealed by this Act.

(2.) Every person who proves to the satisfaction of the Board of Trade that prior to the twenty-fourth day of December, one thousand eight hundred and eighty-eight, 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.

(3.) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

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

85.—(1.) Rules under this Act may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any person whose name has been erased from the register of patent agents, or who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, and may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any company which, if it had been an individual, the comptroller could refuse to recognise as such agent.

Agents for  
patents.

(2.) Where a company or firm acts as agents, such rules as aforesaid may authorise the comptroller to refuse to recognise the company or firm as agent if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm.

(3.) The comptroller shall refuse to recognise as agent in respect of any business under this Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.

*Powers, &c. of Board of Trade.*

86.—(1.) The Board of Trade may 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.

- (a) For regulating the practice of registration under this Act :
- (b) For classifying goods for the purposes of designs :
- (c) For making or requiring duplicates of specifications, 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, and other documents :
- (e) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office ; and providing for the inspection of indexes and abridgments and other documents :
- (f) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad :
- (g) For regulating the keeping of the register of patent agents under this Act :

(h) 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.) General rules shall whilst in force be of the same effect as if they were contained in this Act.

(3.) Any rules made in pursuance of this section shall be advertised twice in the official journal to be issued by the comptroller, and shall be laid before both Houses of Parliament as soon as practicable after they are made, and if either House of Parliament, within the next forty days after any rules have been so laid before that House, resolves that the rules or any of them ought to be annulled, the rules or those to which the resolution applies shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under the rules or to the making of any new rules.

Proceedings  
of the Board  
of Trade.

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

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

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

Provision as  
to Order in  
Council.

88. An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if it had been contained in this Act; but may be revoked or varied by a subsequent Order.

#### *Offences.*

Offences.

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

(2.) If any person falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered he shall be liable for every offence,

on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

(3.) If any person sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent," "patented," "registered," or any other word expressing or implying that the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4.) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered," or any word or words implying that there is a subsisting copyright in the design, shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(5.) If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

90.—(1.) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article.

(2.) If any person, without the authority of His Majesty, uses in connection with any business, trade, calling or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Unauthorised assumption of Royal Arms.

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.

*International and Colonial Arrangements.*

91.—(1.) If His Majesty is pleased to make any arrangement with the government of any foreign state for mutual protection of inventions, or designs, or trade marks, then any person who has applied for protection for any invention, design, or trade mark in that state shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or the Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the foreign state.

International and Colonial arrangements.

Provided that—

(a) The application is made, in the case of a patent within twelve months, and in the case of a design or trade mark within four months from the application for protection in the foreign state; and

(b) Nothing in this section shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the actual date on which his complete specification is accepted, or his design or trade mark is registered, in this country.

(2.) The patent granted for the invention or the registration of a design or trade mark shall not be invalidated—

(a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention; or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or

(c) in the case of a trade mark, by reason only of the use of the trade mark,

in the United Kingdom or the Isle of Man during the period specified in this section as that within which the application may be made.

(3.) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act or the Trade Marks Act, 1905: Provided that—

(a) In the case of patents the application shall be accompanied by a complete specification, which, if it is not accepted within the twelve months from the application for protection in the foreign state, shall with the drawings (if any) be open to public inspection at the expiration of that period; and

(b) 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 the Trade Marks Act, 1905.

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

(5.) Where it is made to appear to His 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 His Majesty, by Order in Council, to apply the provisions of this section to that possession,

with such variations or additions, if any, as may be stated in the Order.

*Definitions.*

92.—(1.) In this Act, unless the context otherwise requires, “the Court” means, subject to the provisions as to Scotland, Ireland, and the Isle of Man, the High Court in England. Provisions as to “the Court.”

(2.) Where by virtue of this Act a decision of the comptroller is subject to an appeal to the Court, or a petition may be referred or presented to the Court, the appeal shall, subject to and in accordance with Rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final, except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

93. In this Act, unless the context otherwise requires,—

*Definitions.*

“Law officer” means the Attorney-General or Solicitor-General for England :

“Prescribed” means prescribed by general rules under this Act ;

“British possession” does not include the Isle of Man or the Channel Islands :

“Patent” means letters patent for an invention :

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

“Invention” means any manner of new manufacture the subject of letters patent and grant of privileges 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 :

“Inventor” and “applicant” shall, subject to the provisions of this Act, include the legal representative of a deceased inventor or applicant :

“Design” means any design (not being a design for a sculpture or other thing within the protection of the Sculpture Copyright Act, 1814) applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means 54 Geo. 3,  
c. 56.

whatever, manual, mechanical, or chemical, separate or combined :

“Articolo” means (as respects designs) any article of manufacture and any substance artificial or natural, or partly artificial and partly natural :

“Copyright” means the exclusive right to apply a design to any article in any class in which the design is registered :

“Proprietor of a new and original design,”—

(a) Where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed ; and

(b) Where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired ; and

(c) In any other case, means the author of the design ; and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

*Application to Scotland, Ireland, and the Isle of Man.*

Application  
to Scotland.

**94.** In the application of this Act to Scotland—

- (1.) 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 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 ; and for the purposes of the provisions so applied “court of appeal” shall mean any court to which such action is appealed :
- (2.) Any offence under this Act declared to be punishable on conviction under the Summary Jurisdiction Acts may be prosecuted in the sheriff court :
- (3.) Proceedings 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, and 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 :



- (4.) 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 in any proceedings relating to patents or to designs; and with reference to any such proceedings, 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 that Court:
- (5.) Notwithstanding anything in this Act, the expression "the Court" shall, as respects petitions for compulsory licenses or revocation which are referred by the Board of Trade to the Court in Scotland, mean any Lord Ordinary of the Court of Session, and shall in reference to proceedings in Scotland for the extension of the term of a patent mean such Lord Ordinary:
- (6.) The expression "Rules of the Supreme Court" shall, except in section ninety-two of this Act, mean act of sederunt:
- (7.) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, 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:
- (8.) The expression "injunction" means "interdict."

95. In the application of this Act to Ireland—

- (1.) 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:
- (2.) 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 Ireland in any proceedings relating to patents or to designs; and with reference to any such proceedings the term "the Court" means the High Court in Ireland:
- (3.) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, 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.

Application  
to Ireland.

96. This Act shall extend to the Isle of Man, subject to the following modifications:—

- (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 or design 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, Savings, and Short Title.*

Saving for  
prerogative.

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

Repeal and  
savings.

98.— (1.) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule—

- (a) As respects the enactments mentioned in Part I. of that Schedule, as from the commencement of this Act;
- (b) As respects the enactments mentioned in Part II. of that Schedule, as from the date when Rules of the Supreme Court regulating the matters dealt with in those enactments come into operation;
- (c) As respects the enactments mentioned in Part III. of that Schedule, as from the date when rules under this Act regulating the matters dealt with in those enactments come into operation;

and the enactments mentioned in Part II. and Part III. of that Schedule shall, until so repealed, have effect as if they formed part of this Act:

Provided that this repeal shall not affect any convention, Order in Council, rule, or table of fees having effect under any enactment so repealed, but any such convention, Order in Council, rule, or table of fees in force at the commencement of this Act shall continue in force, and may be repealed, altered or amended, as if it had been made under this Act.

(2.) Except where otherwise expressly provided, this Act shall extend to all patents granted and all designs registered before the commencement of this Act, and to applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

Short title  
and com-  
mencement.

99. This Act may be cited as the Patents and Designs Act, 1907, and shall, save as otherwise expressly provided, come into operation on the first day of January one thousand nine hundred and eight.

FIRST SCHEDULE. (Fees on obtaining Patents and Renewals.)

SECOND SCHEDULE. (Enactments repealed. See *ante*, p. 288.)

INTERPRETATION ACT, 1889.

(52 & 53 Vict. c. 63.)

*An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament.* [30th August, 1889.]

1.—(1.) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,— Rules as to gender and number.

- (a) words importing the masculine gender shall include females; and  
(b) words in the singular shall include the plural, and words in the plural shall include the singular.

2.—(1.) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression “person” shall, unless the contrary intention appears, include a body corporate. Application of penal Acts to bodies corporate.

(2.) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

3. The expression “month” shall mean calendar month.

The expression “land” shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure.

The expressions “oath” and “affidavit” shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the expression “swear” shall, in the like case, include affirm and declare.

Meanings of certain words in Acts since 1850.

13. In this Act and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:— Judicial definitions in past and future Acts.

(10.) The expression “the Summary Jurisdiction Acts” when used in relation to England or Wales shall mean the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts.

(11.) The expression “Court of summary jurisdiction” shall mean any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law.

Geographical and colonial definitions in future Acts.

18. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

- (1.) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.
- (2.) The expression "British possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession.
- (3.) The expression "colony" shall mean any part of Her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

Meaning of "person" in future Acts.

19. In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

Construction of statutory rules, &c.

31. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Effect of repeal in future Acts.

38.—(1.) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

(2.) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or,
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or
- (c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

## APPENDIX B.—FORMS.

### I. Those prescribed by the Designs Rules, 1908.

No. of Form.	Subject.	Page.	No. of Fee in Sched. I. (ante, pp. 318—320).
1	Authorisation .....	374	—
2	Application for registration of design, not being lace and except articles in Classes 13 to 15 .....	374	1
3	Application for registration of set of designs, not being lace	375	2
4	Application for registration of a design to be applied to lace .....	375	3
5	Application for registration of design to be applied to a set of lace articles .....	376	4
6	Application for entry of address for service in Register...	376	13
7	Request for statement of grounds of decision under Rule 33.....	377	6
D. O. No. 1	Certificate of registration .....	377	—
8	Extension of copyright for second period .....	378	7
9	Application for extension of copyright for third period ...	378	8
10	Extension of copyright for third period.....	379	9
11	Joint request by registered proprietor and assignee, &c., to enter the name of assignee, &c. in the Register .....	379	10
12	Joint request by registered proprietor and assignee of design in Class 9 to enter the name of assignee in the Register .....	380	10
13	Request to enter name of subsequent proprietor, &c. in the Register under Rule 44 .....	380	11
14	Form of declaration in support of statement of case accompanying Form Designs No. 13 .....	381	—
15	Form of application under Rule 49 to vacate entry of name of mortgagee or licensee in Register .....	381	12
16	Form of application for alteration of address or address for service in Register .....	382	13
17	Form of request for correction of clerical error in appli- cation to register, or for correction of clerical error under section 70 .....	382	14
18	Form of application by registered proprietor to cancel entry in Register .....	383	15
19	Request for search under section 57 when registration number is supplied.....	383	16
20	Request for search under section 57 when registration number is not supplied .....	384	17
21	Request for search under Rule 60 .....	384	18
22	Request for certificate for use in legal proceedings or other special purpose .....	385	19
23	Request for cancellation of registration under section 58.	385	20
24	Notice of intended exhibition of an unregistered design...	386	21
Man'ster, No. 1	Application for registration of design in Class 13 or Class 14	386	5
,, No. 2	Application for registration of a design in Class 15.....	387	3
,, No. 3	Notice to Keeper under Rule 87 .....	388	22
25	Appeal from Comptroller to the Board of Trade .....	388	23
26	Request for the Register to be altered in pursuance of an Order of the Court.....	389	24
27	Application for copy of certificate of registration.....	389	25

## APPENDIX OF FORMS (UNDER THE RULES).

## FORM DESIGNS No. 1.

## PATENTS AND DESIGNS ACT, 1907.

## FORM OF AUTHORISATION.

I have appointed (a) — of — to act as my agent for (b) —.

(c) —.

Address —.

Dated this — day of — 19—.

To the Comptroller,

*The Patent Office, Designs Branch,*

*25, Southampton Buildings, Chancery Lane,*

*London, W.C.*

(a) Here insert name and address of agent.

(b) Here state the particular purpose for which the agent is appointed.

(c) To be signed by the person appointing the agent.

## FORM DESIGNS No. 2.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
5s.]

## APPLICATION FOR REGISTRATION OF DESIGN (NOT BEING LACE AND EXCEPT ARTICLES IN CLASSES 13 TO 15).

You are hereby requested to register the accompanying design in Class —, in the name of (a) — of — who claims to be the proprietor thereof.

The design is to be applied to —.

(Signed) —.

Dated this — day of — 19—.

To the Comptroller, &c. (as in Form No. 1).

N.B.—THREE exactly similar representations or specimens of the design should accompany this Form.

This corresponds with the Form E. under the old Rules, but omits the important requirement therein, "Statement of nature of design," with the accompanying note running, "such as whether it is applicable for the pattern or for the shape." All that is now required is a description of the article to which the design is to be applied. (See Rule 18.)

The Comptroller may also require the applicant to state for what purpose the article to which the design is to be applied is used, and the material of which it is made. (*Ibid.*) The Comptroller may further require the applicant to endorse on the application a brief statement of the novelty he claims for the design (Rule 19).

For the Forms for Designs in the Manchester Classes, see *post*, pp. 385—388.

(a) Here insert legibly the name, address, and calling of the individual, firm, or company.

## FORM DESIGNS No. 3.

## PATENTS AND DESIGNS ACT, 1907.

APPLICATION FOR REGISTRATION OF DESIGN TO BE APPLIED TO A SET  
(NOT BEING LACE).

[DESIGNS.  
10s.]

You are hereby requested to register the accompanying design for  
(a) — being a set of articles in Class — in the name of (b) —  
of — who claims to be the proprietor thereof.

The design is to be applied to —.

(Signed) —.

Dated this — day of — 19—.

*To the Comptroller, &c.* (as in Form 1).

N.B.—FOUR exactly similar representations or specimens of the design should accompany this Form.

This corresponds with the old Form O., with the variation noted in Form 2, *supra*.

(a) Here set out the trade description of the articles in the set, as "A toilet set."  
(b) Here insert legibly the name, address, and calling of the individual, firm, or company.

## FORM DESIGNS No. 4.

## PATENTS AND DESIGNS ACT, 1907.

APPLICATION FOR REGISTRATION OF A LACE DESIGN IN CLASS 9.

[DESIGNS.  
1s.]

You are hereby requested to register the accompanying lace design  
(without search) in Class 9, in the name of (a) — of — who  
claims to be the proprietor thereof.

(Signed) —.

Dated this — day of — 19—.

*To the Comptroller, &c.* (as in Form 1).

N.B.—THREE exactly similar representations or specimens of the design should accompany this Form.

This corresponds with the old Form E<sup>1</sup>., except that the formerly important words, "the nature of the design is the pattern," are now left out.

(a) Here insert legibly the name, address, and calling of the individual firm or company.

## APPENDIX OF FORMS (UNDER THE RULES).

## FORM DESIGNS No. 5.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
2s.]APPLICATION FOR REGISTRATION OF A LACE DESIGN IN CLASS 9 TO BE  
APPLIED TO A SET.

You are hereby requested to register (without search) the accompanying design for a set of lace articles in Class 9, in the name of (a) — of — who claims to be the proprietor thereof.

(Signed) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

N.B.—Four exactly similar representations or specimens of the design should accompany this Form.

This corresponds with the old Form O<sup>1</sup>, with the variation noted on Form 4, *supra*.

(a) Here insert legibly the name, address, and calling of the individual, firm, or company.

## FORM DESIGNS No. 6.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
1s.]

## APPLICATION FOR ENTRY OF ADDRESS FOR SERVICE.

Design No. — registered in  
Class —.

I — of — the registered proprietor of the design numbered as above, apply that my address for service may be entered in the Register of Designs as —.

Dated this — day of — 19—.

\* —.

*To the Comptroller, &c. (as in Form 1).*

\* Signature of proprietor.



## FORM DESIGNS No. 7.

## PATENTS AND DESIGNS ACT, 1907.

REQUEST FOR STATEMENT OF GROUNDS OF DECISION UNDER RULE 33.

[DESIGNS.  
68.]Application for Design No. — in  
Class —.

You are hereby requested under Rule 33 of the Designs Rules, 1908, to state in writing the grounds of your decision and the materials used by you in arriving at such decision.

(Signed) —.

(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

## FORM D.O. No. 1.

## PATENTS AND DESIGNS ACT, 1907.

CERTIFICATE OF REGISTRATION OF DESIGN.

Rd. No. —

[SEAL OF  
PATENT  
OFFICE.]

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

This is to certify that the design, of which a copy is annexed, has been registered as of the — day of —, in respect of the application of such design to articles comprised in Class —, in pursuance of and subject to the provisions of the Patents and Designs Act, 1907, and the Designs Rules, 1908.

—  
Comptroller-General of Patents,  
Designs, and Trade Marks.

## FORM DESIGNS No. 8.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
17.]EXTENSION OF COPYRIGHT IN DESIGN FOR THE SECOND PERIOD OF  
FIVE YEARS.

In accordance with the provisions of section 53 (2) of the Patents and Designs Act, 1907, the prescribed fee of 17. for the extension of the copyright in the design No. — in Class — is hereby lodged.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

N.B.—This Form must be indorsed with the name and address of the person lodging the same.

## FORM DESIGNS No. 9.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
10s.]APPLICATION FOR EXTENSION OF COPYRIGHT FOR THE THIRD PERIOD OF  
FIVE YEARS.

I — the registered proprietor of design No. — in Class — hereby apply that the copyright in the design in question may be extended for a third period of five years in accordance with the provisions of section 53 (3) of the Patents and Designs Act, 1907.

(Signature) —.

(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

## FORM DESIGNS No. 10.

## PATENTS AND DESIGNS ACT, 1907.

EXTENSION OF COPYRIGHT IN DESIGN FOR THE THIRD PERIOD OF  
FIVE YEARS.[DESIGNS.  
17. 10s.]

In accordance with your notice of the — the prescribed fee of 17. 10s. for the extension of the copyright in the design No. — in Class — for a third period of five years is hereby lodged.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

N.B.—This form must be indorsed with the name and address of the person lodging the same.

## FORM DESIGNS No. 11.

## PATENTS AND DESIGNS ACT, 1907.

JOINT REQUEST BY REGISTERED PROPRIETOR AND ASSIGNEE OR MORT-  
GAGEE OR LICENSEE, &c. TO ENTER THE NAME OF ASSIGNEE, &c. IN  
THE REGISTER OF DESIGNS UNDER RULE 43. [DESIGNS.  
Fee: item 10.]

We (a) — of (b) — and (c) — of (d) — hereby request under Rule 43 of the Designs Rules, 1908, that the name of (e) — carrying on business as (f) — at (g) — may be entered in the Register of Designs as proprietor (*or mortgagee, or licensee, or as the case may be*) of the design No. — in Class —.

Dated this — day of — 19—.

(h) —.

(i) —.

*To the Comptroller, &c. (as in Form 1).*

- (a) Name of registered proprietor.
- (b) Address of registered proprietor.
- (c) Name of assignee, &c.
- (d) Address of assignee, &c.
- (e) Name of assignee, &c.
- (f) Trade or business of assignee, &c.
- (g) Business address of assignee, &c.
- (h) Signature of registered proprietor.
- (i) Signature of assignee, &c.

## FORM DESIGNS No. 12.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
Form: item 10.]

**JOINT REQUEST BY REGISTERED PROPRIETOR AND ASSIGNEE OF DESIGN  
IN CLASS 9 TO ENTER NAME OF ASSIGNEE IN THE REGISTER OF  
DESIGNS.**

I [*or We*] the undersigned registered proprietor[s] of design No. — in Class 9, do hereby inform you that the proprietorship in the said design has been sold to and acquired by \* — of † — and I [*or We*] request the Comptroller to enter the name of the said — as registered proprietors[s] in place of my [*or our*] name at present appearing in the Register.

(Signed) —.

Dated this — day of — 19—.

And I [*or We*] the said — hereby confirm the above statement, and concur in the said request.

(Signed) —.

*To the Comptroller, &c. (as in Form 1).*

\* Name of assignee.

† Address and calling of assignee.

## FORM DESIGNS No. 13.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
10s.]

**REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR, OR OF MORTGAGEE  
OR OF LICENSEE, &c. OF DESIGN, IN THE REGISTER UNDER RULE 44.**

I, (a) — hereby request that you will enter (b) — name (c) in the Register of Designs as proprietor (*or mortgagee, or licensee, or as the case may be*) of the design No. — in Class —.

(d) — entitled to the said design.

Accompanying this request is a statement of (e) — case.

\* —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

This corresponds with the old Form K., omitting the form of statutory declaration appended to that Form. See notes to Rule 44, *supra*.

(a) *Or We (here insert name, address, and calling).*

(b) *My or our.*

(c) *Or names.*

(d) *I am or We are.*

(e) *My or our.*

\* *Signature.*

## FORM DESIGNS No. 14.

## PATENTS AND DESIGNS ACT, 1907.

FORM OF DECLARATION (ONLY TO BE FURNISHED WHEN REQUESTED BY COMPTROLLER) IN SUPPORT OF STATEMENT OF CASE ACCOMPANYING FORM DESIGNS No. 13.

I — of — do hereby solemnly and sincerely declare that the particulars set out in the statement of case, exhibit marked — and left by me in connection with my request to be registered as — of the design No. — in Class — are true, and comprise every material fact and document affecting the above claim.

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 — this — day } (a) —.  
of — 19—.

Before me, (b) —.

*To the Comptroller, &c. (as in Form 1).*

This corresponds to the statutory declaration attached to the old Form K., which was required on every request to register a transfer.

(a) To be signed here by the person making the declaration.

(b) Signature and title of the authority before whom the declaration is made.

## FORM DESIGNS No. 15.

## PATENTS AND DESIGNS ACT, 1907.

FORM OF APPLICATION UNDER RULE 49 TO VACATE ENTRY OF NAME OF MORTGAGEE OR LICENSEE IN REGISTER.

[DESIGNS.  
18.]

Design No. — Class —.

Name of registered proprietor —.

Place of business —.

Description —.

I the undersigned — of — [or I, the undersigned — a member of the firm of — of — on behalf of my said firm —] apply that the entry of my [or our] name in the Register of Designs as — of the design No. — in Class — may be vacated.

\* —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

\* Signature.

## APPENDIX OF FORMS (UNDER THE RULES).

## FORM DESIGNS No. 16.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
18.]APPLICATION FOR ALTERATION OF ADDRESS OR ADDRESS FOR SERVICE IN  
REGISTER OF DESIGNS.Design No. — registered in  
Class —.

I — of — the registered proprietor of the design numbered as above apply that my address [*or* my address for service] in the Register of Designs may be altered to —.

Dated this — day of — 19—.

\* —.

*To the Comptroller, &c. (as in Form 1).*

\* Signature of proprietor.

\_\_\_\_\_

## FORM DESIGNS No. 17.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
18.]FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR IN AN APPLI-  
CATION TO REGISTER, OR FOR CORRECTION OF CLERICAL ERROR  
UNDER SECTION 70.

I hereby request that —

\* —.

† —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

\* Signature.

† Address.

\_\_\_\_\_

## FORM DESIGNS No. 18.

## PATENTS AND DESIGNS ACT, 1907.

FORM OF APPLICATION BY REGISTERED PROPRIETOR OF DESIGN TO  
CANCEL ENTRY IN REGISTER.

[DESIGNS.  
18.]

Design No. ——. Class ——.  
Name of registered proprietor ——.  
Place of business ——.  
Description ——.

I, the undersigned — of — [or I, the undersigned — a  
member of the firm of — of — on behalf of my said firm —]  
apply that the entry in the Register of Designs of the design No. —  
in Class — may be cancelled [or cancelled in respect of —].

\* —.

Dated this — day of — 19—.

*To the Comptroller, &c.* [as in Form 1].

\* Signature.

---

## FORM DESIGNS No. 19.

## PATENTS AND DESIGNS ACT, 1907.

REQUEST FOR SEARCH UNDER SECTION 57 WHEN REGISTRATION NUMBER  
IS SUPPLIED.

[DESIGNS.  
18.]

I hereby request that I may be given such information as I may be  
entitled to under section 57 of the Patents and Designs Act, 1907,  
with respect to the design registered under the No. —.

(Signed) —.  
(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c.* (as in Form 1).

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## APPENDIX OF FORMS (UNDER THE RULES).

## FORM DESIGNS No. 20.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
2s. 6d.]REQUEST FOR SEARCH UNDER SECTION 57 WHEN REGISTRATION NUMBER  
IS NOT SUPPLIED.

I hereby request that a search may be made in Class — in respect of the design (annexed hereto in duplicate) and that I may be given such information as I may be entitled to under section 57 of the Patents and Designs Act, 1907.

(Signed) —.  
(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

---

## FORM DESIGNS No. 21.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
2s. 6d.]

## REQUEST FOR SEARCH UNDER RULE 60.

I hereby request that a search may be made in Class — and that I may be informed whether the design (annexed hereto in duplicate) to be applied to — is or is not, in the Comptroller's opinion, identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing.

(Signed) —.  
(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

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## FORM DESIGNS No. 22.

## PATENTS AND DESIGNS ACT, 1907.

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR OTHER  
SPECIAL PURPOSE.

[DESIGNS.  
58.]

Design No. — registered in Class —  
in the name of —.

I — of — the registered proprietor of the above design, hereby  
request you to furnish me with your certificate for use in \* —.

† —.

Dated this — day of — 19—.

*To the Comptroller, &c.* (as in Form 1).

This corresponds with the old Form I.

\* Here state the purpose for which the certificate is required, *i.e.*, whether for use  
in legal proceedings (if so, state title of proceedings) or for what other purpose.

† Signature.

## FORM DESIGNS No. 23.

## PATENTS AND DESIGNS ACT, 1907.

REQUEST FOR CANCELLATION OF THE REGISTRATION OF A DESIGN UNDER  
SECTION 58.

[DESIGNS  
17.]

Design No. — in Class —.

I — of — hereby apply that the registration of design No. —  
in Class — may be cancelled on the ground that it is used for  
manufacture exclusively or mainly outside the United Kingdom.

My address for service in the United Kingdom is —.

(Signed) —.

Dated this — day of — 19—.

*To the Comptroller, &c.* (as in Form 1).

## FORM DESIGNS No. 24.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
6s.]

## NOTICE OF INTENDED EXHIBITION OF AN UNREGISTERED DESIGN.

(a) ——— hereby give notice of my intention to exhibit a ——— of ——— at the ——— Exhibition (which (b) ——— on ——— 19—), under the provisions of the Patents and Designs Act, 1907.

(c) ——— herewith enclose a ———

(Signed) ———.

Dated this ——— day of ——— 19—.

*To the Comptroller, &c. [as in Form 1].*

This corresponds with the old Form L.

(a) Here state name and address of applicant.

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

(c) Insert brief description of design, with drawings if necessary.

## FORM DESIGNS (MANCHESTER) No. 1.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
2s. 6d.]

## APPLICATION FOR REGISTRATION OF DESIGN IN CLASS 13 OR CLASS 14.

*(This application must be accompanied by an unstamped duplicate.)*

You are hereby requested to register the accompanying design in Class ——— in the name of (a) ——— of ——— who claims to be the proprietor thereof.

The design is to be applied to (b) ———.

(Signed) ———.

Dated this ——— day of ——— 19—.

\* *To the Comptroller, &c. (as in Form 1),*

*or*

\* *To the Keeper of Cotton Marks,*

*48, Royal Exchange,*

*Manchester.*

N.B.—Six exactly similar representations or specimens of the design should accompany this Form.

(a) Here insert legibly the name, address, and calling of the individual, firm, or company.

(b) Here state the kind of goods, i.e., "piece goods" or "handkerchiefs and shawls."

\* Strike out one of these addresses.

## FORM DESIGNS (MANCHESTER) No. 2.

## PATENTS AND DESIGNS ACT, 1907.

## APPLICATION FOR REGISTRATION OF DESIGN IN CLASS 15.

[DESIGNS.  
15.]*(This application must be accompanied by an unstamped duplicate.)*

You are hereby requested to register the accompanying design (without search) in Class 15, in the name of (a) — of — who claims to be the proprietor thereof.

This design consists substantially of the checks or stripes only.

(Signed) —.

Dated this — day of — 19—.

\* *To the Comptroller, &c.* (as in Form 1),

*or*

\* *To the Keeper of Cotton Marks, &c.* (as in Form Manchester No. 1).

N.B.—Six exactly similar representations or specimens of the design should accompany this Form.

(a) Here insert legibly the name, address, and calling of the individual, firm, or company.

\* Strike out one of these addresses.

## FORM DESIGNS (MANCHESTER) No. 3.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
2s. 6d.]

## NOTICE TO KEEPER UNDER RULE 87.

*(This notice must be accompanied by an unstamped duplicate.)*

We — of — and — of — hereby give you notice that a dispute has arisen between us about the design (or designs) numbered — in Class — and that we have made a joint request to the Manchester Chamber of Commerce to appoint a single arbitrator (*or as the case may be*) to decide and make an award upon the merits of that dispute, inclusive of an award as to any damages or costs to be paid by one party to the other, and we have consented, and as evidence thereof we have signed this notice, that such award, when made, shall be final and binding upon us, and that, except for the purpose of enforcing such award, we shall have no right to appeal, and none of us will make any application to any Court of law or other authority in respect of the subject-matter of such award or of anything contained in it, and that no Court of law or other authority shall entertain or be asked to entertain any such appeal or application.

(Signed) } —.  
—.

Dated this — day of — 19—.

*To the Keeper of Cotton Marks, &c. (as in Form  
Manchester No. 1).*

## FORM DESIGNS No. 25.

## PATENTS AND DESIGNS ACT, 1907.

[DESIGNS.  
5s.]

## APPEAL FROM COMPTROLLER TO THE BOARD OF TRADE.

I HEREBY appeal against your decision in connection with my application to register — and beg to submit my case (*a*) for the decision of the Board of Trade.

(Signed) —.  
(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

N.B.—An unstamped copy of this notice and of all the accompanying documents must be sent forthwith by the appellant to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London.

This corresponds with the old Form F.

(*a*) The statement of the case to be written upon foolscap paper (on one side only), with a margin of approximately two inches on the left hand side thereof.

## FORM DESIGNS No. 26.

## PATENTS AND DESIGNS ACT, 1907.

REQUEST FOR THE REGISTER TO BE ALTERED IN PURSUANCE OF AN ORDER  
OF THE COURT.

[DESIGNS.  
5s.]

Design No. — in Class —.

I HEREBY request you to alter the entry in the Register of Designs in accordance with the terms of the order of the Court dated —, an office copy of which is sent herewith.

(Signed) —.  
(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

## FORM DESIGNS No. 27.

## PATENTS AND DESIGNS ACT, 1907.

APPLICATION FOR COPY OF CERTIFICATE OF REGISTRATION OF DESIGN.

[DESIGNS.  
1s.]

I HEREBY request you to furnish me with a copy certificate of registration of design No. — in Class —.

(Signed) —.  
(Address) —.

Dated this — day of — 19—.

*To the Comptroller, &c. (as in Form 1).*

This corresponds with the old Form H.

Dated this 17th day of December, 1907.

D. LLOYD GEORGE,  
*President of the Board of Trade.*

**II. Pleadings and other Proceedings in Actions.**

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**1. Indorsement on the Writ.**

*For damages or account :—*

The plaintiff's claim is for damages, or, at plaintiff's option, an account of profits for the infringement of the plaintiff's registered design No. —.

*For penalties :—*

The plaintiff claims penalties against the defendant for infringement by the defendant of the plaintiff's registered design No. —.

*For injunction :—*

An injunction to restrain the defendant, his servants and agents, from infringing the plaintiff's registered design No. —.

*For delivery up of infringing designs :—*

Delivery up on oath to the plaintiff of all articles in the possession of the defendant made in infringement of the plaintiff's said design.

**2. Statement of Claim.**

1. The plaintiff is the owner and registered proprietor of a certain design of the pattern of a — to be used for —. The said design was registered on the — day of — 19— in Class No. —. The number of the said design is No. —.

2. The defendant has since the date of the said registration, viz., on the — 19—, wrongfully applied [or caused to be applied], for

the purposes of sale, such design, or a fraudulent or obvious imitation thereof, to goods of the class in which the said design was registered.

3. The defendant has, since the date of registration, viz., on the — 19—, wrongfully exposed for sale and has sold articles of manufacture to which the said design, or a fraudulent or obvious imitation thereof, has been applied, the defendant at the time knowing that the said design had been so applied without the consent of the plaintiff.

4. The defendant has in his possession or power articles of manufacture within the said classes to which the said design, or a fraudulent or obvious imitation thereof, has been applied.

The plaintiff claims—

(1) £—— damages [or penalties], or, at plaintiff's option, an account of profits.

(2) An injunction.

(3) Delivery up of the articles referred to in paragraph 4.

Place of trial.

(Signed) —.

#### 2a. Statement of Claim (*another Form*).

1. The plaintiffs are the proprietors of a registered design No. —, which was duly registered on the — of —.

2. The defendants have infringed the said registered design in manner by the particulars of breaches delivered herewith appearing.

The plaintiffs claim—

(1) An injunction to restrain the defendants, their servants or agents, from infringing the said registered design.

(2) 100% as penalties.

(3) Destruction or delivery up of all articles made in infringement of the said registered design.

(4) Costs.

(Signed) —.

#### 2aa. Particulars of Breaches (*to accompany 2a*).

Delivered with the statement of claim on the — day of —.

The following are the particulars of the breaches complained of by the plaintiffs.

1. The defendants have made, offered for sale and sold — machines furnished with — made in accordance with, or being obvious or fraudulent imitations of, the plaintiffs' said registered design No. —.

2. The plaintiffs complain in particular of a machine bought by the plaintiff — on — at the shop of —, which was furnished with a — made in accordance with the said registered design. Such machine was one of about — such machines of the defendants' manufacture exposed for sale at the said shop.

3. The precise number and dates of the infringements by the defendants of the said registered design are not at present known to

## APPENDIX OF FORMS (PLEADINGS, ETC.).

the plaintiffs, but the plaintiffs will claim to recover penalties in respect of all such infringements.

To the defendants. Yours, &c., \_\_\_\_\_  
Plaintiffs' Solicitor.

2b. Statement of Claim (*another form*).

1. The plaintiffs are the proprietors of the following registered designs for —, viz., No. —, registered on the —, and No. —, on the —.

2. The defendants have, without the license or written consent of the plaintiffs, applied or caused to be applied such designs or fraudulent or obvious imitations thereof to — manufactured by the defendants for the purpose of sale. In particular the plaintiffs complain of the application by or at the direction of the defendants of the said registered designs to — sold by the defendants to Messrs. — of — on the —. The plaintiffs believe that the defendants have applied or have caused to be applied the said registered designs to large quantities of the said —, but are unable at present to give further particulars of the said infringements. Nevertheless the plaintiffs will claim to recover damages in respect of all such — when they shall have had discovery from the defendants.

3. The defendants have published and exposed for sale at their show rooms at — and elsewhere — to which the plaintiffs' said registered designs, or fraudulent or obvious imitations thereof, have been applied well knowing that the same had been so applied without the consent of the plaintiffs.

4. By reason of the said wrongful acts on the part of the defendants the plaintiffs have been greatly injured in the sale of — to which they have applied their said registered designs, and have been greatly damaged thereby.

The plaintiffs claim—

- (1) An injunction to restrain the defendants, their servants, agents, or workmen, from manufacturing, selling, offering for sale, or in any manner dealing with — to which either of the said plaintiffs' registered designs or any part thereof, or any obvious or colorable imitation thereof, has been applied, and generally from infringing the rights of the plaintiffs in the said designs.
- (2) Damages or, at plaintiffs' option, an account of profits.
- (3) That the defendants may be ordered to deliver up to the plaintiffs to be destroyed all — in the defendants' possession made in infringement of the said registered designs.
- (4) Costs.
- (5) Such further and other relief as to the Court may in the circumstances of the case seem requisite and fit.



**3. Defence (to Statement of Claim in Form 2, ante).**

1. The plaintiff is not and never has been proprietor of the said design, and was not entitled to register the said design in the class in which he had purported to register the same.

2. The design registered was not proper subject-matter for registration.

3. The design was not duly registered according to the Patents, &c. Act, 1883 [or the Patents and Designs Act, 1907].

4. The design was not, at the date of registration, new and original.

5. The design had been published prior to the date of registration.

6. The plaintiff, if he ever had any copyright in the said design (which is not admitted), has lost the same by reason of the sale of articles to which the said design had been applied without having the said articles marked as prescribed by the Patents, &c. Act, 1883, s. 51.

7. The defendant has not infringed the plaintiff's copyright in the said design. He did not offer the article for sale as alleged in the statement of claim, nor at all.

8. If the defendant has published or exposed for sale any article to which the plaintiff's registered design has been applied, he did so innocently and without knowledge that the consent of the plaintiff had not been obtained to the said application.

(Signed) —.

**3a. Defence (to Statement of Claim in Form 2a, ante).**

The defendants say that—

1. They do not admit the facts alleged in paragraph 1 of the statement of claim.

2. They have not infringed the said registered design as alleged or at all.

3. The said alleged design is not proper subject-matter for registration.

4. The said alleged design was not, at the date of registration, new nor original.

5. The said alleged design had, prior to the date of the alleged registration thereof, been published in the United Kingdom.

Particulars of the prior publication upon which the defendants intend to rely are delivered herewith.

**3aa. Particulars of Objections (to accompany 3a).**

The following are particulars of the objections to the validity of the plaintiffs' alleged registered design relied upon by the defendants.

1. The plaintiffs' alleged design had been published in the United

Kingdom prior to the date of the plaintiffs' alleged registration by the manufacture and sale of — for — machines

(a) By — at their — works situate at — about the year —.

(b) By the defendants at their works at — for the last ten years.

(c) By the plaintiffs at their — works — for the last ten years.

2. The plaintiffs' alleged design had also been published in this realm prior to the date of the alleged registration in—

(d) The "Illustrated Catalogue," No. —, dated —, published by — of —. The illustration relied upon is on page —.

(e) The specification of letters patent No. — of — granted to —. The illustrations relied on are figures — of the sheet of drawings attached to such specification and referred to therein.

3. The defendants also allege that there was no subject-matter or novelty in the plaintiffs' alleged registered design by reason of the public general use in all classes of machinery for many years prior to the date of the plaintiffs' alleged registration of — similar to those forming the subject-matter of the plaintiffs' alleged registered design.

4. Samples of the — referred to in paragraphs (a) to (c), and copies of the circulars referred to in paragraph (d), can be inspected at the offices of the defendants' solicitors at —.

To the plaintiffs.

### 3b. Defence (to Statement of Claim 2b, ante).

The defendants say that—

1. The defendants do not admit that the plaintiffs are the proprietors within the meaning of the Patents and Designs Acts of the alleged designs No. — and No. — in the Statement of claim mentioned, or either of them, or that the said designs, or either of them, have or has been duly registered as required by the said Acts.

2. Both the said designs are intended not for —, as stated in the statement of claim, but for the cases or frames in which — are placed. Circular, square and polygonal — frames, having in their sides openings or windows fitted with glass arranged in some instances in a pattern, were well known at the date of the registration of the first-mentioned design —, and when fitted with — were known as and publicly sold under the name of "—." Moreover, — frames, similar to that shown in the sketch or photograph furnished to the Comptroller-General of Patents, Designs and Trade Marks on the application for the registration of the last-mentioned design, had at the date of such application been made and publicly sold in Germany and elsewhere abroad.

3. Having regard to the public knowledge aforesaid, the alleged

design No. — was not new or original within the meaning of said Acts at the date of the registration thereof.

4. The last-mentioned alleged design was, previously to the registration thereof, published in the United Kingdom by the public sale of the aforesaid — frames made in Germany and elsewhere abroad and imported into this country, and designs of which — frames are now in the possession of the defendants.

5. The alleged design No. — is an obvious application of the alleged design No. — to a — frame of a shape slightly different from the shape of the — frame shown in the sketch or photograph furnished to the Comptroller-General of Patents, Designs, and Trade Marks on the application for the registration of the last-mentioned design, and is not new or original within the meaning of the said Acts.

6. The alleged design No. — was, previously to the registration thereof, published in the United Kingdom by the registration of the said alleged design No. —, and by the sale of — frames made according to the last-mentioned alleged design.

7. For the reasons aforesaid there is no copyright in either of the said designs.

8. The defendants deny that they have, without the license or written consent of the plaintiffs, or in fact applied or caused to be applied the said designs or either of them, or fraudulent or obvious imitations of them or either of them, to — or — frames manufactured by the defendants for the purpose of sale, or in particular to the — sold by the defendants to Messrs. —, as mentioned in the statement of claim, or that the defendants have published or exposed for sale at their show rooms at — or elsewhere — or — frames to which the said alleged registered designs or either of them, or fraudulent or obvious imitations of them or either of them, have been applied, and the defendants deny that they have infringed any alleged copyright in the said alleged designs or either of them.

9. The defendants deny that by reason of any such alleged wrongful acts on the part of the defendants the plaintiffs have been greatly or at all injured in the sale of — to which they have applied the said alleged designs, or have been greatly or at all damaged thereby.

10. The plaintiffs not only sell — frames made according to the drawing deposited at the Patent Office on the application for registration of the alleged design No. —, and marked on the several parts thereof with the number last aforesaid, but they also sell — frames corresponding in some particulars with but differing in others from the said drawing, and marked on such part of the same — frames as agrees with the said drawing with the number last aforesaid, and on other parts thereof with the numbers — and —. The

three numbers last aforesaid are the numbers of alleged designs registered in the name of the plaintiffs. And the alleged design No. — is only registered as “applicable for the pattern, shape, ornament and configuration of a — or other — use.”

11. The marking aforesaid of the last-mentioned — frames is calculated to mislead the public, and is not a proper compliance with the provisions as to marking contained in the Patents, Designs and Trade Marks Acts. Under the circumstances aforesaid the copyright in the alleged design No. — has ceased.

#### 4. Reply.

The plaintiff joins issue with the defendant on his defence.

(Signed) —.

#### 5. Particulars.

##### (a) *Particulars of Infringement.*

The defendant at various times and particularly on or about the —, applied the design by the manufacture and sale of — made according to the said design, and in particular, and by way of illustration, the plaintiff says that on the — the defendant sold a lot of the — to one John Smith of —.

##### (b) *Particulars of prior Publication.*

The defendant had in his possession a sample of a similar design to the — claimed by the plaintiff anterior to the date of registration, such sample being in the defendant's show-room and shown to his customers in the ordinary way of business. This sample was obtained from a wire-worker named H. W. in —, who, anterior to —, disposed of other — such as those of the plaintiff's design to other customers, and in the way of his business. The defendant relies on these facts, and on others not at present known to them which they may elicit in cross-examination, as showing that the plaintiff's design had been published prior to the day on which the said design was registered.

##### (c) *Particulars of non-compliance with sect. 51, 1883, or sect. 54 (1b), 1907.*

The plaintiff sold certain articles to Messrs. H. & Co., of Birmingham. The said articles were not marked as prescribed by the Act, and certain of the said articles, viz. —, were not marked at all.

**6. Order on Summons for Directions (including Inspection).**

Upon hearing the solicitors on both sides the following directions are hereby given, and it is ordered :

That there be pleadings in the action.

That the plaintiff and defendants do respectively, after delivery of defence, and within ten days after service of copy receipt for deposit in Court, answer on affidavit stating what documents are or have been in their possession or power relating to the matters in question in this action.

That the plaintiff be at liberty to deliver to the defendants, after delivery of defence, and that the defendants be at liberty to deliver to the plaintiff, after delivery of defence, interrogatories in writing as approved by the district registrar, and that the said interrogatories be answered as prescribed by Ord. XXXI. rr. 8 and 26, of the Rules of the Supreme Court.

That after delivery of defence the plaintiff be at liberty by himself, his solicitor and witnesses, at all reasonable times, on forty-eight hours' notice, to enter the defendants' premises and inspect the defendants' ——— alleged to be an infringement of the plaintiff's copyrighted design, and to make measurements, take photographs, drawings or models of the same, and that the defendants give all reasonable facilities for the inspection and other matters aforesaid.

That the action be tried at ———.

That the action be tried by a judge.

With liberty to apply. (*Holden v. Hodgkinson* (1904), 22 R. P. C. 102.)

**6a. Another Form (where Action commenced in County Court).**

Upon motion this day made unto this Court by counsel for Messrs. ——— of No. ——— that the Register of Designs kept pursuant to the above-mentioned Acts might be rectified by expunging therefrom the entry relating to the above-mentioned design No. ——— of the above-named ———, and upon hearing counsel for ——— and the Comptroller-General of Patents, Designs and Trade Marks.

This Court doth order that the said motion be entered in the list of actions for trial with witnesses.

And it is ordered that the action of ——— against ———, attached to the County Court of ———, holden at ———, be stayed until after the said motion is disposed of, and that no further anticipation of design be alleged. And the parties are to give notice on or before the ——— as to which of the persons who have filed affidavits in this matter they respectively desire to cross-examine upon the hearing of the said motion.

And either party is to be at liberty upon such hearing to use any of the affidavits already filed in this matter, and of which no notice to cross-examine has been given. (*Re Morton's Design, Morton v. Emanuel* (1899), 17 R. P. O. 117.)

### 7. Notice of Motion for an Injunction.

Take notice that this Honourable Court will be moved before his lordship Mr. Justice —, on the — day of — 18—, or so soon thereafter as counsel can be heard, by Mr. — of counsel on behalf of the above-named plaintiff, that the defendant, his servants and agents, may be restrained until the trial of this action, or until further order during the continuance of the plaintiff's copyright in the design registered the — day of — 19—, and numbered —, from applying the said design to any article, and from making or selling any article to which the design has been applied, and in particular [ . . . ] and that such further order may be made as to this Honourable Court shall seem meet.

### 8. Order on Application for an Injunction.

Upon motion by counsel for the plaintiff, and upon hearing counsel for the defendant. Let the defendant, his servants and agents, be restrained until after the expiration of the plaintiff's copyright in the registered design No. — from selling the said design and from applying the same or any colourable imitation thereof to any article of manufacture for the purposes of sale, and from selling or exposing or offering for sale any substance or article of manufacture to which the said design has been applied.

### 9. Order for Injunction, Delivery up of Copies and Costs.

Order that the injunction awarded on the — day of — 18— against the defendants restraining them and each of them, their workmen, servants and agents, from selling or disposing of any of the articles of manufacture to which the plaintiffs' design in the statement of claim mentioned, or a fraudulent imitation thereof, had been applied, and from applying the plaintiffs' said design, or any fraudulent imitation thereof, to any woven fabrics or articles of manufacture, be continued until after the — day of — 18—, then next. And it is ordered, that the defendants shall forthwith deliver up to the plaintiffs, for the purpose of being destroyed, the drawing, point paper, and the several cards used in applying the said design; and also the articles manufactured by the defendants to which the said plaintiffs' design has been applied; the same to be verified by affidavit; and

that it should be referred to the Taxing Master to tax the reasonable and proper costs of the plaintiffs as between party and party, and to certify the amount thereof, and that such costs when taxed be paid by the defendants; and on payment thereof that all further proceedings in this suit be stayed unless the defendants commit any breach of injunction already awarded; and any of the parties are to be at liberty to apply to the Court, as there should be occasion. (*McCrea v. Holdsworth* (1848), 2 Do G. & Sm. 496.)

#### 10. Order (on Appeal) for Injunction and Inquiry as to Damages.

Upon motion by way of appeal on the — day of — made unto this Court by counsel for the plaintiffs from the judgment of Mr. Justice — dated the —, and upon hearing counsel for the defendants and upon reading the said judgment and upon production by the defendants of the further evidence mentioned in the schedule hereto.

This Court doth order that the said judgment be discharged.

And this Court doth order that the defendants the — Company, Limited, their servants, agents and workmen, be perpetually restrained from manufacturing, selling, offering for sale, or in any manner dealing with stoves to which either of the plaintiffs' registered designs numbered — and dated the —, and numbered — and dated the —, has been applied, and generally from infringing the rights of the plaintiffs in the said designs.

And it is ordered that the following inquiry be made, that is to say:

1. An inquiry what sum of money is fit to be awarded to the plaintiffs to be paid by the defendants as damages for the infringement by the defendants of the said registered designs of the plaintiffs.

And it is ordered that the defendants — do pay to the plaintiffs — such sum of money as upon such inquiry shall be found fit to be awarded to the plaintiffs for such damages as aforesaid within twenty-one days after the filing of the chief clerk's certificate of the result of the said inquiry.

And it is ordered that the defendants — do within twenty-one days after service of this order deliver up upon oath to the plaintiffs to be destroyed all stoves in the defendants' possession or under their control made in infringement of the said registered designs of the plaintiffs.

And it is ordered that the defendants do repay to the plaintiffs — the sum of £—, being the amount of the taxed costs of the defendants paid by the plaintiffs to the defendants pursuant to the said judgment dated the —.

And it is ordered that the defendants — do pay to the plaintiffs

— their costs of this action and of and occasioned by this appeal, such costs to be taxed by the Taxing Master.

And it is ordered that the costs of the said inquiry be reserved, with liberty for either party to apply in chambers in reference to such costs when the said inquiry shall have been completed. (*Harper v. Wright and Butler* (1895), 12 R. P. C. 483.)

### 11. Order on Inquiry as to Damages.

Upon the application of the plaintiffs by summons dated the —, that in pursuance of the judgment in this action dated the —, the defendants might be ordered within seven days after the service of the order to be made upon the application to make and file an affidavit or affidavits stating the names and addresses of the persons to and by whom the £— worth of — purchased by the defendant company respectively has been sold or used or for whom the same has been purchased, and that the liquidator of the defendant company — might be ordered to make and file within seven days from the date of the order to be made upon the said application a full and complete affidavit of all invoices, papers, writings, books of account, and other documents which were delivered by the defendant company to him as liquidator, and which now are or have been in his possession and accounting for the same accordingly, and that the same be produced for the inspection of the plaintiffs at the offices of the defendants' solicitor, and that the costs of and incidental to the application be costs of taking the account of profits directed by the judgment herein of the —, and upon hearing counsel for the applicants and for the defendants, and upon reading the judgment dated the —, an order dated the —, an affidavit of — filed the —, and the exhibit therein referred to, and the defendants having offered to the plaintiffs inspection of the defendants' invoices and sales ledger, having previously sealed up the names of customers, and the plaintiffs admitting that they have had inspection accordingly.

The judge doth not think fit to order production of names or addresses of the customers, and it is ordered that the said application be dismissed with costs to be taxed and set off against the costs directed by the judgment dated the —, to be paid by the defendants to the plaintiffs. (*Saccharin Corporation v. Chemicals and Drugs Co.* (1900), 17 R. P. C. 612.)

### 11a. Order on Appeal as to Inquiry.

Upon motion by way of appeal this day made unto this Court by counsel for the plaintiffs from the order dated —, and upon hearing counsel for the appellants and for the defendants, and upon reading the order dated —.



This Court doth order that the said order dated — be discharged.

And it is ordered that the defendants do, within twenty-eight days from the date of this order, make and file an affidavit or affidavits stating the names and addresses of the persons to and by whom the £ — worth of — purchased by the defendant company respectively has been sold or used or for whom the same has been purchased, and the dates when the — was sold and the amounts sold, and it is ordered that the costs of and occasioned by this appeal be costs of the inquiry. (*Saccharin Corporation v. Chemicals and Drugs Co.* (1900), 17 R. P. C. 612.)

### 12. Notice of Motion to Rectify the Register (a).

In the High Court of Justice,  
Chancery Division.

Mr. Justice —.

In the Matter of copyright in a design granted to A. B.  
registered the — day of — No. —  
and

In the Matter of the Patents, Designs, and Trade Marks  
Acts, 1883—1888 [or the Patents and Designs Act, 1907].

Take notice that the Court will be moved before his lordship Mr. Justice — on — the — day of —, or so soon thereafter as counsel can be heard, by Mr. —, of counsel on behalf of C. D. of —, that the Register of Designs kept pursuant to the above-mentioned Acts may be rectified by expunging the entry relating to the above-mentioned design made in the Register of Designs on the — day of — by or on behalf of the said A. B., or that such further and other order may be made for the rectification of the said register as to this Court shall seem just, and that the said A. B. do pay to the applicant his costs of this application to be taxed by the Taxing Master.

Dated the — day of —.

(Signed) — of —

Solicitor for the above-named C. D.

To Mr. A. B. and to Messrs. — his solicitors [and the Comptroller-General of Patents, Designs and Trade Marks].

### 13. Order Expunging Entry in the Register.

Upon motion, &c., this Court doth order that the entry relating to

(a) See the Form in *In re Compagnie Générale d'Eaux Minérales Trade Mark*, 8 R. P. C. 446. For amendment of the notice, see *Re King's Trade Mark* (1892), 19 R. P. C. 350.

the above-mentioned registered design made in the Register of Designs of the Patent Office on the — day of — by or on behalf of the said A. B. be expunged from such register, and it is ordered that A. B. do pay to the applicant his costs of this application, such costs to be taxed by the Taxing Master, and it is ordered that an office copy of this order be served upon the Comptroller-General of Patents.

#### 14. Order to vary Entry.

Upon motion this day made unto this Court by counsel for — of — in —. No one appearing for the respondent — although duly served with notice of this motion, as by affidavit appears, and upon hearing counsel for the Comptroller-General of Patents, Designs and Trade Marks, and upon reading an affidavit of — filed — and the exhibits therein referred to, and it appearing to the satisfaction of the Court that the registration of the design No. — was made inadvertently and by mistake in the name of the said — this Court doth order that the Register of Designs be varied by removing therefrom the name of the above-mentioned — as the proprietor of the said design, and substituting therefor the name of the said —.

And it is ordered that the applicant — do pay to the said Comptroller his costs of this motion, to be taxed by the Taxing Master. And it is ordered that due notice of the said rectification is to be given to the said Comptroller. (*Re Girocoll's Design* (1899), 17 R. P. C. 139.)

#### 15. Interrogatories for Examination of a Defendant.

1. Did not the defendant, in or about the month of — or at some other and what date or dates, manufacture — to which he applied or caused to be applied the design in the statement of claim mentioned or a design similar thereto, and did he not, in or about the same month or at some other and what date or dates, sell the said lace, and if so, what quantities thereof, to — of — or to some other and what persons?

2. State where and the name and address of the person by whom the order for the manufacture of the said —, alleged in paragraph — of the defence, was given to the defendant, and whether verbally or in writing, and if in writing identify the document or documents.

3. State where and to what description of — the design mentioned in the defendant's particulars of objections was applied, and the names and addresses of the persons whom the defendant alleges to have been the designer and draftsman of the said design, and whether the design and the draft of the said design are in existence, and if so,

the name and address of the person in whose possession they are, and whether the said design was ever registered, and if so, in whose name and when.

4. State where and the name and address of the person by whom the said design is alleged to have been shown to —, and whether the alleged employment of the defendant by the said — was by verbal or written instructions, and if written, identify the document or documents.

5. State the quantity and description of the — alleged to have been manufactured for and sold by the said —, and whether there is any book containing a record of such manufacture and deliveries, and the name and address of the person in whose possession it now is.

6. State the names and addresses of the — merchants referred to in the said particulars of objections, and the dates of the several alleged sales to them respectively.

The defendant is required to answer all the above interrogatories. (*Titus Astle, Ltd. v. Mansfield* (1905), 22 R. P. C. 356.)

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### III. Conveyancing Forms.

#### 1. Assignment of a Design.

THIS INDENTURE, made the — day of —, between A. B. of —, of the first part, and C. D. of —, of the other part.

WHEREAS the said A. B. registered a design for the United Kingdom on the — day of —, and numbered —, for — [*Title*].

NOW THIS INDENTURE WITNESSETH, that in consideration of the sum of £— paid to the said A. B. (the receipt whereof he doth hereby acknowledge), the said A. B., as beneficial owner, doth hereby assign unto the said C. D., his executors, administrators, and assigns, all his interest in the said registered design, and advantages belonging thereto, to hold the same unto the said C. D., his executors, administrators, and assigns absolutely: And the said A. B. doth hereby covenant with the said C. D., his executors, administrators, and assigns, that he, the said A. B., hath not at any time done or knowingly been party or privy to any act, deed, or thing whereby his copyright in the design has been in any way forfeited, or whereby he is prevented from assigning the said registered design in manner aforesaid, or whereby the same is or may be in anywise encumbered. IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

## 2. License.

AN INDENTURE made the — day of —, between A. B. of, &c. (hereinafter called the licensor), of the one part, and C. D. of, &c. (hereinafter called the licensee), of the other part. WHEREAS the said licensor is the registered proprietor of a design for —, registered No. —, the — day of —. AND WHEREAS the licensor has agreed to grant the licensee a license to use the said design [so far as relates to its application to the manufacture of — for the purposes of sale in the district of —]. NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement, and in consideration of the royalties hereby agreed to be paid to the licensor by the licensee, and of the covenants on the part of the licensee hereinafter contained, the licensor doth hereby grant unto the licensee full leave to apply the said design to — manufactured for the purpose of sale within the district of —, being a radius of — miles from the shirehall of the town of —, and further the licensor doth hereby grant unto the licensee full leave to sell within the said limits articles to which the said design has been applied during the term of — years [or, during the residue of the unexpired term for which the copyright in the said design has been granted to the licensor]; YIELDING AND PAYING unto the licensor on the 1st day of every October and on the 1st day of every April for every — manufactured by the licensee to which the registered design shall have been applied the sum of £—. And the licensee doth hereby covenant with the licensor and his assigns that he the licensee will during the term hereby granted pay to the licensor, his executors, administrators, or assigns, on the 1st days of October and April respectively, the royalties on all articles manufactured and to which the design shall have been applied by the licensee during the preceding six months, AND ALSO that he will during the said term keep all proper books of account, and make such true entries therein of all particulars necessary or convenient for the purposes, showing the amount which may be or become due by way of royalty to the licensor hereunder, and will produce the said books at all reasonable times to the licensor, his executors, administrators, or assigns, or to his agent or agents duly appointed for this purpose in writing, for the purpose that the said licensor, his executors, administrators, assigns, or agents, may inspect and take copies and extracts from the said books, and will at his own expense obtain and give all reasonable information as to any item in the said books of account as may reasonably be required. AND ALSO that he will at the end of each half year on the dates aforesaid deliver or send to the licensor, his executors, administrators, or assigns, a statement in writing of the particulars of the manufacture and sale of articles within the last half

year to which the said design has been applied. AND THE LICENSEE FURTHER COVENANTS that he will neither do nor omit to do anything whereby the copyright in the said design may be lost, and for any breach of this covenant the licensee shall pay to the licensor, his executors, administrators, and assigns, the sum of £—— to be paid as liquidated damages.

In witness, &c.

[Amongst other clauses which may be inserted in a license agreement are the following: (a) licensor to defend the design at the cost of the licensee; (b) power for either party to determine the license on giving notice; (c) licensee not to assign or charge the license without the licensor's consent; (d) licensor not to grant license to any person other than the licensee.]

Forms of license for designs may be adapted from the forms of license for patents, which are given in great variety in Morris's Patents Conveyancing.

## APPENDIX C.

### Instructions to Persons who wish to Register Designs.

#### 1.—GENERAL.

It is advisable in the first instance for a person who desires to register a design to buy a copy of the Designs Rules, 1908, and of the Patents and Designs Act, 1907.

#### 2.—SALE OF ACT AND RULES.

Copies of the Act and of the Rules can be purchased at the Sale Branch of the Patent Office. The price of the Act is 5½*d.*, by post, 7*d.*; and of the Rules, 4*d.*, by post, 5*d.* Sums exceeding 5*d.* should be remitted by postal order or post office order.

#### 3.—WHO MAY APPLY FOR REGISTRATION OF A DESIGN.

Any person, whether a British subject or not, claiming to be the proprietor of any new or original design not previously published in the United Kingdom, may make an application for the registration of a design in the United Kingdom.

The term "person" includes firm, partnership, and body corporate.

Any person who has made a previous application for registration of a design, which is registrable under the Act, either in any of the foreign States or in any of the British possessions (see paragraph 17), with which certain arrangements for mutual protection of designs have been made, may obtain priority of date in the United Kingdom, provided that the application is made within four months from the date of the application in such foreign State or British possession.

#### 4.—WHAT MAY BE REGISTERED AS A DESIGN.

Section 93 of the Act defines a design as follows:—

"Design" means any design (not being a design for a sculpture or other thing within the protection of the Sculpture Copyright Act, 1814) applicable to any article, whether the design is applic-

able for the pattern, or for the shape, or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined.

“Article” means (as respects designs) any article of manufacture and any substance artificial or natural, or partly artificial and partly natural.

Section 60 of the Act restricts the protection afforded by a registered design to the particular class of goods in which the design is registered; but under section 49 (2) the same design may be registered in more than one class; see paragraph 9 (clause 7).

Mechanical inventions cannot be protected by registration as designs. Improvements in the construction, arrangement, or application of machinery should be protected by a patent.

#### 5.—MANNER OF APPLYING FOR REGISTRATION OF A DESIGN.

All applications and communications must be made in the English language.

Applications relating to designs, other than those in Classes 13, 14, and 15, must be left at the Patent Office by hand or sent by post addressed to the Comptroller, the Patent Office, Designs Branch, 25, Southampton Buildings, London, W.C.

In the case of Designs in Classes 13, 14 and 15, applications must be in duplicate, and may be addressed either to the Comptroller as above, or to the Keeper of Cotton Marks, Manchester Branch of the Trade Marks Registry, 48, Royal Exchange, Manchester, at the option of the applicant.

#### 6.—SETS OF ARTICLES.

A “Set” is a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design, with or without modifications not sufficient to alter the character or not substantially affecting the identity thereof.

#### 7.—CLASSIFICATION OF GOODS.

Under the Rules goods are classified as follows. (*See list at p. 29, ante.*)

#### 8.—DESIGNS FORMS AND FEES.

The following is a list of the Designs Forms and of the Fees. (*See lists of Forms, ante, p. 373, and of Fees, ante, pp. 318—320.*)

## APPENDIX C. (INSTRUCTIONS).

The Stamped Forms can be obtained on personal application at the Inland Revenue Office (Room No. 32), in the Patent Office, 25, Southampton Buildings, Chancery Lane, London, W.C., or, at a few days' notice and upon pre-payment of the value of the stamp, at any Money Order Office in the United Kingdom.

Forms Designs No. 2, Designs No. 3, Designs (Manchester) No. 1, and Designs (Manchester) No. 2, are kept in stock at the following Post Offices in London:—The London Chief Office; Lombard Street Branch Office, E.C.; Eastern District Office, 206, Whitechapel Road, E.; South-Eastern District Office, 239, Borough High Street, S.E.; Charing Cross Branch Office, W.C.; North-Western District Office, 28, Eversholt Street, Camden Town, N.W.; Post Office, 44, Parliament Street, S.W., and at the Chief Post Office of the undermentioned cities and towns:—

*In England and Wales.*

(Here follows list of over 100 principal towns.)

*In Scotland.*

Aberdeen.	Glasgow.	Leith.
Dundee.	Greenock.	Perth.
Edinburgh.	Inverness.	

*In Ireland.*

Belfast.	Galway.	Waterford.
Dublin.	Limerick.	Wexford.

Forms Designs No. 4 and Designs No. 5 are specially kept in stock at the Chief Post Office at Nottingham.

If it should not be convenient to apply in either of the ways above specified, the stamped forms can be ordered by post from the Controller of Stamps (Room No. 5), Inland Revenue Office, Somerset House, London, W.C. In this case a bankers' draft or a money or postal order payable to the Commissioners of Inland Revenue and crossed Bank of England, to cover the value of the stamp and the cost of transmitting the form in a registered envelope by post, must be forwarded to Somerset House with the application for the form. Cheques will not be accepted.

#### 9.—DOCUMENTS, &c. REQUIRED ON APPLICATION FOR REGISTRATION OF A DESIGN.

An application for the registration of a design must be made on the appropriate application form, impressed with the proper stamp. (See paragraph 8.)



If the design be the property of a firm, the application form should be signed either in the firm's name or by some one or more members of such firm or partnership, who should add after his or their signature "a member of the firm" or "members of the firm" (as the case may be); if of a body corporate, by a director or by the secretary or other principal officer, who should add after his signature and designation "for the company."

Applications may be made in the names of and on behalf of applicants by agents resident or having a place of business in the United Kingdom or the Isle of Man, duly authorised to the satisfaction of the Comptroller. The agent must be authorised in writing (see Form Designs No. 1) by the applicant or applicants; the authority to an agent should be signed by the applicant or applicants; in the case of a firm, partnership, or body corporate, the authority should be signed in the manner indicated in the preceding paragraph.

An application made by an agent should have, after the signature of the agent, the description "agent."

The applicant's full address must be given in the application.

When an applicant for the registration of a design resides out of the United Kingdom or the Isle of Man, an address for service in the United Kingdom must be given in the application; if the design be registered, such address will be entered in the register of designs as the address for service of the proprietor of the design.

The class in which the design is to be registered must be given in the application, and, if the design is to be registered in more than one class, a separate application is necessary in each class.

The article or articles to which the design is to be applied must be stated, and, if required, the purpose for which the article is used and the material or predominating material must be specified.

A brief statement of the novelty claimed for the design may, if the applicant so desires, be indorsed on the application and representations, and such statement must be so indorsed, if required.

Three exactly similar drawings, photographs, tracings, or other representations or three specimens, are required in the case of an application for a design to be applied to a single article (except in the case of a design in any one of the Classes 13, 14 and 15). When the design is to be applied to a set, four such representations or four specimens are required; in the case of a design applied for in any one of the three above-mentioned classes, six representations or six specimens are required.

Rough sketches cannot be accepted, but if it is inconvenient to supply the proper number of representations when the application is made, and it is desired to secure a date of registration, one sketch

(or in the case of an application in any one of the Classes 13, 14 and 15, two sketches) of the design (sufficiently definite to identify it) may accompany the application. In such a case the design, if accepted, will eventually be registered as of the date on which the sketch was received, but no certificate can be issued until the proper number of correct representations has been supplied.

Each representation must be upon paper of a size of approximately 13 inches by 8 inches, and must appear upon one side only of the paper; the figure or figures must be placed in an upright position on the sheet, and when one or more figures are shown, these should, if possible, be on one and the same sheet, and each should be designated on the sheet (*e.g.*, front view, side view).

Drawings or tracings must be in ink, and tracings must be mounted on paper of the size above mentioned.

Representations must not be on cardboard.

In the case of a set, each representation should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

When a design bears a repeating surface pattern, the complete pattern and a sufficient portion of the repeat in length and width (not of less size than 7 inches by 5 inches) should be shown on the representation.

Specimens should not accompany an application for a design unless they are of a kind which can conveniently be pasted into books.

Letters or numerals not of the essence of the design must not be shown on the representations or specimens. When the names or representations of living persons appear on a design, the consent of such persons should be furnished. In the case of persons recently dead, the consent of their legal representatives may be required.

#### 10.—APPLICATIONS IN CLASSES 13, 14 AND 15.

An application in any one of the Classes 13, 14 and 15 may be made either to the Comptroller in London or to the Keeper of Cotton Marks in Manchester (see paragraph 5, clause 3). Such an application must be in duplicate, but the duplicate form of application need not be stamped.

An application in Class 13 or Class 14 should be made on Form Designs (Manchester) No. 1, and an application in Class 15 on Form Designs (Manchester) No. 2. Class 15 is restricted to designs consisting substantially of checks or stripes only.

#### 11.—NON-COMPLETION OF REGISTRATION OF A DESIGN.

When registration is not completed within twelve months from the date of the application by reason of default on the part of the applicant,

the application may, after due notice, be treated as abandoned, unless it be completed by the time specified in such notice.

#### 12.—DURATION AND EXTENSION OF REGISTRATION.

Registration of a design is for a period of five years from the date of the original application, but may be extended for two further periods, each of five years, on application and payment of the prescribed fees: the registered proprietor can claim the first extension; the second is subject to the allowance of the Comptroller. See Forms Designs Nos. 8, 9, and 10 (paragraph 8).

#### 13.—MARKING OF ARTICLES.

Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design must cause each such article to be marked with the word REGISTERED or with the abbreviation REGD. or with the abbreviation RD., as he may choose, and also (except in the case of articles to which have been applied designs registered in Classes 9, 13, 14, and 15) with the number appearing on the certificate of registration.

#### 14.—SEARCHES.

Any person who desires to ascertain whether the registration of a design still exists and to obtain the other information mentioned in section 57 of the Act, and can furnish the registration number of the design, should lodge Form Designs No. 19. If the registration number cannot be furnished, Form Designs No. 20 should be lodged with such information as is available. If Form Designs No. 20 is accompanied by a representation or specimen of the design, it must be furnished in duplicate.

If Form Designs No. 21 be lodged, a search will be made, and the person lodging such form will be informed whether the design sent in is identical with or, in the Comptroller's opinion, an obvious imitation of any registered design applied to the same goods for which the copyright is still existing. The design furnished with Form Designs No. 21 must be in duplicate.

#### 15.—REGISTRATION OF SUBSEQUENT PROPRIETORS OF REGISTERED DESIGNS.

The request to be made by a subsequent proprietor on application for the entry of his name in the register as subsequent proprietor of a registered design must be made on Form Designs No. 11, Form Designs No. 12, or Form Designs No. 13 (see paragraph 8), as the case may be. In the case of a firm or partnership, the request may be

made by one member of the firm or partnership. In the case of a body corporate, the request should be made by a director or by the secretary or a principal officer of such body corporate.

If the Comptroller considers it necessary he may require a declaration on Form Designs No. 14 to be furnished in support of the request.

Where a person becomes entitled to registered designs, he should, at the earliest possible moment, have them transferred into his name in the register. The mere possession of the certificates of registration is insufficient.

#### 16.—MISCELLANEOUS MATTERS RELATING TO DESIGNS AND THE PATENT OFFICE.

(a) *Advice on Design Matters, &c.*—The Patent Office does not undertake to give legal advice or opinions on questions of infringement or on any subject connected with designs law which, like other laws, is left to the interpretation of professional men.

(b) *Agency.*—The Comptroller cannot recommend any particular agent for employment by applicants. A list of registered patent agents who, as a rule, also transact design business, may be obtained from Messrs. Wyman & Sons, Limited, Fetter Lane, London, E.C., or through any bookseller. Price (including postage) 1s. 1d.

(c) *Application for Reduction of Fees.*—It is not within the power of the Comptroller to comply with any request for the reduction or remission of any of the fees required by the Designs Rules.

(d) *Use of the word "Registered."*—Under section 89 of the Act, any person who falsely describes any design applied to any article sold by him as registered is liable for every offence on summary conviction to a fine not exceeding five pounds.

A person who sells an article having applied thereto the word "registered," or any other word expressing or implying that the design applied thereto is registered, is deemed for the purpose of section 89 of the Act to represent that the design is registered.

A person who, after the copyright in a design has expired, puts or causes to be put, on an article to which the design has been applied, the word "registered," or any word or words implying that there is a subsisting copyright, is liable on summary conviction to a fine not exceeding five pounds.

#### 17.—INTERNATIONAL AND COLONIAL ARRANGEMENTS.

An International Convention for the protection of industrial property exists between the following States:—Belgium; Brazil; Cuba; Denmark with the Farøe Islands; France with Algeria and colonies; Germany; Great Britain with Australia, Ceylon, New Zealand, and

Trinidad and Tobago; Italy; Japan; Mexico; Netherlands with the Dutch East Indies, Surinam, and Curaçoa; Norway; Portugal with the Azores and Madeira; Santo Domingo; Servia; Spain; Sweden; Switzerland; Tunis; United States of America.

Copies of the text of the Convention and of the additional Act modifying the Convention, may be purchased for 2*d.* and 1*d.* respectively, from Messrs. Wyman & Sons, Limited, Fetter Lane, London, E.C., or through any bookseller.

Under this Convention, an applicant for a design in any one of the contracting States may obtain priority of date in any of the other States.

Similar arrangements, for the mutual protection of designs, have been made between Great Britain on the one side, and each of the following States and Colonies on the other:—Ecuador; Greece; Honduras; Paraguay; Roumania; Uruguay.

#### 18.—APPLICATIONS FOR THE REGISTRATION OF DESIGNS IN THE BRITISH COLONIES AND FOREIGN STATES.

Applications for the registration of designs in the Colonies and foreign States must be made to the Government of the Colony or foreign State in which protection is desired. A collection of colonial and foreign laws and rules relating to the subject may be seen in the free library of the Patent Office.

#### 19.—PATENT OFFICE LIBRARY.

The free public library of the Patent Office, 25, Southampton Buildings, Chancery Lane, London, W.C., is open daily, from 10 a.m. to 10 p.m., except on Sundays, Christmas Day, Good Friday, and Bank holidays. On the day observed as His Majesty's birthday, Christmas eve, Easter eve, and Whitsun eve, the library is closed at 4 p.m.

*January, 1908.*

## APPENDIX D.

*Orders in Council applying the Provisions of the Patents, &c. Act, 1883, ss. 103—4 (continued by sect. 91 of the Act of 1907), to Foreign States and British Colonies.*

Foreign State or Colony.	Date of Order in Council.
Australia .....	26 March, 1907.
Austria-Hungary .....	—
Belgium .....	26 June, 1884.
Brazil .....	26 June, 1884.
Ceylon .....	7 Aug., 1905.
Cuba.....	—
Denmark (including the Faroe Islands).....	20 Nov., 1894.
Dominican Republic .....	21 Oct., 1890.
Ecuador* .....	16 May, 1893.
France (with Algeria and Colonies).....	26 June, 1884.
Germany .....	9 Oct., 1903.
Greece* .....	15 Oct., 1894.
Honduras.....	26 Sept., 1901.
Italy ... ..	26 June, 1884.
Japan .....	7 Oct., 1899.
Mexico .....	28 May, 1889.
Netherlands.....	26 June, 1884.
Netherlands (East Indian Colonies) .....	17 Nov., 1888.
Netherlands (Curaçao and Surinam) .....	17 May, 1890.
New Zealand .....	8 Feb., 1890.
Norway .....	See below (Sweden).
Paraguay.....	24 Sept., 1886.
Portugal (with the Azores and Madeira) .....	26 June, 1884.
Roumania* .....	5 Aug., 1892.
Servia .....	26 June, 1884.
Spain .....	26 June, 1884.
Sweden and Norway .....	9 July, 1885.
Switzerland .....	26 June, 1884.
Trinidad and Tobago.....	12 Aug., 1907.
Tunis .....	26 June, 1884.
United States .....	12 July, 1887.
Uruguay .....	24 Sept., 1886.

\* These countries are not parties to the International Convention. The provisions of sect. 91 apply to them in respect of Designs and Trade Marks only. Paraguay and Uruguay have not joined the Convention, but there are separate treaties with them to which the provisions of sect. 91 will apply.

## APPENDIX E.



### SELECT BIBLIOGRAPHY

#### OF THE LITERATURE OF COPYRIGHT IN DESIGNS

*Arranged Chronologically and according to Countries.*

#### UNITED KINGDOM.

1823. GODSON (Richard). *Practical Treatise on the Law of Patents for Inventions and of Copyright.* London. 8vo. pp. ix., 452.

This work, which is one of the earliest authorities on the subject of patent law, contains in pages 302—4 a short account of the protection granted to proprietors of original patterns for printing fabrics. The work was re-edited by Peter Burke in 1851.

1840. THOMSON (James). *Letter to the Vice-President of the Board of Trade on Protection to Original Designs and Patterns printed on Woven Fabrics.* Clitheroe. 8vo. pp. ii., 29.

Illustrated with fifteen copper plates of original patterns.

1840. THOMSON (James). *Letter to the Right Hon. Sir Robert Peel, Bart., on Copyright in Original Designs and Patterns for Printing Fabrics.* Clitheroe. pp. 54, and App. VI.

1841. TENNENT (J. Emerson), M.P. *Treatise on the Copyright of Designs for Printed Fabrics; with consideration of the necessity of its extension.*

London. 8vo. pp. xv., 283; 6 pattern plates.

1842. BRACE (George). *Observations on the Extension of Protection of Copyright of Designs, with a view to the Improvement of British Taste.* London. 12mo. pp. vii., 128.

1845. BILLING (Sidney), and Alexander PRINCE. *The Law and Practice of Patents and Registration of Designs.*

London. pp. vi., 227.

Chapter XIV. deals with securing property by registration.

1846. CARPMAEL (William). *Registration of Designs to secure Copyright.* Third Edition. London. 8vo. pp. 28.
1846. NORMAN (John Panton). *Law and Practice relating to Useful and Ornamental Designs.* London. 12mo. pp. xii., 185.
1847. SPENCE (William). *Copyright of Designs, as distinguished from Patentable Invention.* London. 8vo. pp. 32.
1848. WEBSTER (Thomas). *On the Subject-matter, &c. of Letters Patent for Inventions and Copyright of Designs for Articles of Manufacture.* London. 8vo. pp. iv., 100.

The original edition of this work in 1841, which was issued as a Supplement to Webster's "Law and Practice of Letters Patent," contained nothing relating to Designs. A third edition of the above work appeared in 1851.

1849. TURNER (T.). *On Copyright in Design in Art and Manufactures.* London. 8vo. pp. viii., 114.
1853. WEBSTER (Thomas). *On Property in Designs and Inventions in the Arts and Manufactures.* London. 8vo. pp. 64.

The work is almost entirely devoted to the subject of patent right.

1854. *First Report of the Science and Art Department.* London. 8vo.

Appendix N. to the above Report, pp. 463—642, contains a report of the proceedings of the Designs Office from 1st July, 1839, to 31st December, 1852, including a copy of the register of non-ornamental Designs from September 1, 1843, to December 31, 1853.

1862. PHILLIPS (C. P.). *Law of Copyright in Works of Literature and Art, and in the Application of Designs.* London. 8vo. pp. cxiii., 261, xvi.

Chapter XI. deals with copyright in the application of Designs.

1879. CRAIG (A.). *Patents, Designs and Trade Marks: A Practical Guide.* (Chap. II. The Patent Office. . . . Curiosities of Patent Law.) London. 8vo. pp. 56.
1884. ASTON (Th.). *The Patents, Designs and Trade Marks Act, 1883.* London. 8vo. pp. xiii., 255.
1884. BOUSFIELD (W. R.). *The Patents, &c. Act, 1883, and the Rules thereunder.* London. 8vo. pp. xv., 257.
1884. SHORTT (J.). *The Law relating to Works of Literature and Art (including Designs).* Second edition. London. 8vo. pp. xlvi., 840.



1884. SLATER (J. H.). *The Law relating to Copyright and Trade Marks with reference to Infringement.* (A Digest of English and American decisions.) London. 8vo. pp. xvii., 466.
- 1885—7. LAKE (H. H.). *Patent Law Primers, I.—III.* (England, United States, Canada). Patents, Trade Marks and Designs. London. 3 parts. 8vo.
1889. GRAHAM (J. O.). *Designs and Trade Marks.* (With a Chapter on Misrepresentation on the Sale of Goods.) London. 8vo. pp. xv., 179.
1889. WINSLOW (R.). *Law of Artistic Copyright.* (With a Chapter on Designs.) London. 8vo. pp. xv., 215.
1891. WOODWARD (Parker). *Handbook to the Law of Copyright in Designs.* (With special application to Class IX. (Lace).) Nottingham. 8vo. pp. 92.
1895. EDMUNDS (Lewis). *The Law of Copyright in Designs.* (With the Practice in the Courts and the Patent Office.) London. 8vo. pp. xviii., 291.
1898. LAWSON (W. N.). *Law and Practice of Patents, Designs and Trade Marks.* London. Third edition. 8vo. pp. lxxx., 636.
1904. COPINGER (W. A.). *Law of Copyright in Works of Literature and Art.* (With a Chapter on Designs.) Fourth edition. London. 8vo. pp. xxii., 266, cxlix.
1905. FULTON (D.). *A Practical Treatise on Patents, Trade Marks and Designs.* Third edition. London. 8vo. pp. 672.
1905. HADDAN (R.). *The Inventor's Adviser and Manufacturer's Handbook to Patents, Designs and Trade Marks.* Third edition. London. 8vo. pp. 471.
- 1884—1907. PATENT OFFICE. Digests of Patent, Designs and Trade Mark Cases included in the "Reports." Vols. I. to X. (1884—93), Vols. XI. to XVI. (1894—9), Vols. XVII. to XXII. (1900—5), Vols. XXIII. and XXIV. (1906—7).

### AUSTRIA.

1859. STUBENRAUCH (M. von). *Das Oesterreichische Marken- und Muster-schutz Gesetz.* Vienna. 8vo. pp. 68.
1873. *Privilegiengesetz, Marken-und-Muster-Gesetz, Hausirpatent, &c.* Fifth edition. Vienna. 8vo. pp. iv., 129.

A reprint of the Laws and Regulations dealing with Patents, Trade Marks and Designs.

1894. HANDELS MINISTERIUM. *Gutachten über die . . Entwürfe eines Patent-Gesetzes und eines Gebrauchs-Muster-schutz-Gesetzes.*  
Vienna. 4to. pp. v., 596.

**BELGIUM.**

1884. *Ministère de l'Agriculture. Convention du 20 Mars, 1883, pour la Protection de la Propriété Industrielle. Text of the Belgian Laws, with Circulars, &c.* Brussels. 8vo. pp. 52.
1886. *Ministère de l'Agriculture, &c. Dessins et Modèles industriels. Loi du 18 Mars, 1806, et Arrêtés d'Execution.*  
Brussels. 8vo. pp. 7.

**CANADA.**

1879. *Circular of the Department of Agriculture containing the "Trade Mark and Design Act," and the "Act respecting the marking of Timber," with Rules, &c.* Ottawa. 8vo. pp. 51.

**FRANCE.**

1867. SCHMOLL (J.). *Traité pratique des Brevets, Dessins, Modèles et Marques de Fabrique comprenant la Législation Étrangère et les Traités Internationaux.* Paris. 8vo. pp. iii., 671.
1868. POUILLET (E.). *Traité théorique et pratique des Dessins de Fabrique.* Paris. 12mo. pp. 185.

A useful work divided into: (a) Législation Française; (b) Traités Internationaux; (c) Résumé des Législations Étrangères; (d) Doctrine et Jurisprudence. A later edition appeared in 1884.

1879. PARIS EXHIBITION, 1878. *Congrès International de la Propriété industrielle, No. 24 de la Série.*  
Paris. 8vo. pp. 752.

This work contains in pp. 65—83 a report by J. Bozérian on the existing legislation on Designs and Models, with a proposed new law on the subject.

1880. PHILIPON (E.). *Traité de la Propriété des Dessins et Modèles industriels.* (Histoire, Législation, Jurisprudence.)  
Paris. 8vo. pp. 226.
1889. BARCLAY (T.). *Law of France relating to Industrial Property.* (Patents, Trade Marks and Designs.)  
London. 8vo. pp. xvi., 244.

The author devotes a chapter to Designs and Models, and non-industrial Drawings, pp. 109—117.

1893. PELLETTIER (M.). *Droit industriel, Brevets d'Invention, Marques de Fabrique, Modèles et Dessins.*  
Paris. 8vo. pp. vii., 607.
- 1894—8. COUHIN (O.). *La Propriété industrielle, artistique et littéraire.*  
Paris. 3 vols. 8vo.
1898. VAUNOIS (A.). *Les Dessins et Modèles de Fabrique.*  
(Including a Chapter on Foreign Laws.)  
Paris. 8vo. pp. xxiv., 362.
1898. BERT (É.). *Brevets d'Invention, Marques, Modèles et Dessins de l'abrique.* (Jubilee volume of the Société des Ingénieurs Civils de France, 1848—98.)  
Paris. 8vo. pp. 771—782.
1899. ANNUAIRE FARJAS. Containing an Abridgment of the Laws relating to Industrial Property.  
Paris. 8vo.
1899. PICARD'S PATENT JOURNAL. *Reports of French Legal Decisions on Patents, Designs and Trade Marks.* (With an English Translation.)  
Paris. 4to. Yearly.

#### GERMAN EMPIRE.

1875. LANDGRAF (Josef). *Musterrecht und Musterschutz. Eine historisch-dogmatische Studie, nebst einem Gesetz-Entwurf für das Deutsche Reich.*  
Leipzig. 8vo. pp. xv., 188.  
Contains a useful bibliography upon Foreign Design Law and Jurisprudence.
1878. MORILLOT (André). *De la Protection accordée aux Œuvres d'Art, aux Photographes, aux Dessins et Modèles industriels et aux Brevets d'Invention dans l'Empire d'Allemagne.*  
Paris. 8vo. pp. vii., 164.
1891. SOCIÉTÉ INDUSTRIELLE DE MULHOUSE. *Lois Allemandes sur les Brevets d'Invention (7 Avril, 1891), et sur les Modèles de Fabrication (1 Juin, 1891), mises en vigueur le 1 Oct., 1891.*  
Mulhouse. 8vo. pp. 16.
1896. GAREIS (E.). *Die patentamtlichen und gerichtlichen Entscheidungen in Patent-, Muster- und Marken-schutzsachen systematisch zusammengestellt.*  
Berlin. 8vo. (In progress.)
1899. STEPHAN (R.) und SCHMID (P.). *Der Schutz des gewerblichen Urheber-rechte des In-und-Auslandes.* (Bibliography by F. Lippert.)  
Leipzig. 8vo. pp. xviii., 531.
1899. SCHANZE (O.). *Das Recht der Erfindungen und der Muster.*  
Leipzig. 8vo. pp. v., 518.

## APPENDIX E. (BIBLIOGRAPHY).

1903. ISAY (H.). *Patent-gesetz und Gesetz betreffend den Schutz von Gebrauchsmustern.* Berlin. 8vo. pp. viii., 488.
1907. DIETRICH. *Die Geheimhaltung der Geschmacksmuster und die Zentralisierung der Musterhinterlegung Eine Untersuchung über den Musterschutz.* Plauen. 8vo. pp. 1,161.

## INDIA.

1897. FRENCH (H. H.). *Indian Patentee's Guide.* Second edition. Calcutta. 12mo. pp. x., 80.
- Chapter VIII. treats of Designs.
1907. PATENT OFFICE. *The Inventions and Designs Act, 1888. With . . . memorandum and directions.* Calcutta. 8vo. pp. 87.

## JAPAN.

1897. JAPAN AGRICULTURAL, &c. DEPARTMENT. *Regulations respecting Patents, Trade Marks and Designs.* (With Translation.) Tokio. 2 pts. 8vo.
1898. HALL (W. S.). *A Review of the Japanese Patent Laws.* (Including the Regulations relating to Trade Marks and Designs.) London. 16mo. pp. viii., 31.
1901. HALL (W. S.). *A Manual of the Japanese Laws and Rules relating to Patents, Trade Marks and Designs.* London. 8vo. pp. 33.

## RUSSIA.

1898. OSSOWSKI (C. von). *Rules of Practice relating to Patents, Trade Marks and Designs in Russia.* Berlin. Sm. 8vo. pp. 40.

## SPAIN AND PORTUGAL.

1882. CUNHA FERREIRA (J. A.). *Renseignements sur les Patentes d'Invention et Marques de Fabrique, &c. Portugaises.* Lisbonne. 8vo. pp. 28.
1892. CALLEJA Y MADRID. *La Propiedad Industrial.* Legislacion Española sobre Patentes y Marcas de Fabrica, &c. en la Peninsular y Ultramar. Madrid. 8vo. pp. ix., 153.
1895. PORTUGAL: MIN. DES OBRAS PUBLICAS. *Propriedade industrial.* Decreto de 15 Dez 1894, e Regulamento de 28 Mar. 1895. Lisbon. 8vo. pp. 149.

**SWEDEN AND NORWAY.**

1886. SUÈDE ET NORVÈGE. *Lois de la Propriété industrielle, Brevets, et Marques de Fabrique, &c.*  
Stockholm. 8vo. pp. 60.

**SWITZERLAND.**

1886. GANS (H.). *Étude sur la Protection légale des Inventions et des Dessins et Modèles industriels.* Genova. 8vo. pp. 150.

This work was written after the rejection of proposed legislation in 1882. The first Swiss Designs Act was not passed until 21st December, 1888.

1893. RAVIZZA (V.). *La Protezione della Proprieta industriale nella Svizzera.* Milan. 8vo. pp. 23.

**UNITED STATES.**

1866. LAW (S. D.). *Digest of American Cases relating to Patents for Inventions and Copyrights, 1789—1862.*  
New York. 8vo. pp. 697.
1870. LAW (S. D.). *Copyright and Patent Laws of the United States, 1790—1870, with Notes of Decisions, Forms, &c.* Third edition.  
New York. 8vo. pp. xxxvi., 264.
1874. SIMONDS (W. E.). *Law of Design Patents.*  
New York. 8vo. pp. viii., 216.
1880. RICE (D. H.) and (L. C.). *Digest of the Decisions of Law and Practice in the Patent Office from 1869—1880.*  
Boston. 8vo. pp. 475.
1890. BEACH (E. S.). *Digest of the Decisions of Law and Practice in the Patent Office from 1880—1890.* Boston. 8vo. pp. 203.
1894. KNIGHT (G. H.). *Patent Office Manual.* (Including an Appendix of Copyright Decisions (Designs, Patents, Trade Marks, Labels, &c.)) Boston (Mass.). 8vo. pp. iv., 655.
1897. PATENT OFFICE. *Patent Laws and Laws relating to the Registration of Trade Marks and Labels, with Rules in Force February, 1897.* Washington. 8vo. pp. 144.
1898. HART (A. W.). *Digest of Decisions of Law and Practice in the Patent Office and the U.S. and States Courts in Patents, Trade Marks, Copyrights, &c., 1886—98.*  
Chicago. 8vo. pp. xxvi., 385.

- 1898, &c. SANDERS (L. M.). *Annual Digest of the Decisions of the Supreme Court . . . the Federal Courts, and of the Commissioner of Patents in Matters relating to Patents, Trade Marks, Designs, Labels and Copyrights.*  
Washington, 1899, &c. 8vo. (*In progress.*)
1899. GREELEY (A. P.). *Foreign Patent and Trade Mark Laws. (A Comparative Study, with Tabular Statements and essential Features, Conventions and Statistics.)*  
Washington. 8vo. pp. 319.
1900. RICE (L. H.). *Digest of Decisions of Law and Practice in the Patent Office, 1890—1900.*  
Boston (Mass.). 8vo. pp. xlix., 404.

### COLLECTIONS.

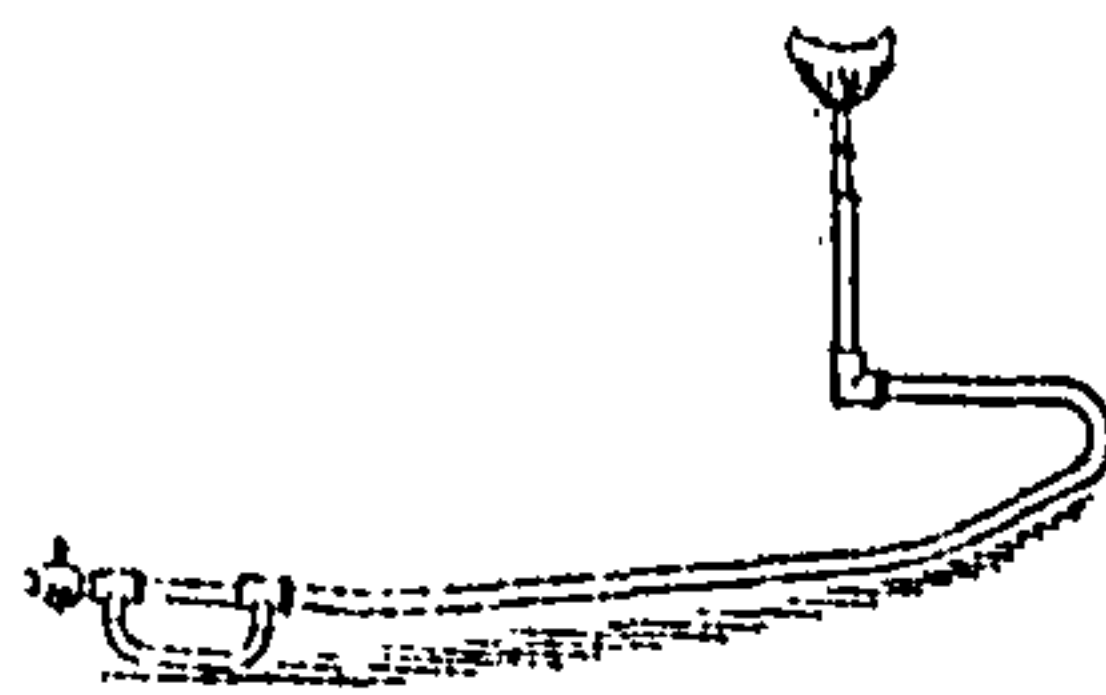
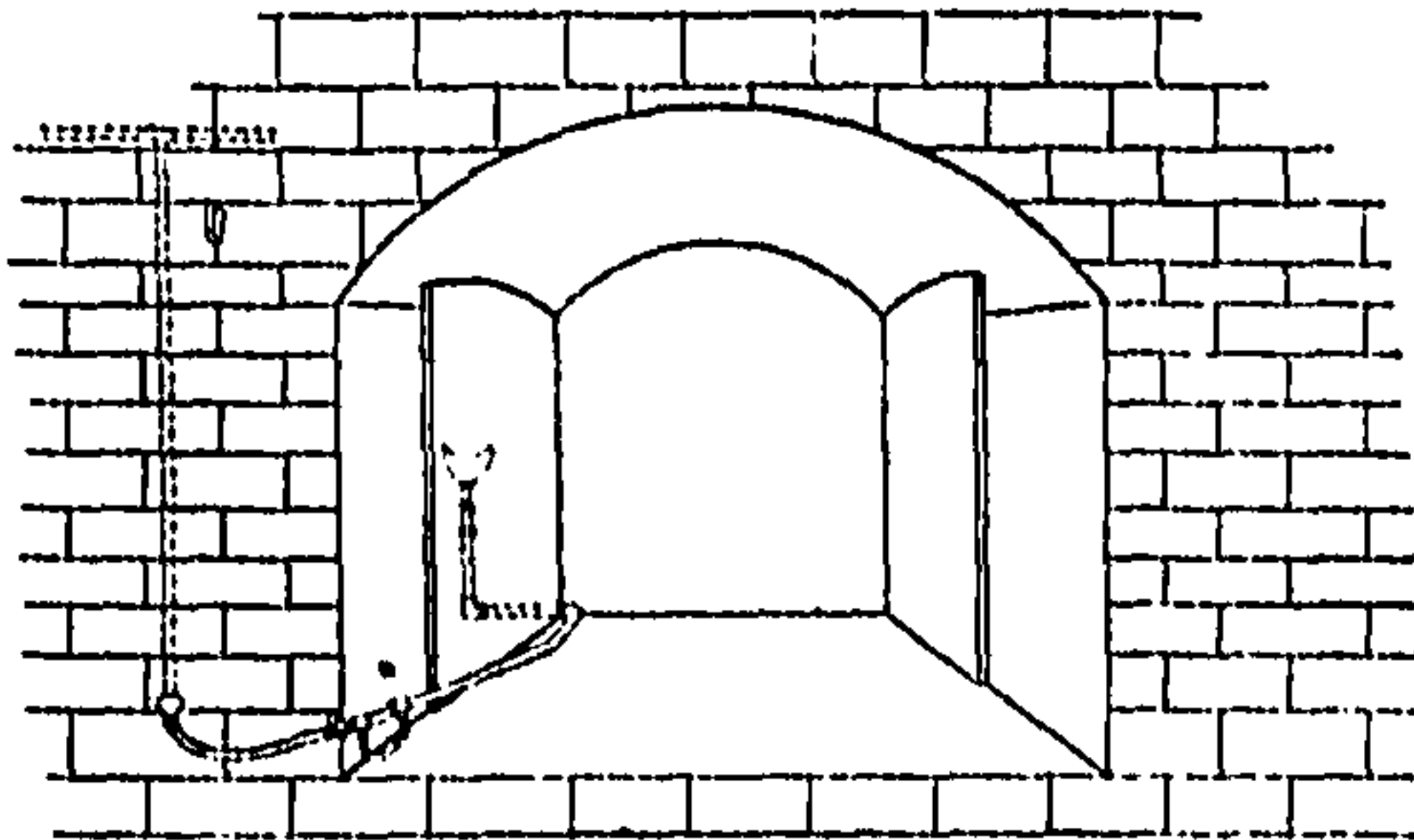
1877. THIRION (Ch.). *Dessins et Modèles de Fabrique en France et à l'Étranger, Legislations comparées.* Paris. 8vo. pp. 144.
1886. EICHMANN (A.). *Traité de Commerce et d'Établissement. Conventions concernant la Propriété industrielle, artistique et littéraire. Tables Générales des Annales de la Propriété industrielle.* Paris. 2 vols. 8vo. pp. ix., 356.
1904. UNION POUR LA PROTECTION DE LA PROPRIÉTÉ INDUSTRIELLE. *Recueil des Traités, Conventions, &c., conclus entre les différents états en matière de Propriété Industrielle.*  
Bern. 8vo. pp. 918.
1905. CHAMBRE DE COMMERCE—PARIS. *De la protection des dessins et modèles appliqués à l'industrie en France et aux Etats-Unis.* Paris. 8vo. pp. 71, pl. 6.

# APPENDIX F.—ILLUSTRATIONS.

(SHEET 1.)

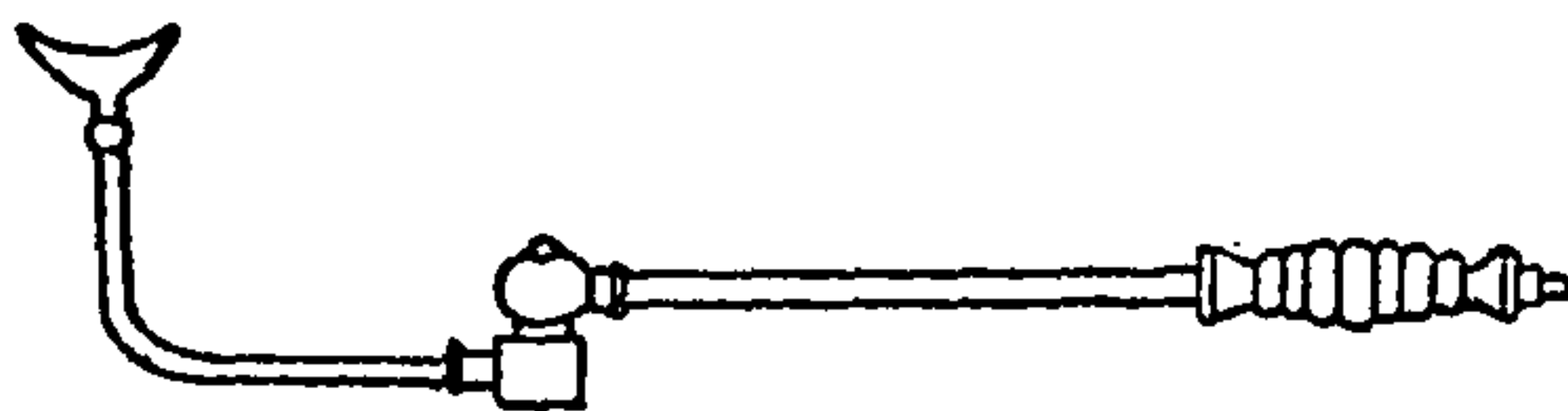
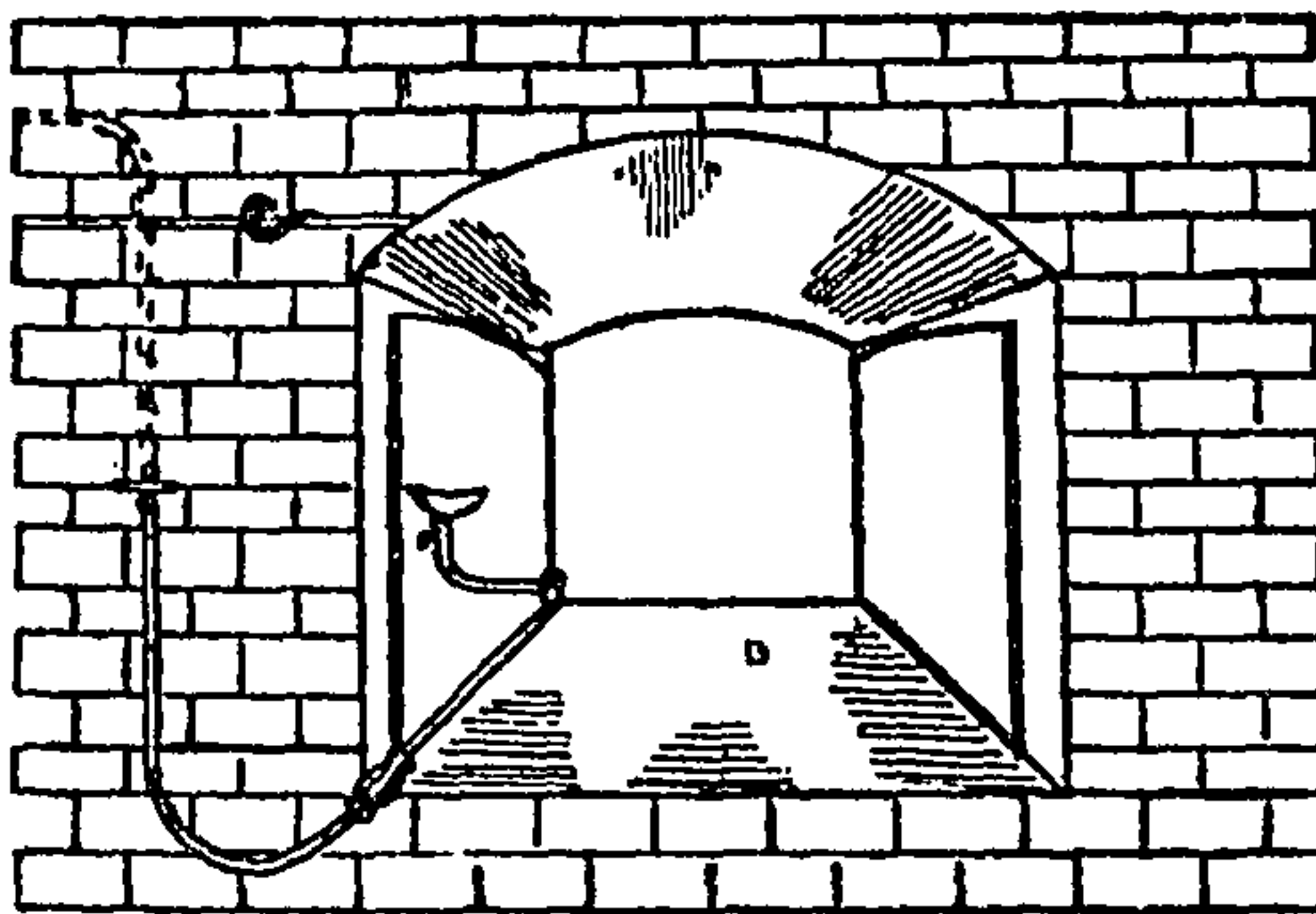
*Gillard v. Worrall* (1904), 22 R. P. O. 78.

FIG. 1.



PLAINTIFF'S DESIGN.

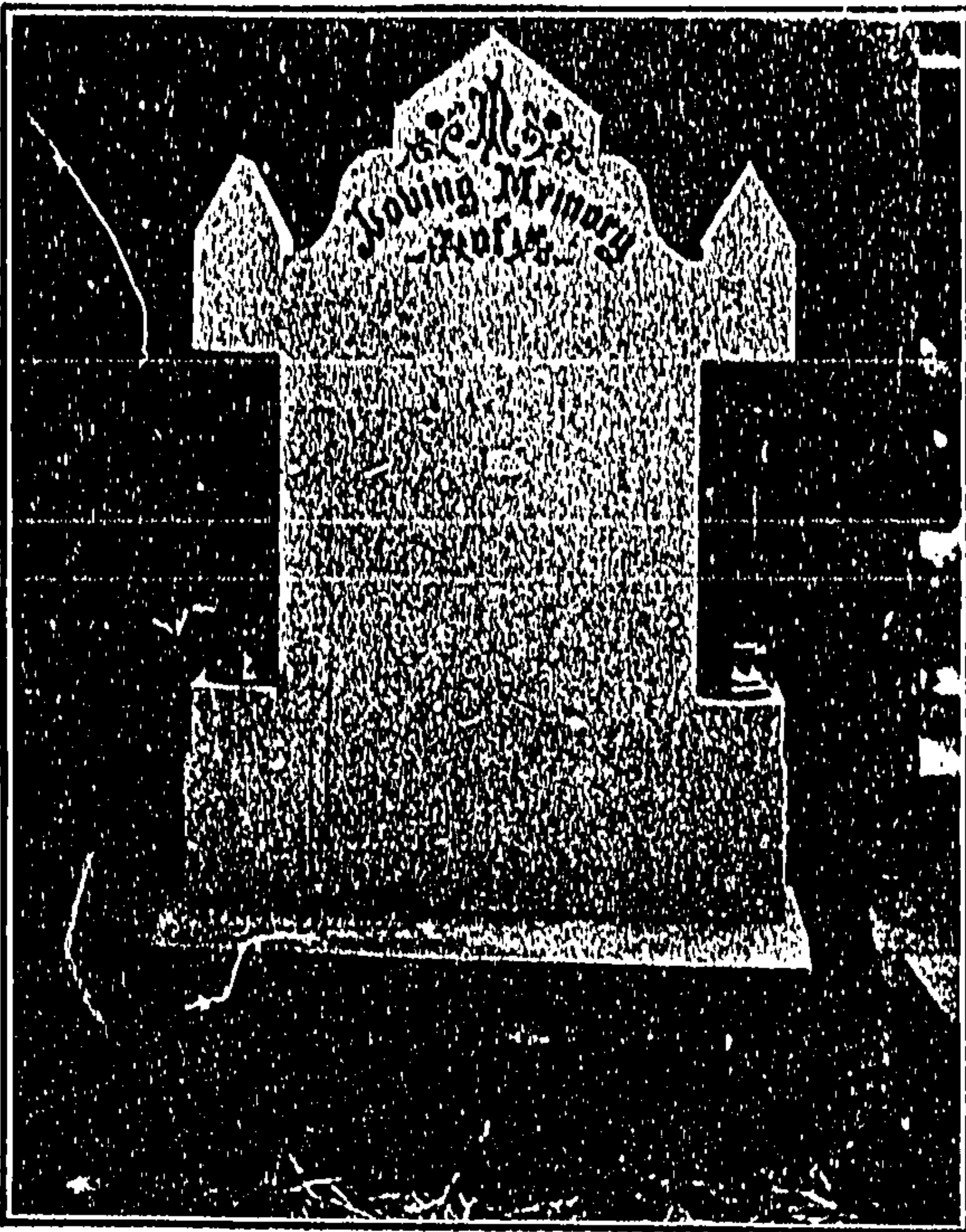
FIG. 2.



ALLEGED INFRINGEMENT.

*Holden v. Hodgkinson (1904), 22 R. P. C. 102.*

FIG. 2.



ALLEGED INFRINGEMENT.

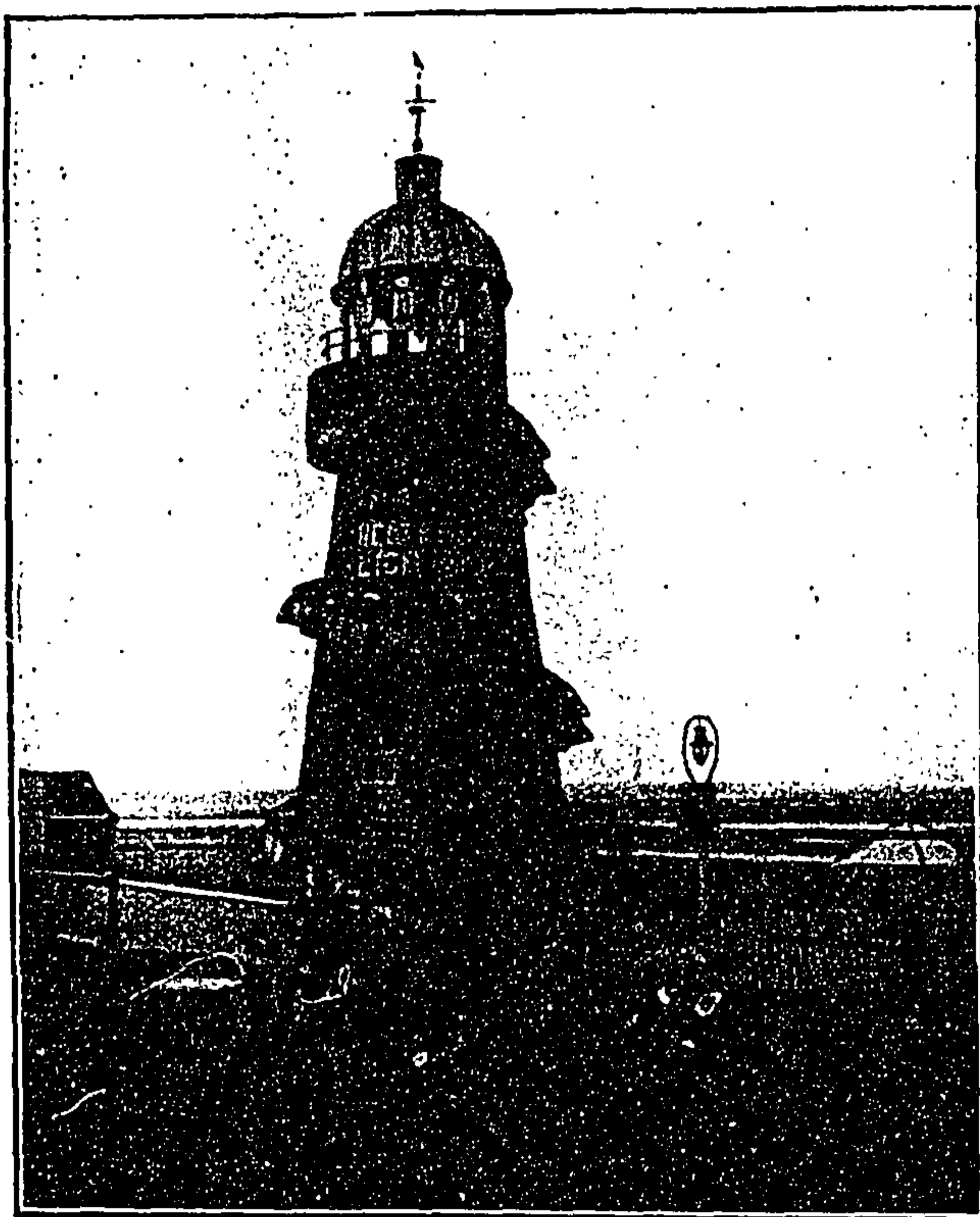
FIG. 1.



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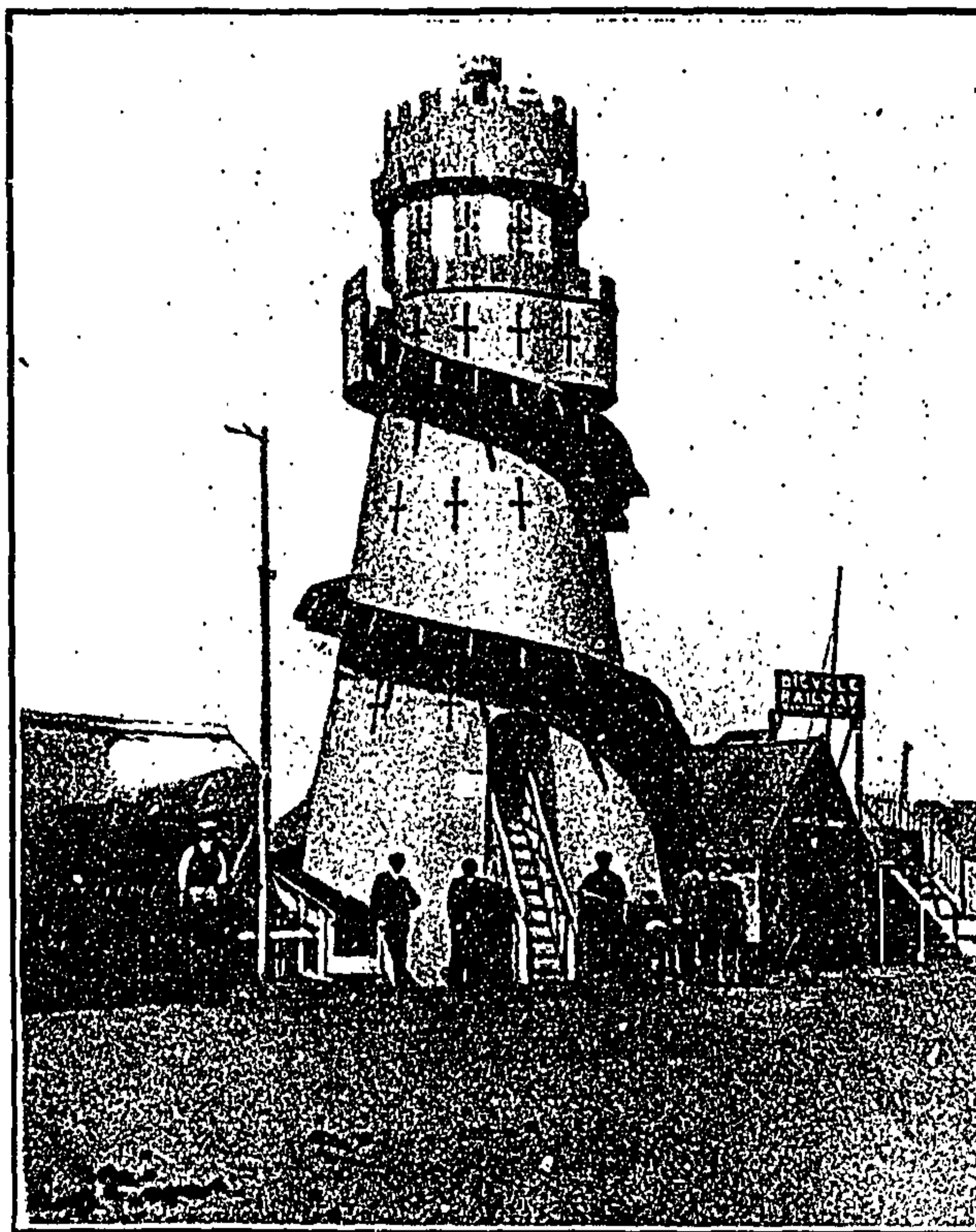


FIG. 1.



PLAINTIFF'S DESIGN.

FIG. 2.

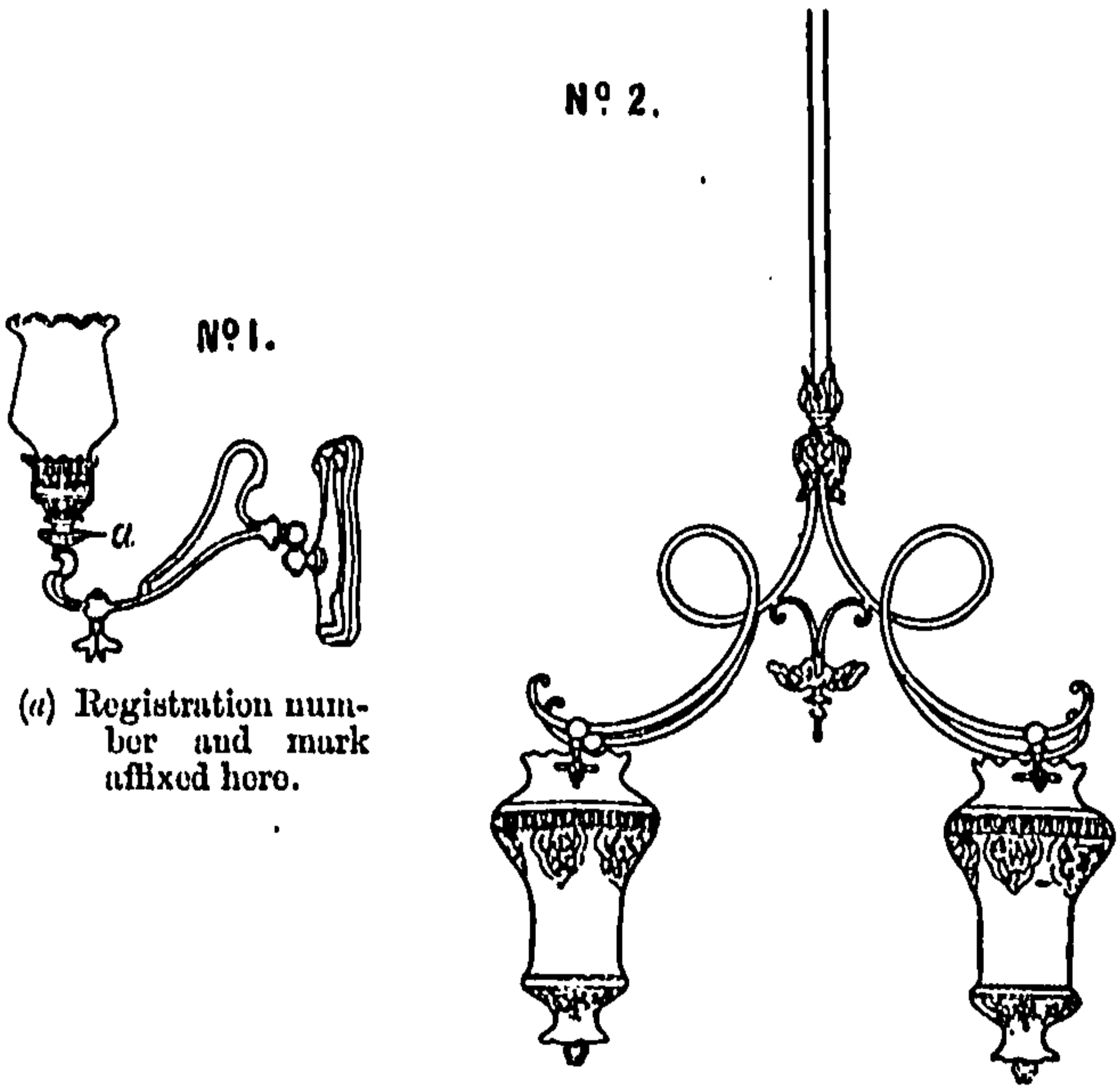


ALLEGED INFRINGEMENT.

APPENDIX F.—ILLUSTRATIONS (SHEET 3).  
*Staples v. Warwick* (1906), 23 R. P. C. 609.

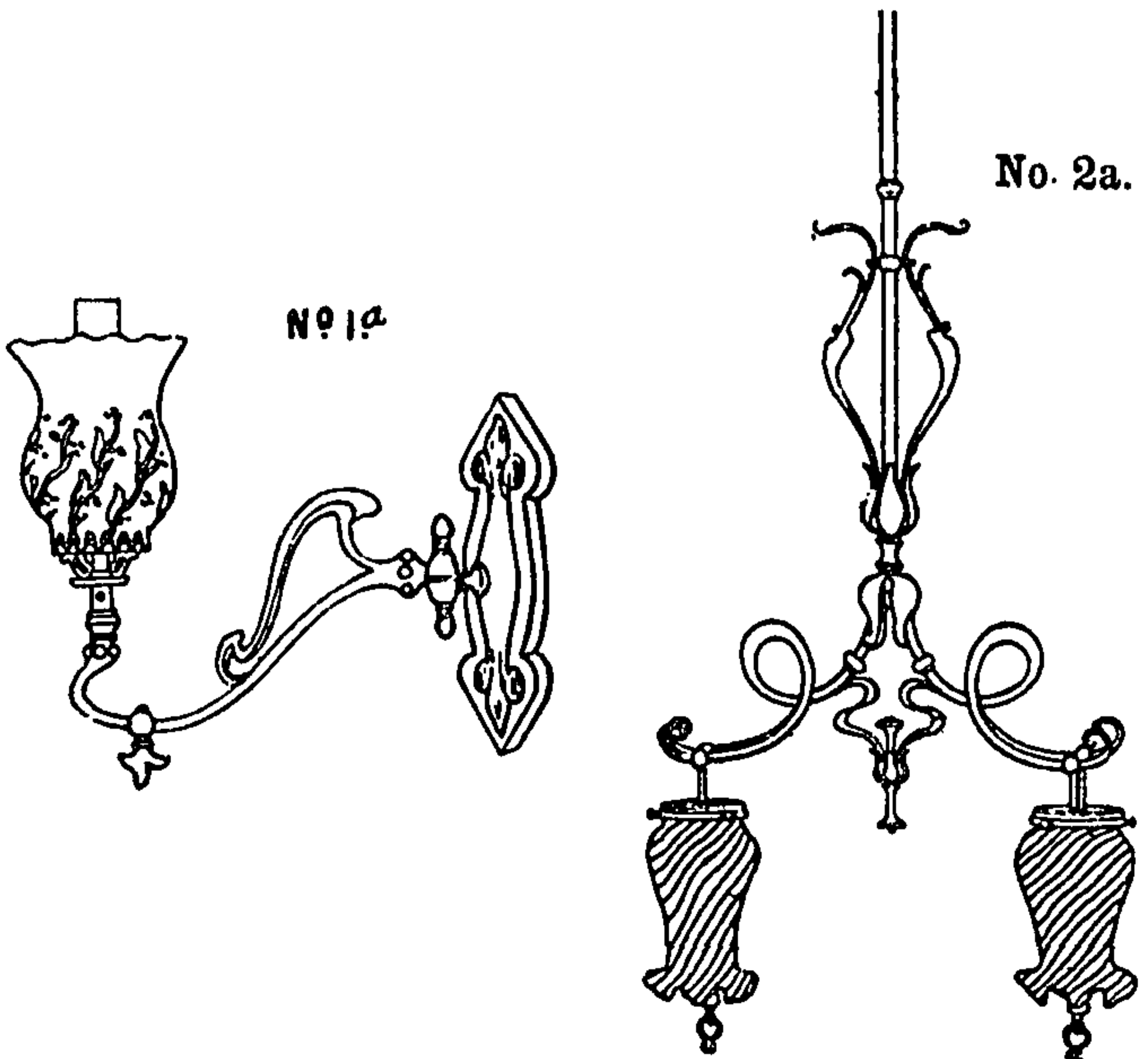
*Ingram and Kemp v. Edwards* (1904), 21 R. P. C. 463.

FIG. 1.



PLAINTIFFS' DESIGNS.

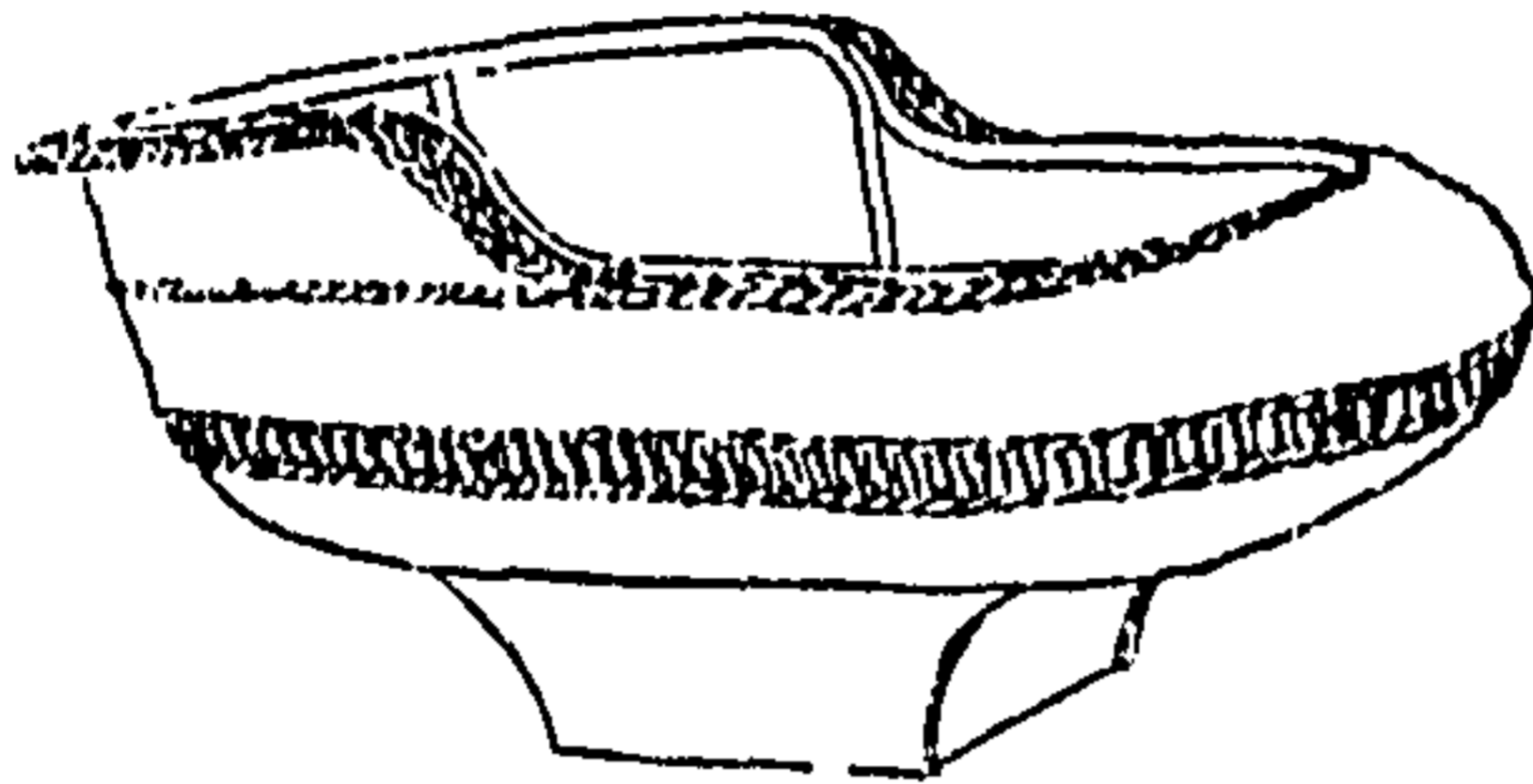
FIG. 2.



ALLEGED INFRINGEMENTS.

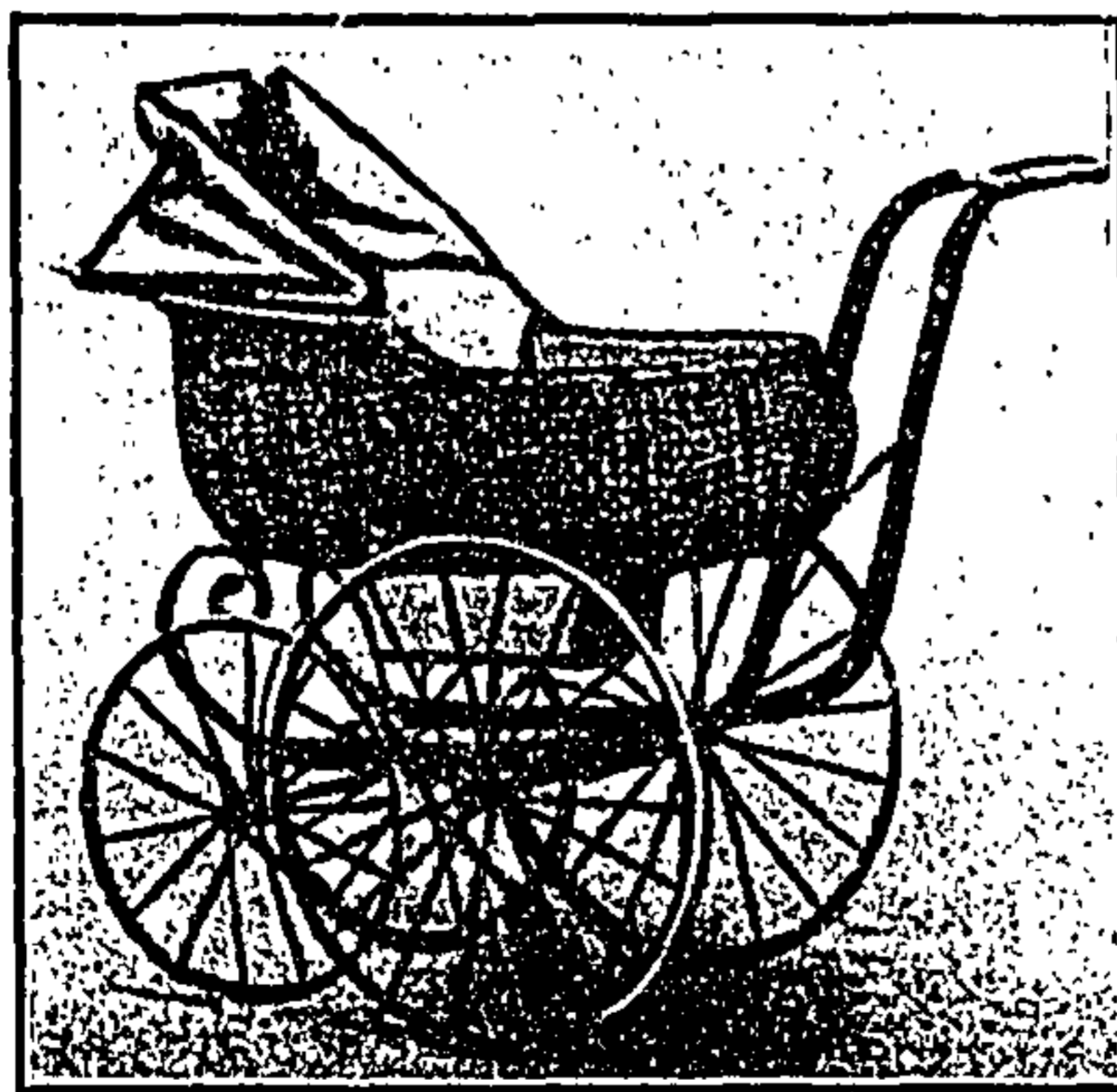
*Re Pearson's Design (Pearson v. Wilkinson) (1906), 23 R. P. C. 738.*

FIG. 1.



PLAINTIFF'S DESIGN.

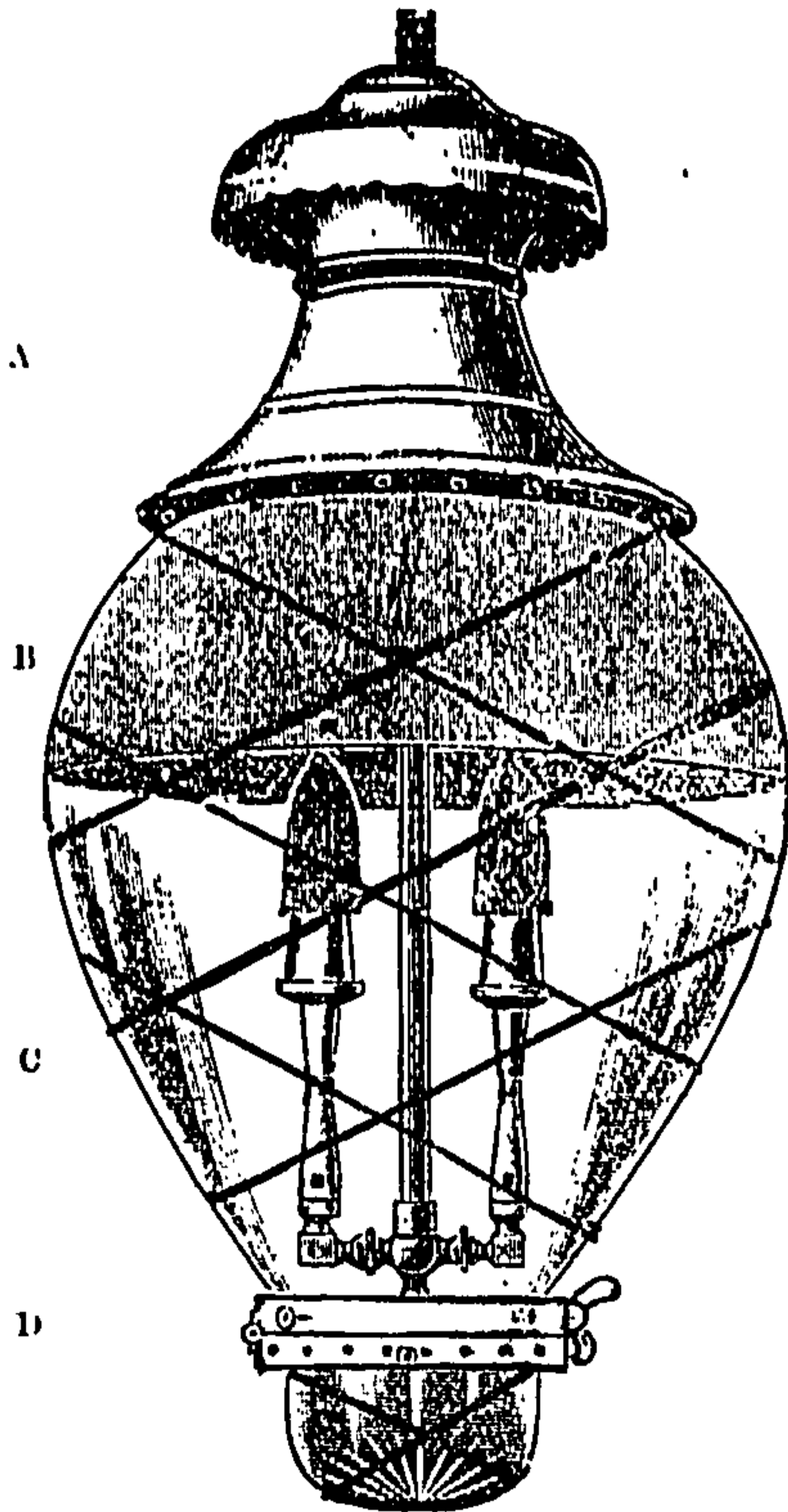
FIG. 2.



ALLEGED INFRINGEMENT.

*Lea and Perrins v. Price* (1901), 22 R. P. O. 123.

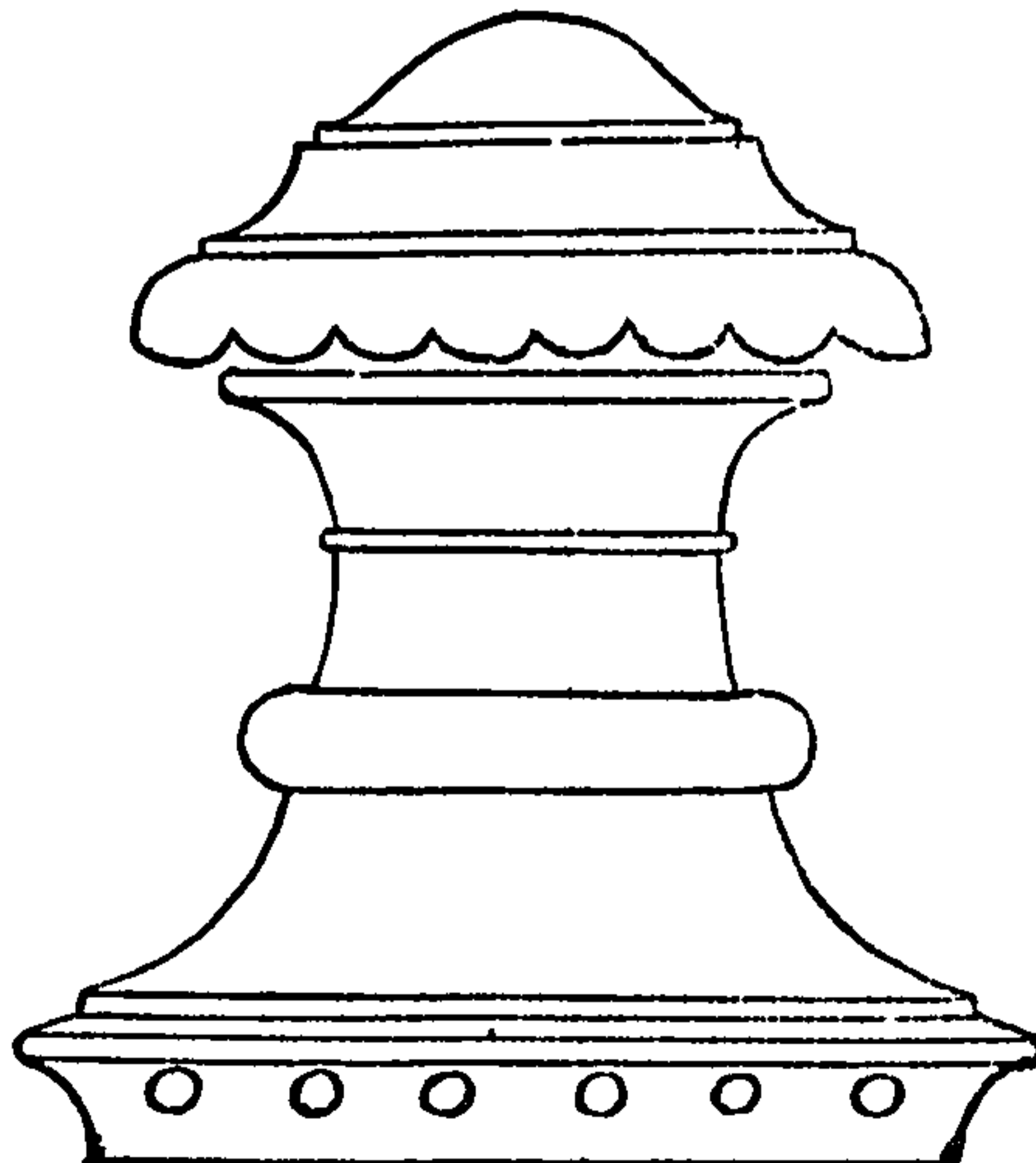
FIG. 1.



- (A) Lamp-head constituting the registered design, as in Fig. 2.
- (B) Glass globe.
- (C) Gas-piping fixed to the lamp-head (A), and attached by screws to the metal ring (D).
- (D) Metal ring by means of which globe attached to the lamp-head (A). The registered number of the design was marked on this only.

PLAINTIFFS' LAMP.

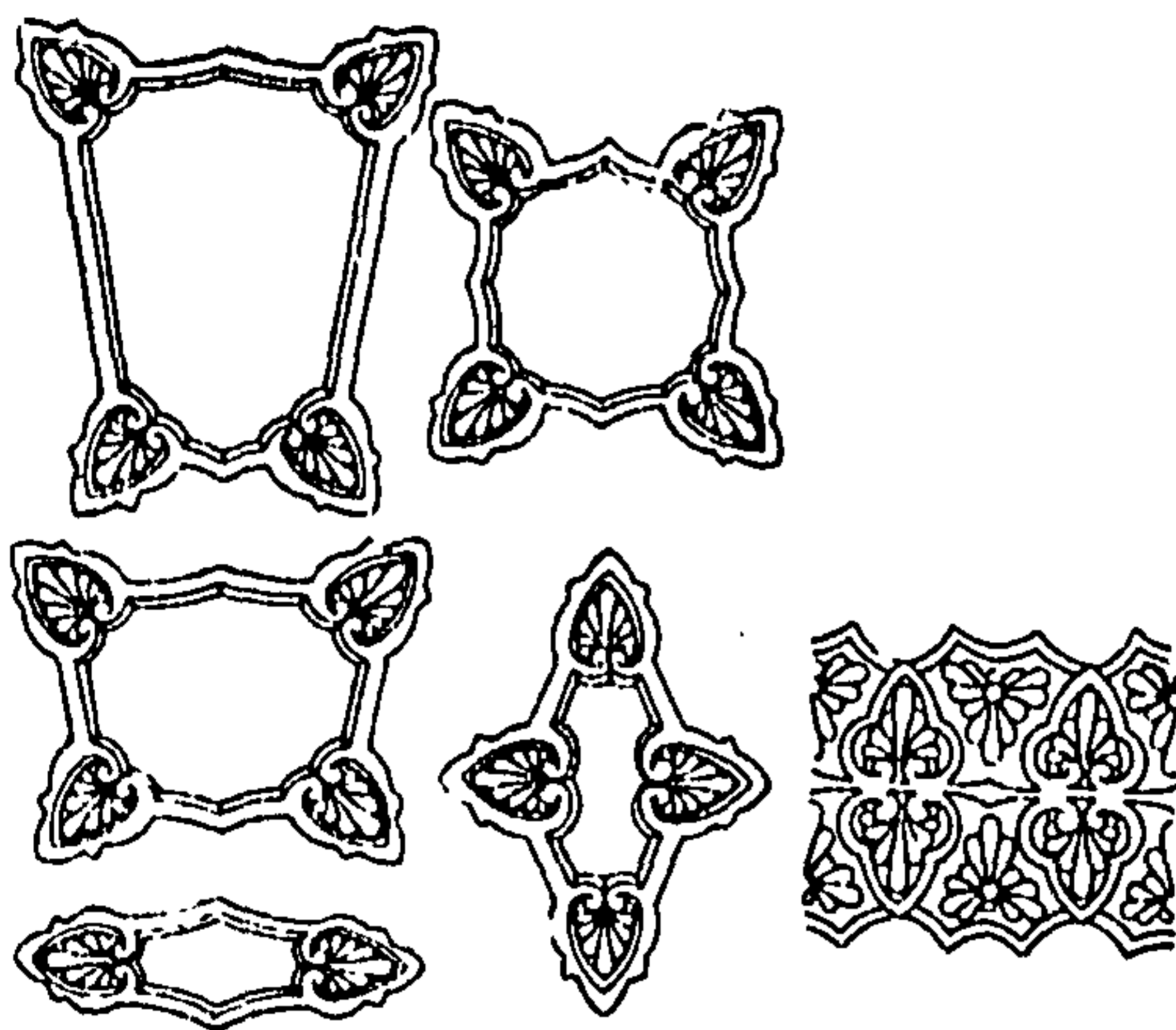
FIG. 2.



PLAINTIFFS' DESIGN AS REGISTERED.

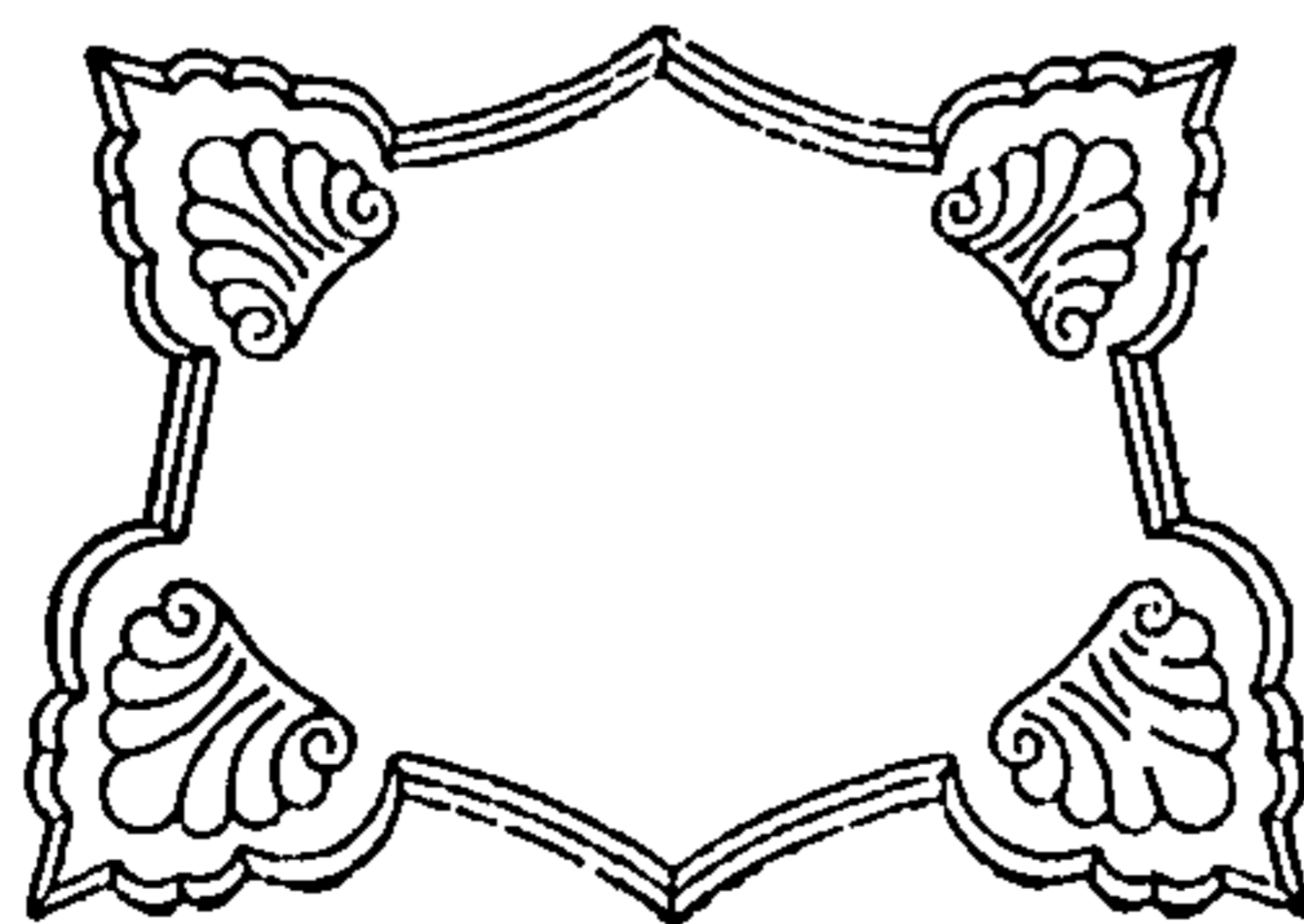
*Re Rollason's Design (Rollason v. Heath) (1897), 14 R. P. C. 891.*

FIG. 1.



PLAINTIFF'S DESIGNS.

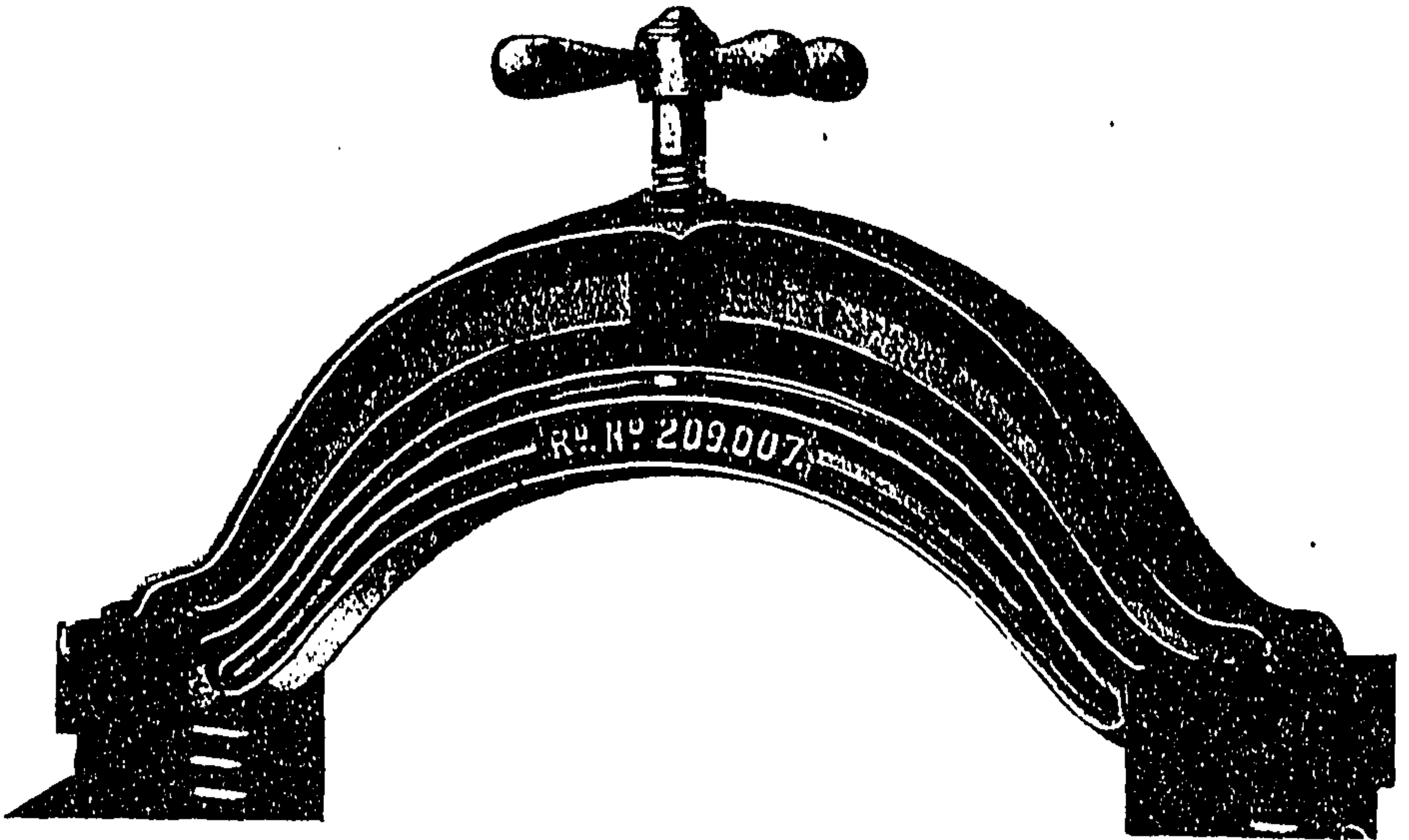
FIG. 2.



ALLEGED ANTICIPATION.

*Varley v. Keighley Ironworks* (1897), 14 R. P. C. 170.

FIG. 1.



PLAINTIFF'S DESIGN.

FIG. 3.

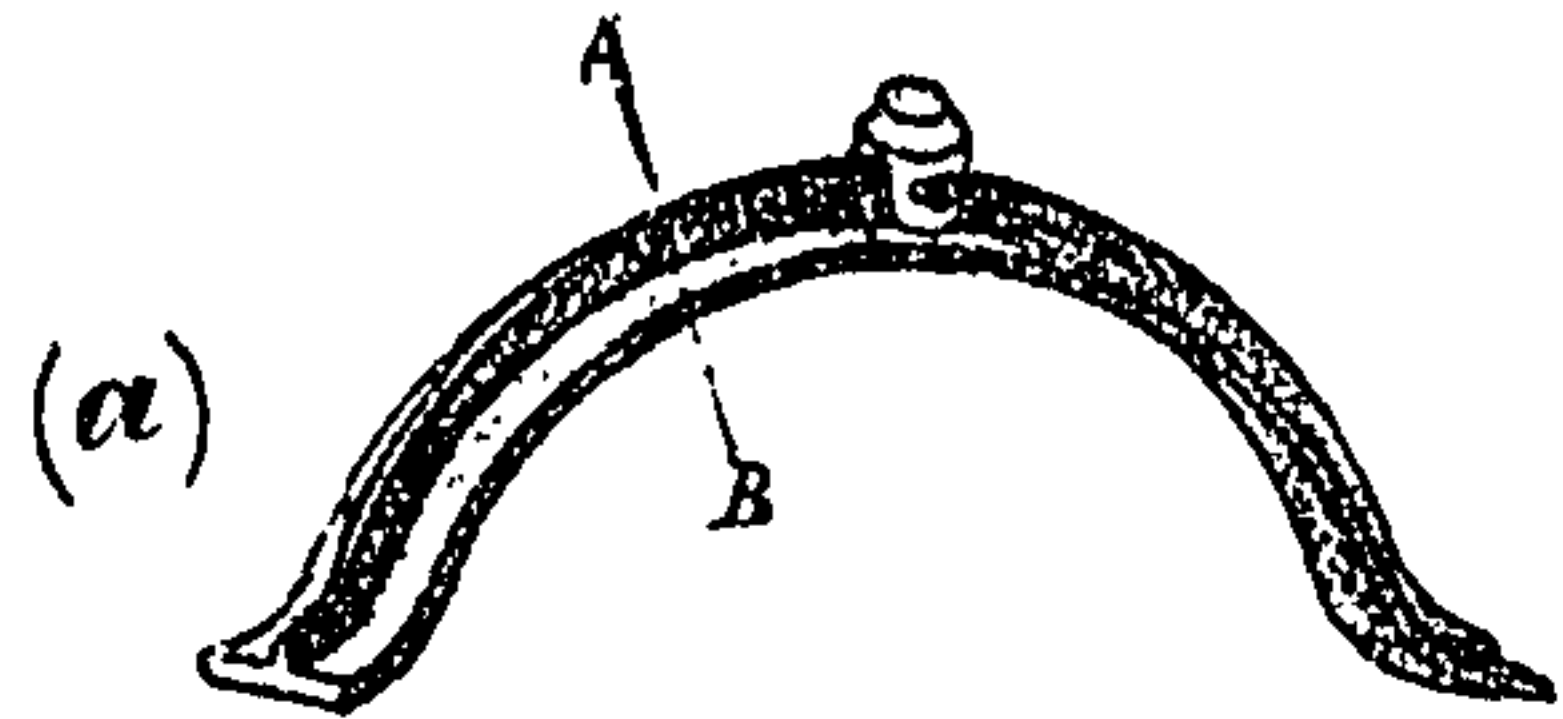
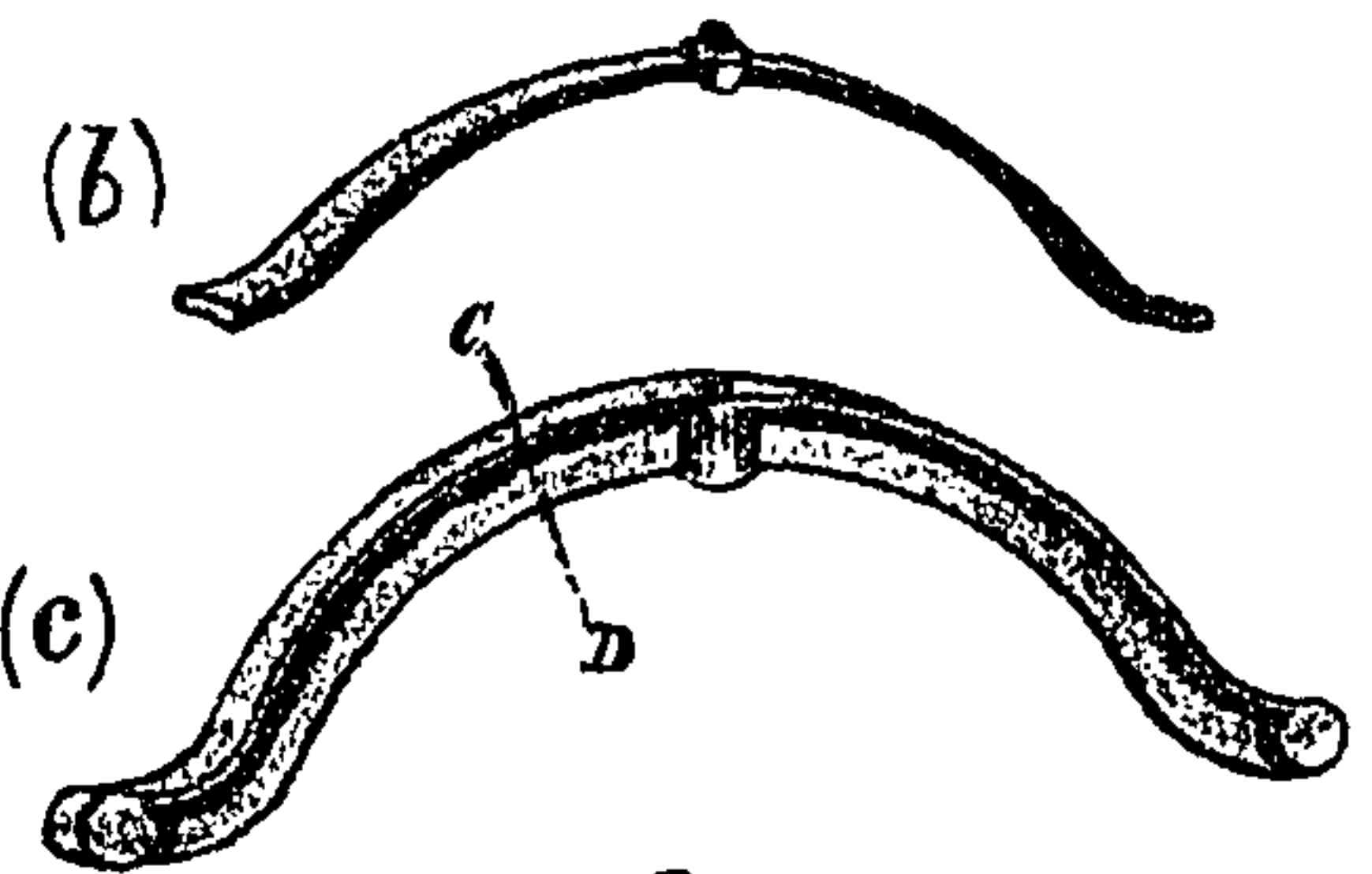


FIG. 2.



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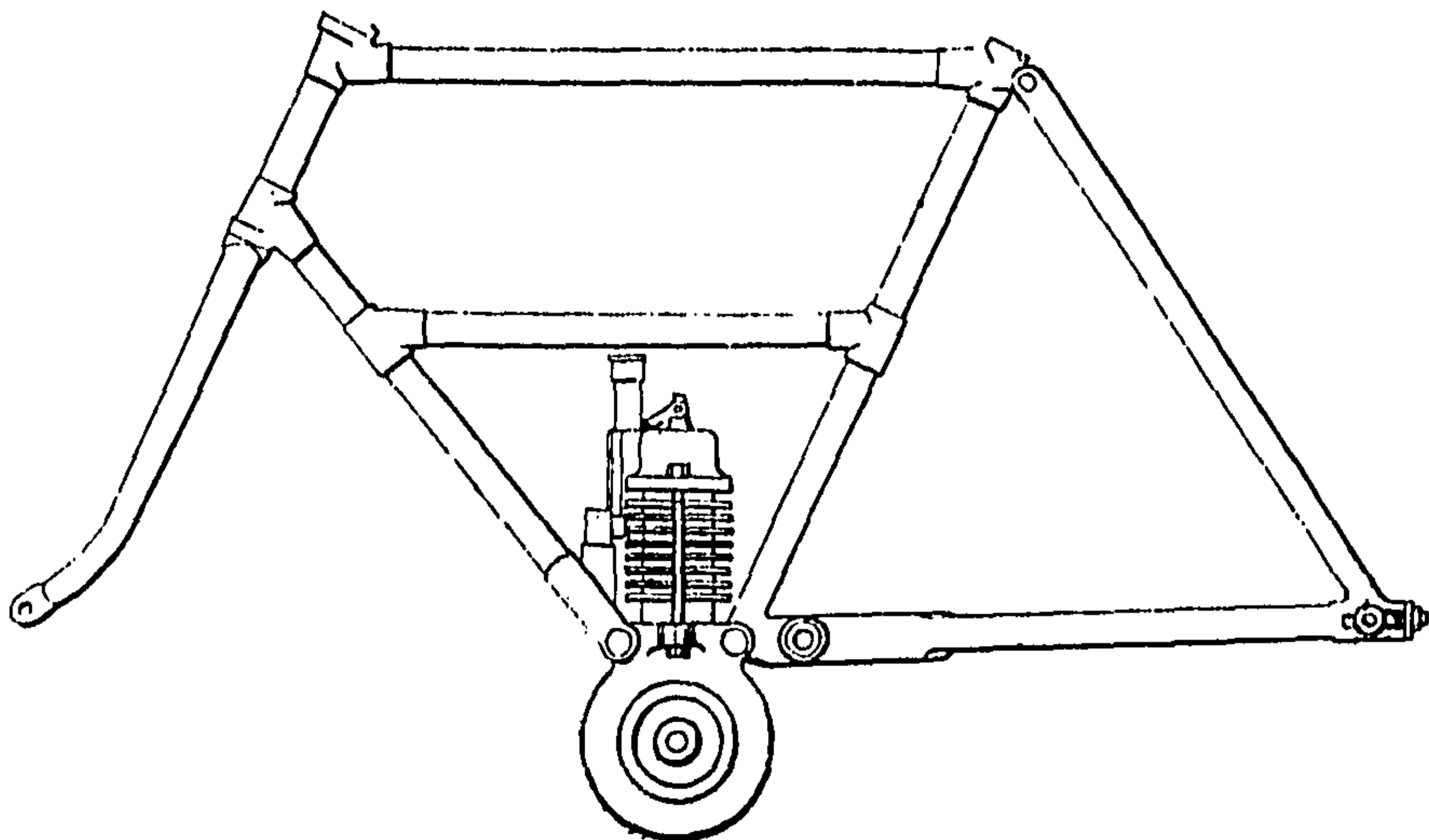


(d)  
(e)

ALLEGED ANTICIPATIONS.

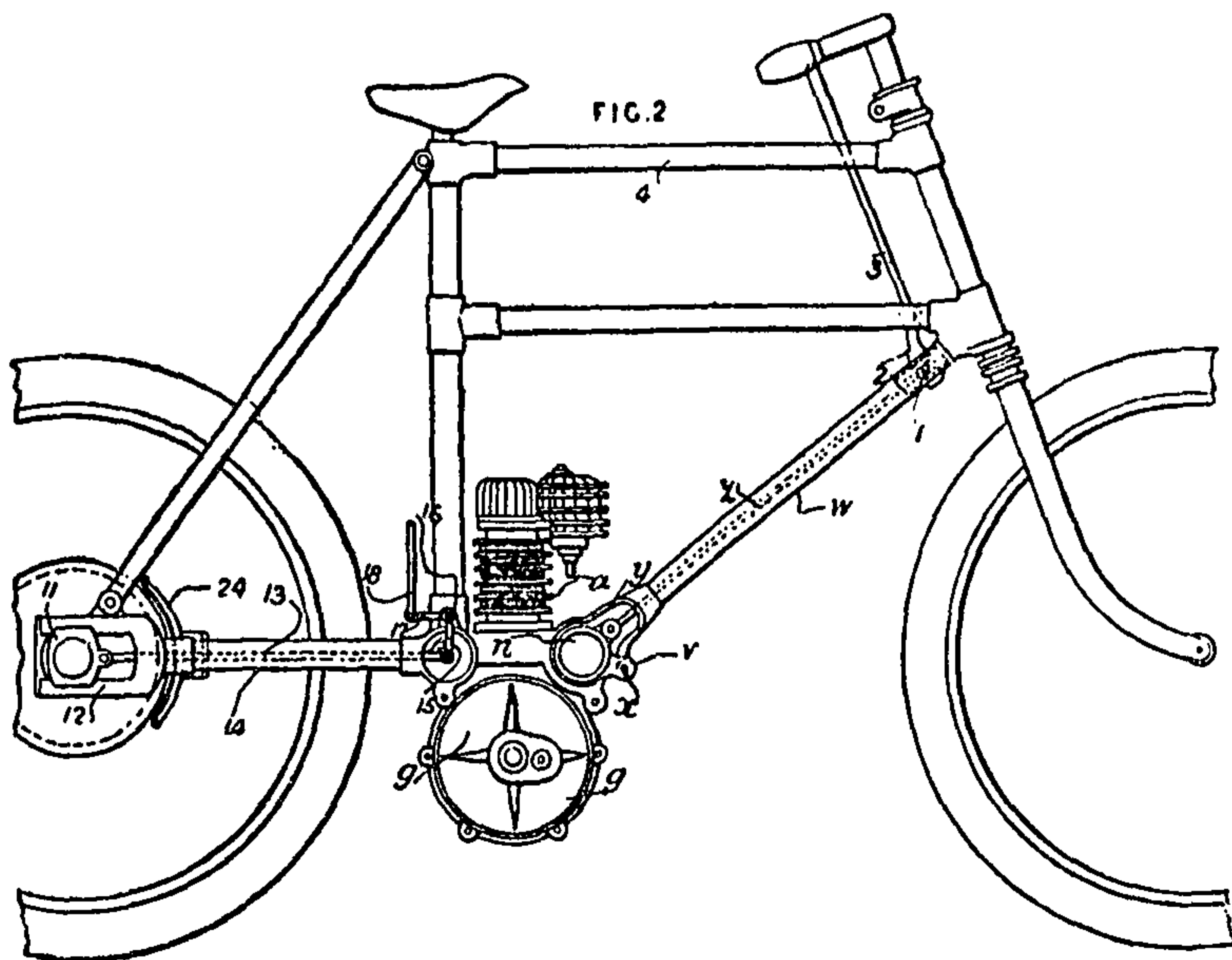
*Warner Motors v. Gamage's* (1904), 21 R. P. O. 621.

FIG. 1.



PLAINTIFFS' DESIGN.

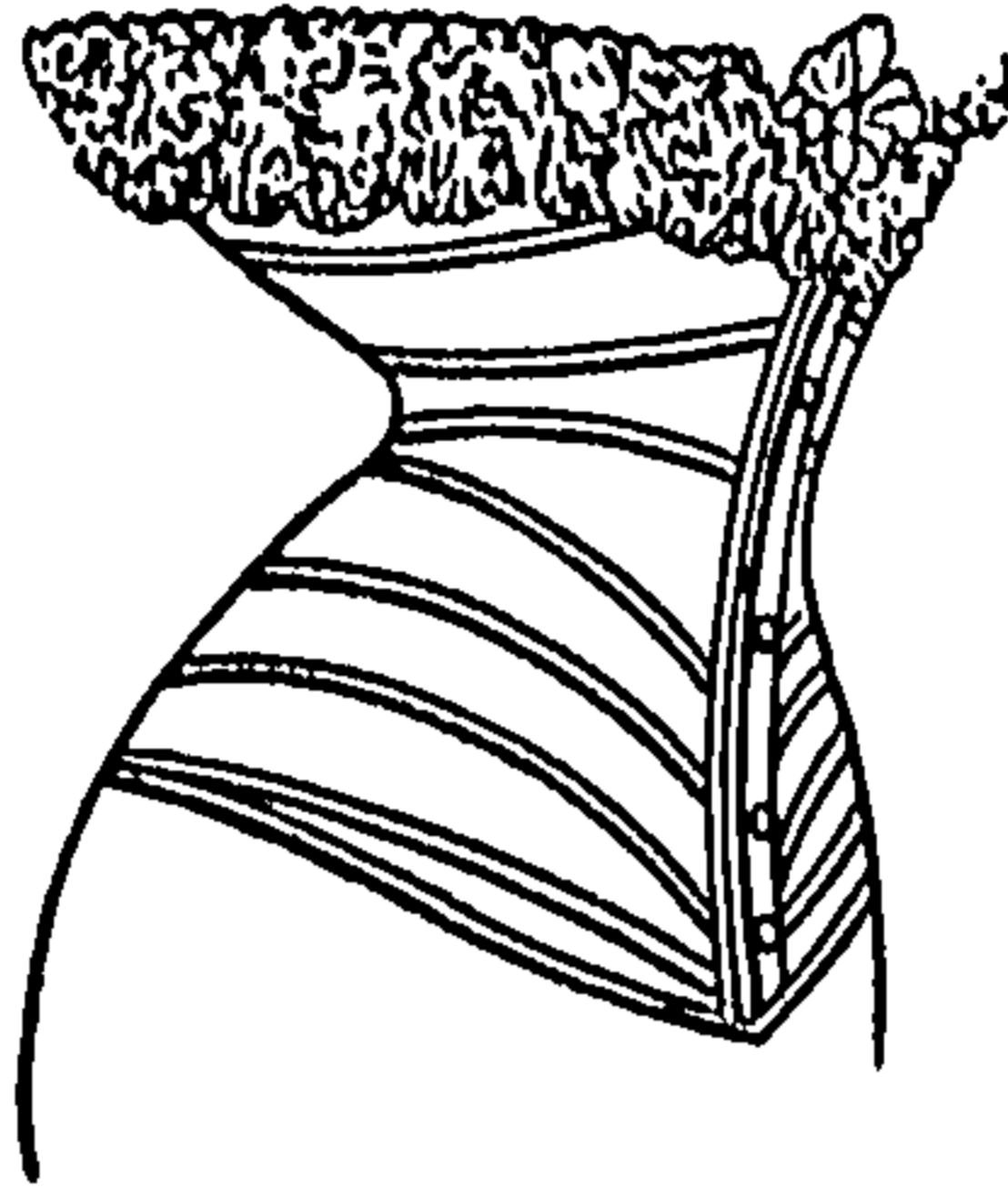
FIG. 2.



ALLEGED ANTICIPATION.

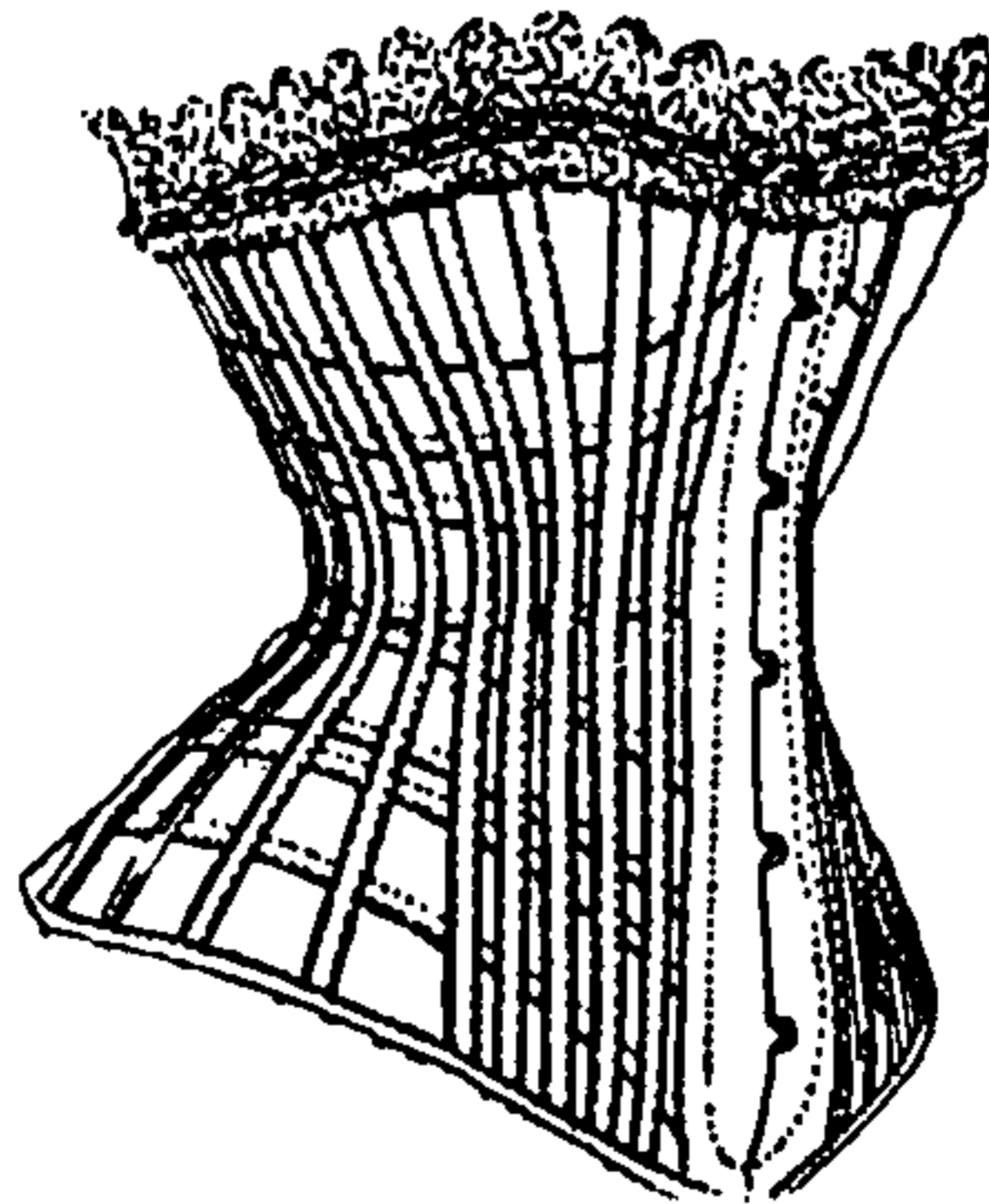
*Re Bayer's Design (Bayer v. Symington) (1906), 23 R. P. C. 553.*

FIG. 1.



PLAINTIFF'S DESIGN.

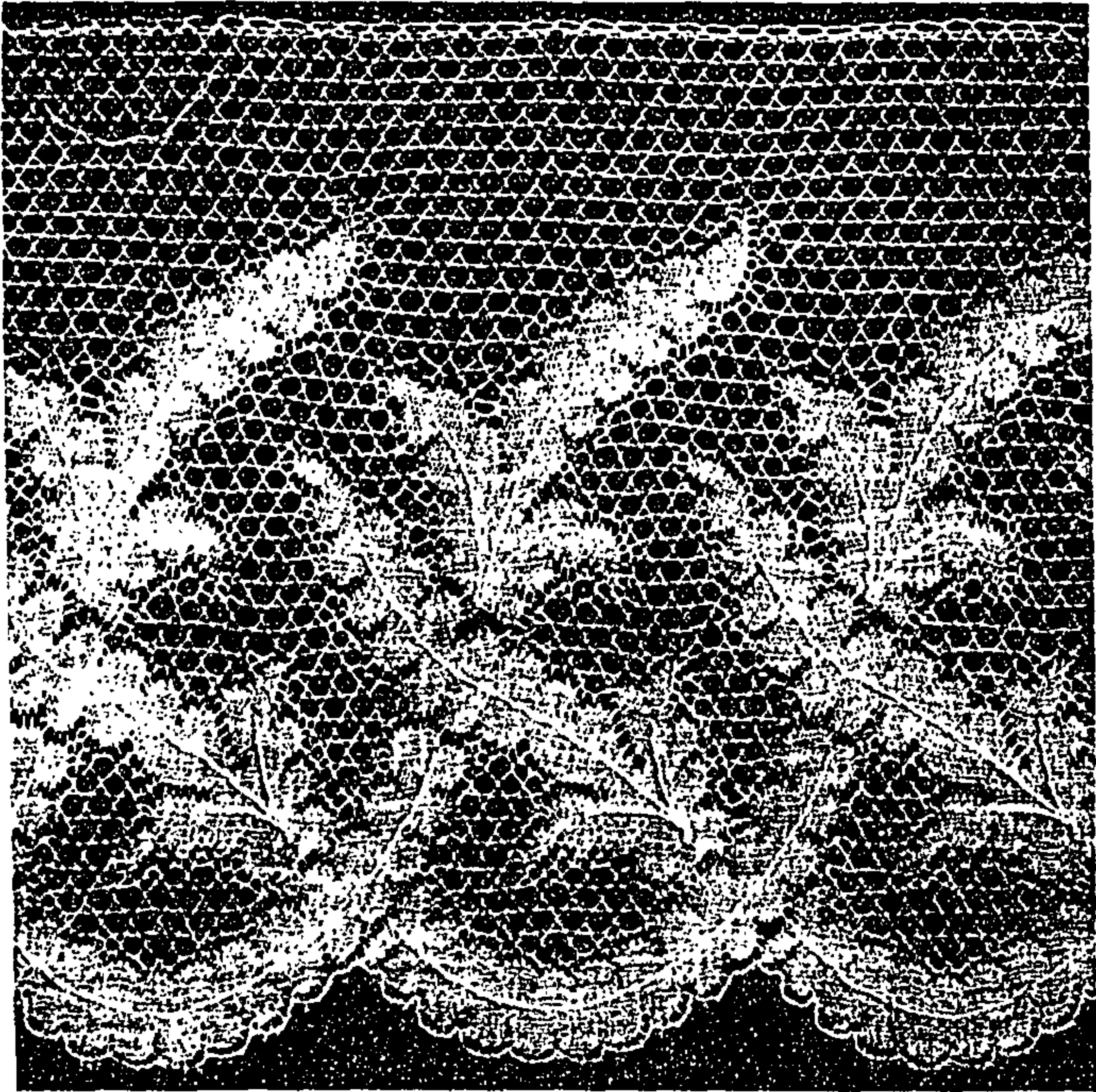
FIG. 2.



ALLEGED ANTICIPATION.

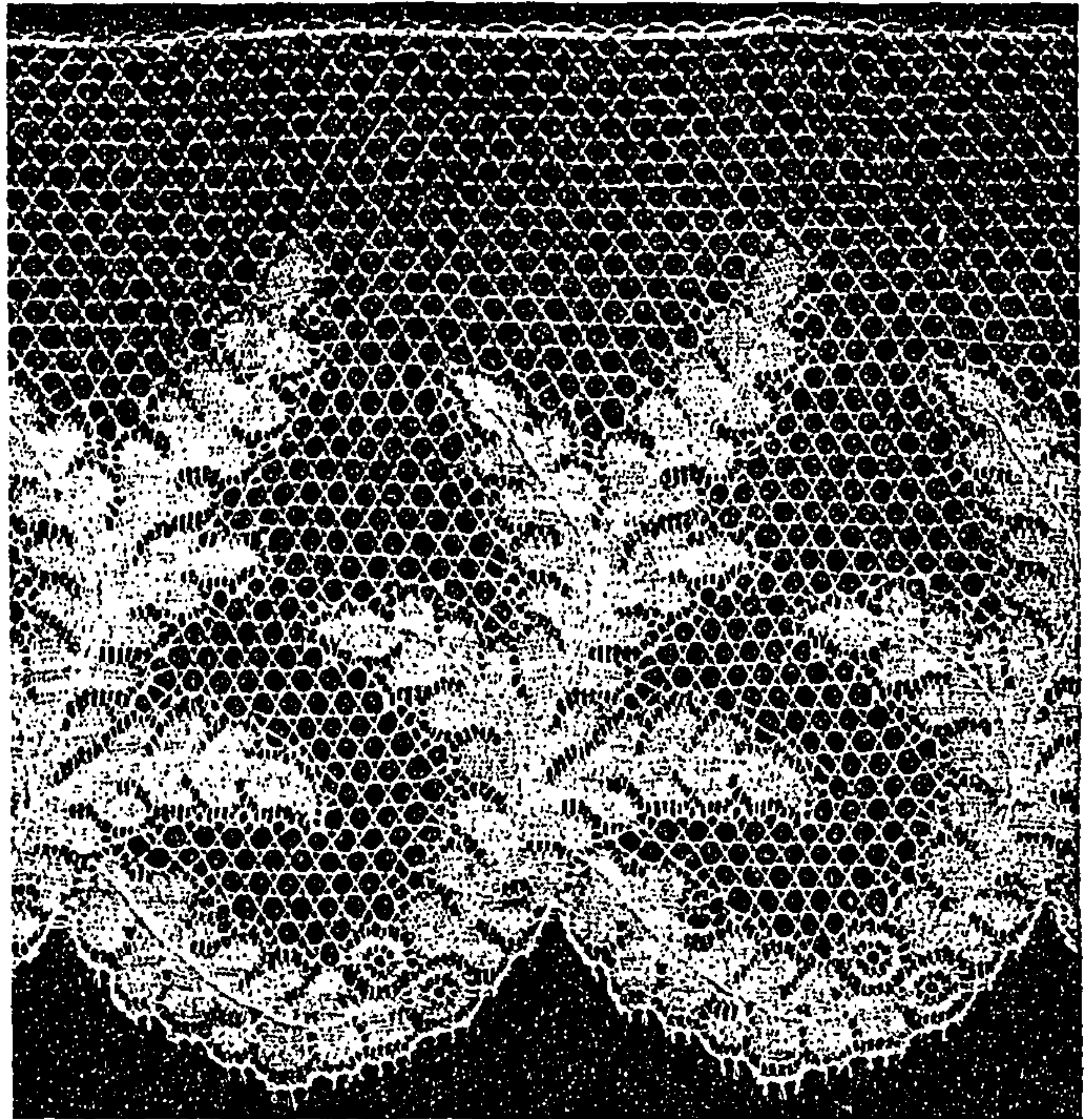


FIG. 1.



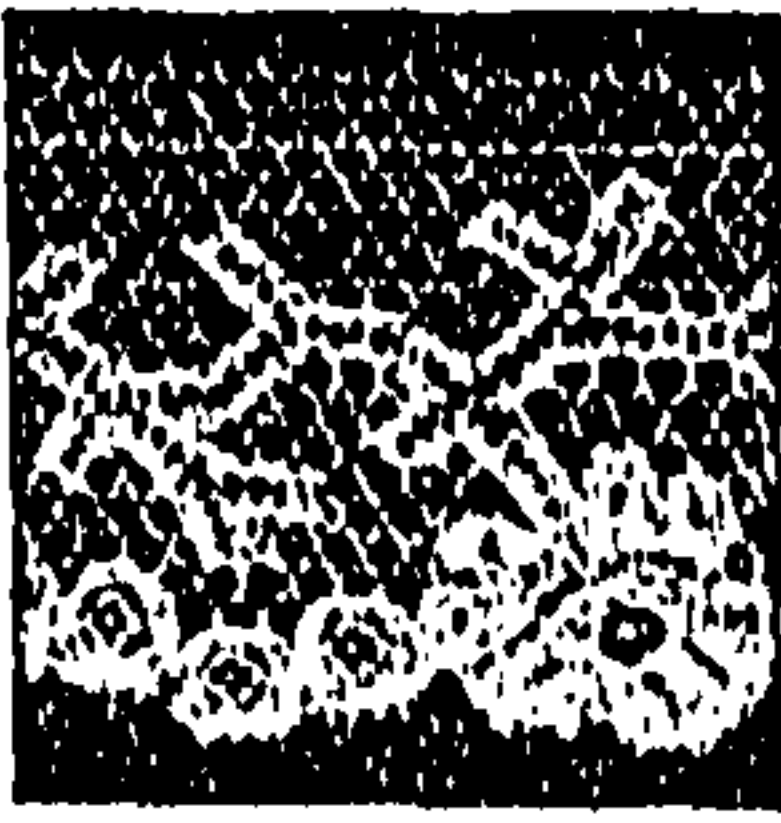
PLAINTIFF'S DESIGN.

FIG. 2.

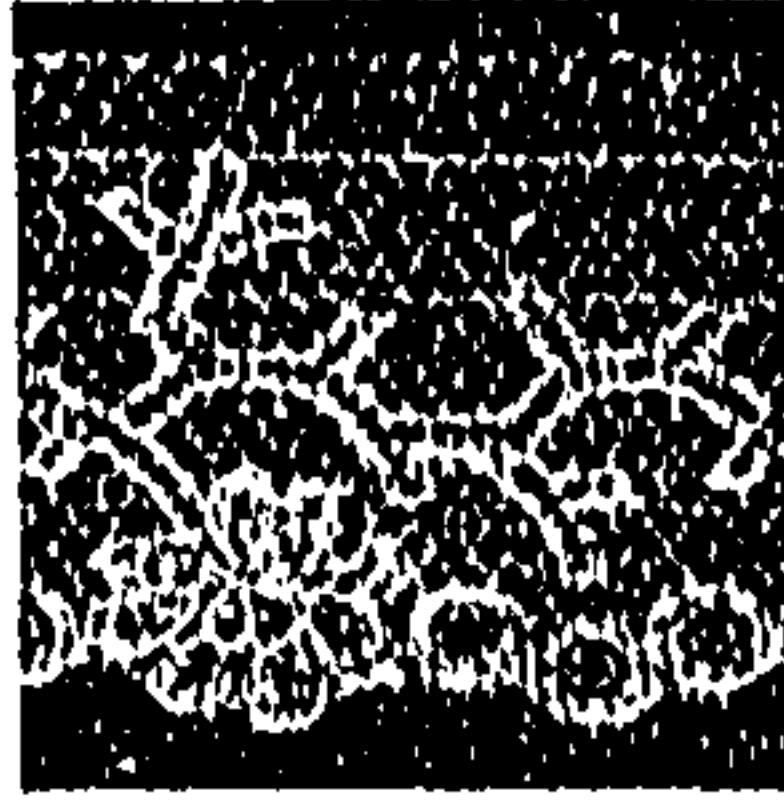


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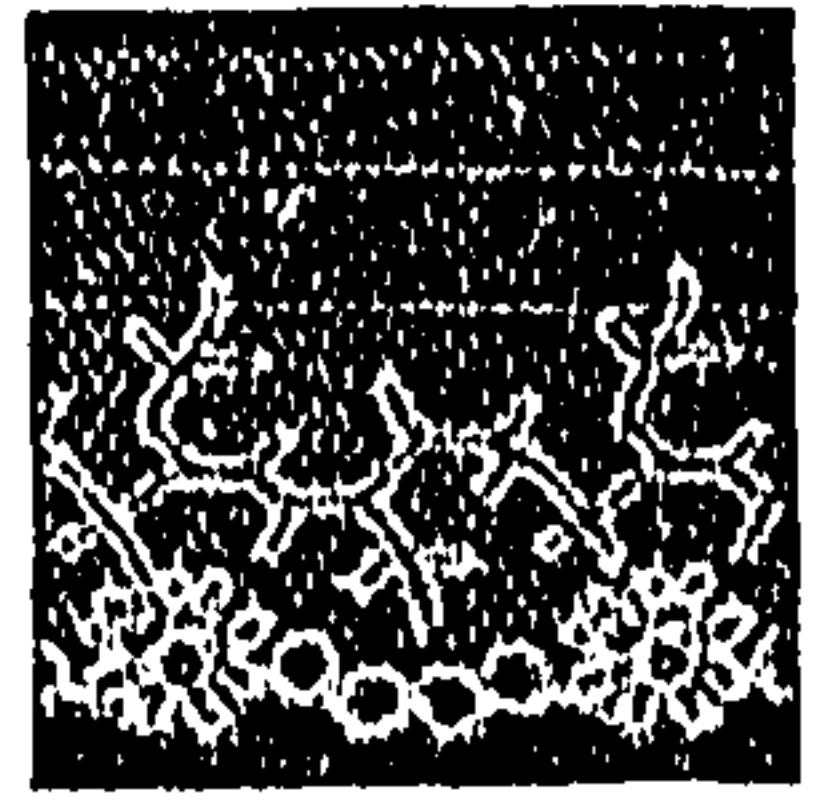
*Birkin v. Pratt* (1895), 12 R. P. O. 371.



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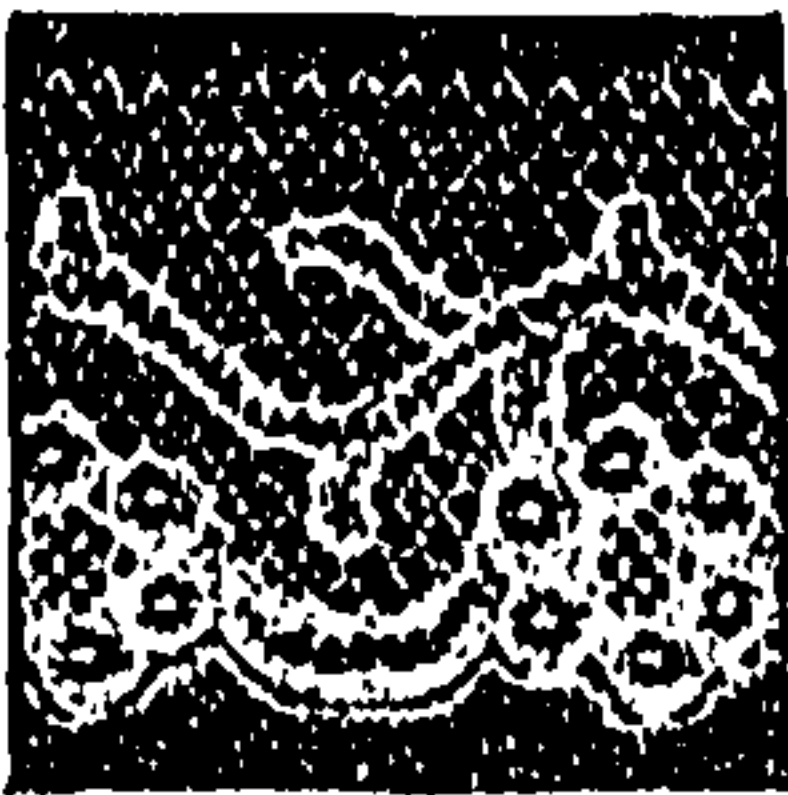


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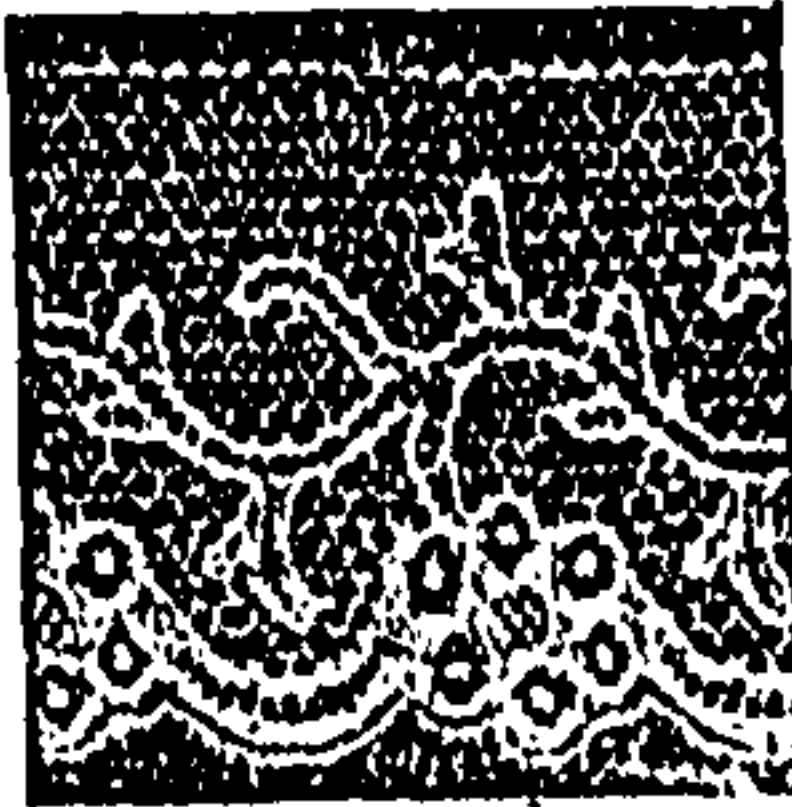


3

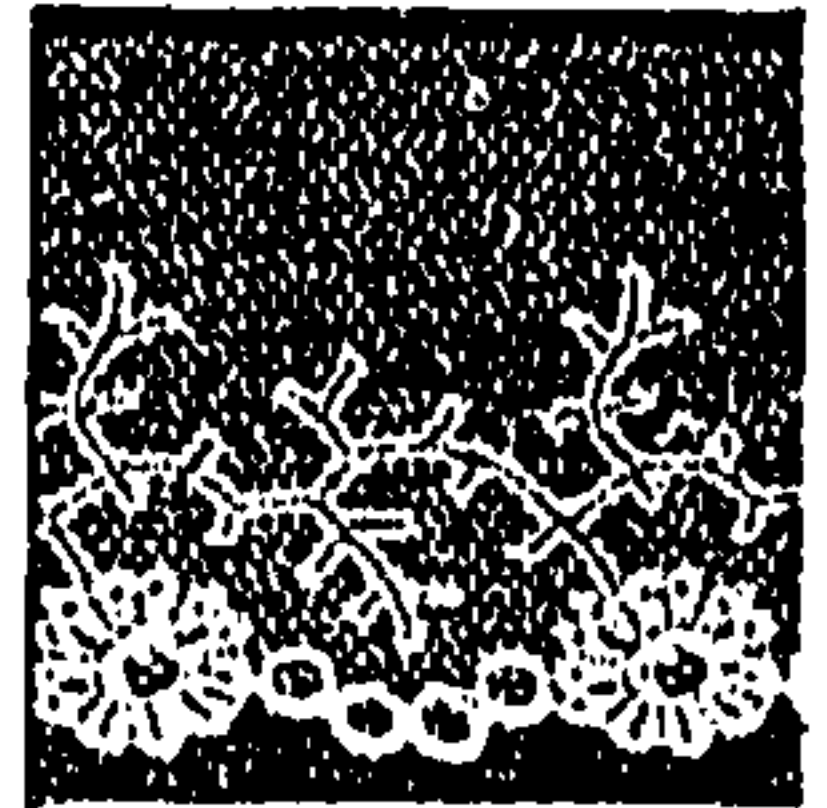
PLAINTIFF'S DESIGNS.



1A

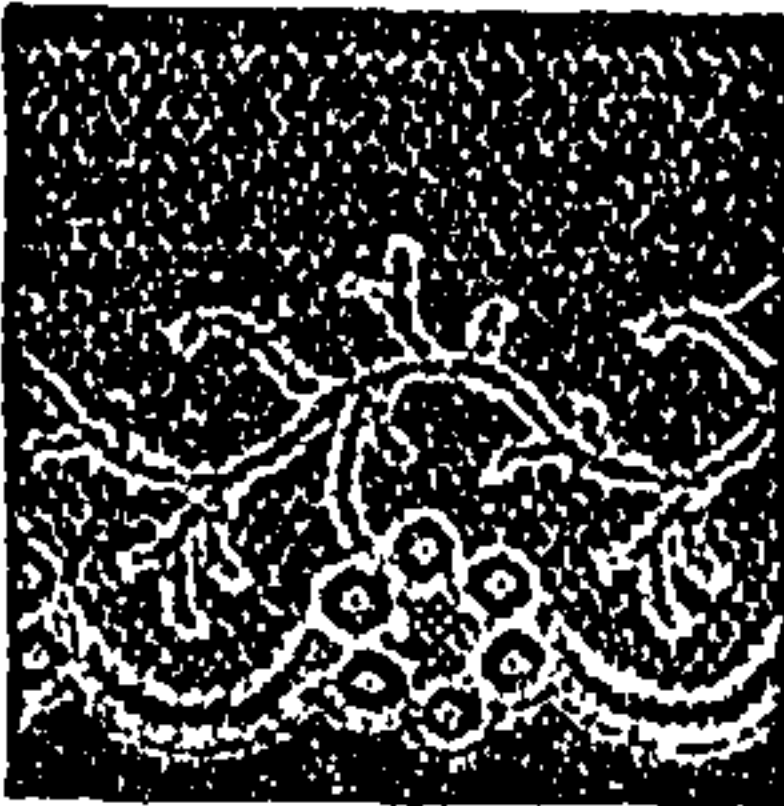


2A

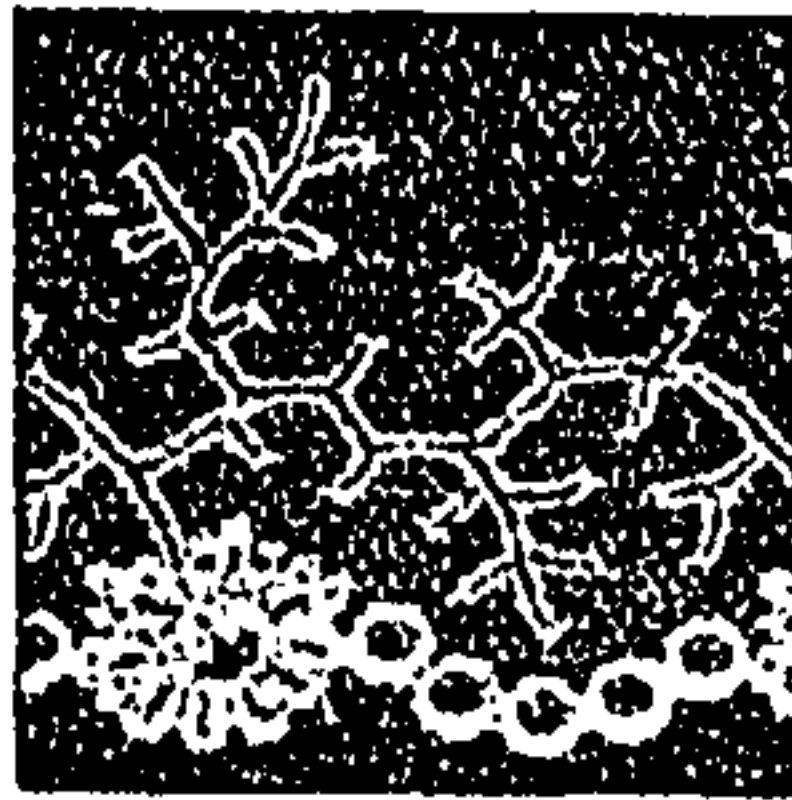


3A

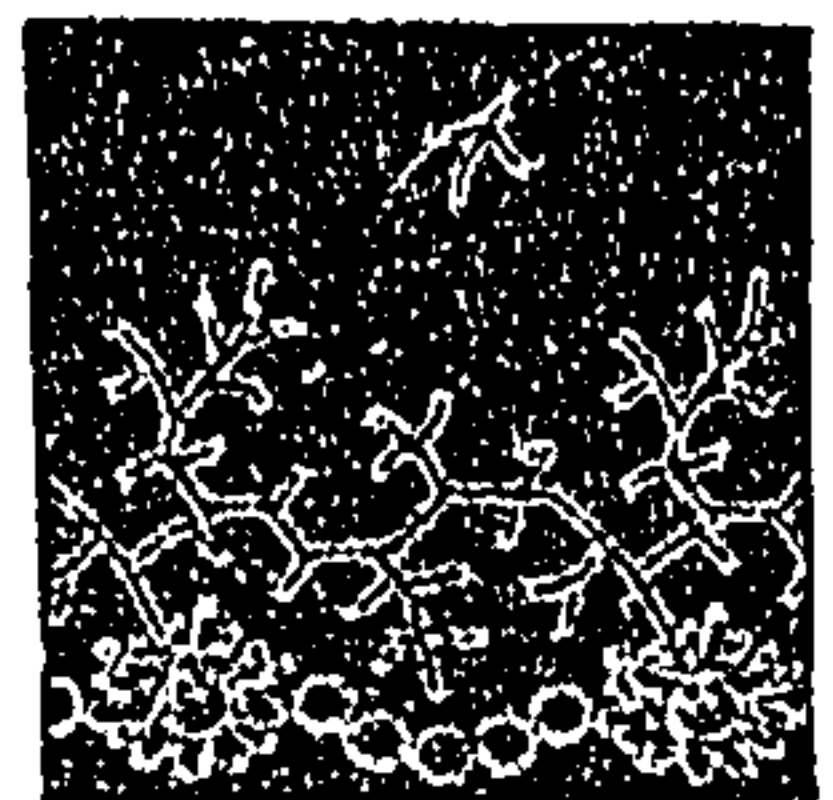
ALLEGED INFRINGEMENTS.



4



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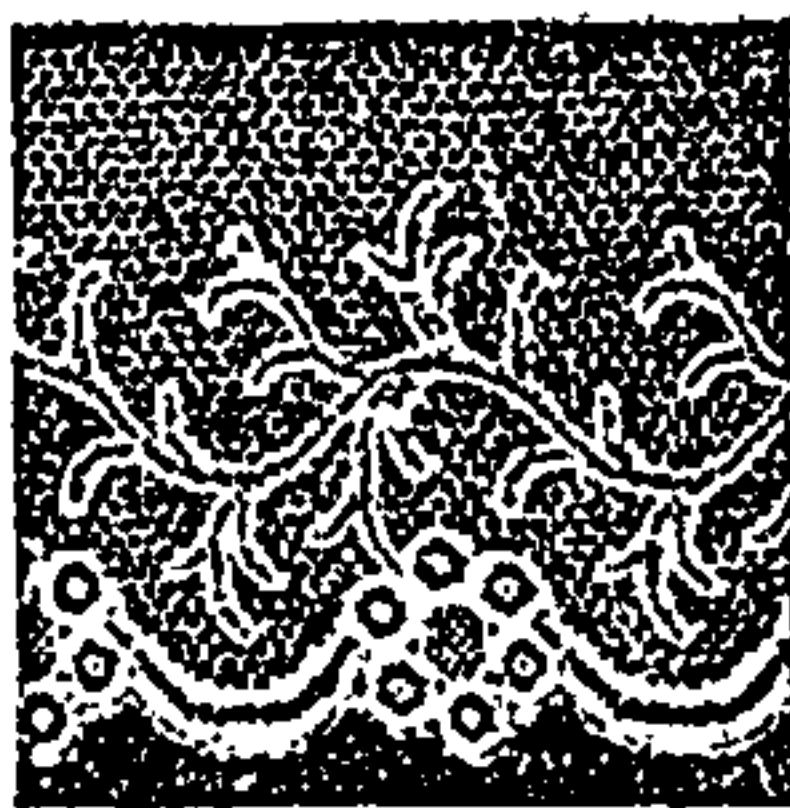


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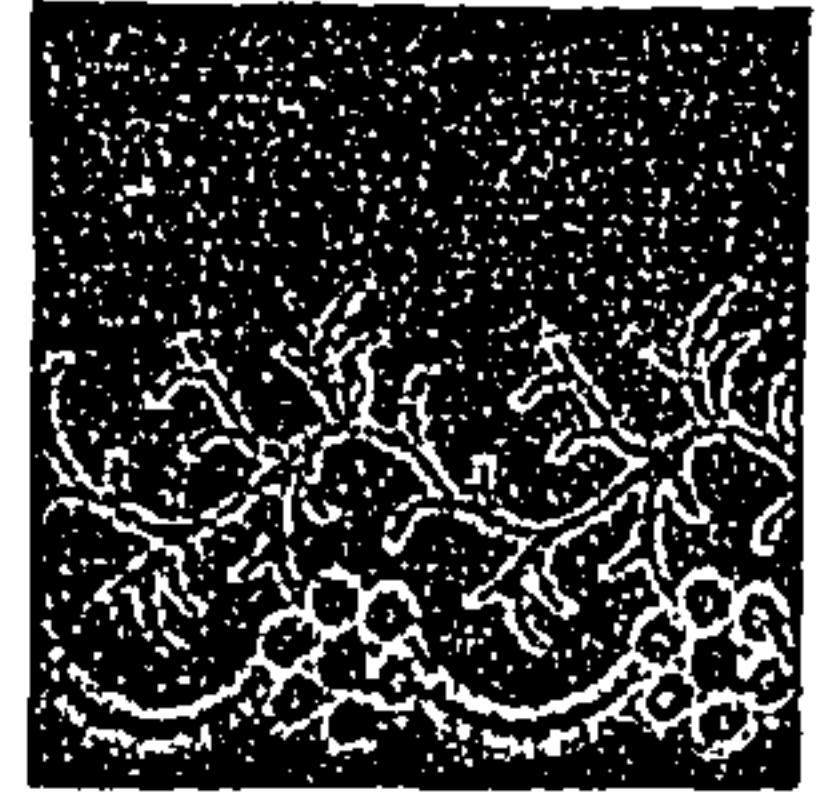
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