

Short title.

LVI. In citing this Act in other Acts of Parliament, instruments, and proceedings, it shall be sufficient to use the expression "The Patent Law Amendment Act, 1852."

Commencement of Act.

LVII. This Act shall commence and take effect from the 1st day of October, 1852.

THE SCHEDULE TO WHICH THIS ACT REFERS.^(a)

Fees to be paid.

	£	s.	d.
On leaving petition for grant of letters patent	5	0	0
On notice of intention to proceed with the application	5	0	0
On sealing of letters patent	5	0	0
On filing specification	5	0	0
At or before the expiration of the third year	40	0	0
At or before the expiration of the seventh year	80	0	0
On leaving notice of objections	2	0	0
Every search and inspection	0	1	0
Entry of assignment or licence	0	5	0
Certificate of assignment or licence	0	5	0
Filing application for disclaimer	5	0	0
Caveat against disclaimer	2	0	0

Stamp duties to be paid.

	£	s.	d.
On warrant of law officer for letters patent	5	0	0
On certificate of payment of the fee payable at or before the expiration of the third year	10	0	0
On certificate of payment of the fee payable at or before the expiration of the seventh year	20	0	0

^(a) So much of the schedule as relates to fees is repealed by 16 & 17 Vict. c. 5, s. 1.

FORMS.

PETITION.

No.

To the Queen's most Excellent Majesty.

The humble petition of (*here insert name and address of petitioner*) for, &c.

Sheweth :

That your petitioner is in possession of an invention for (*the title of the invention*) which invention he believes will be of great public utility ; that he is the true and first inventor thereof ; and that the same is not in use by any other person or persons, to the best of his knowledge and belief.

Your petitioner therefore humbly prays, that your Majesty will be pleased to grant unto him, his executors, administrators and assigns your royal letters patent for the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man (*Colonies to be mentioned if any*) for the term of fourteen years, pursuant to the statutes in that case made and provided.

And your petitioner will ever pray, &c.

DECLARATION.

No.

I

of

in the county of

do solemnly and sincerely declare, that I am in possession of an invention for, &c. (*the title as in petition*), which invention I believe will be of great public utility ; that I am the true and first inventor thereof ; and that the same is not in use by any other person or persons, to the best of my knowledge and belief ; (*where a complete specification is to be filed with the petition and declaration, insert these words :—*“ and that the instrument in writing under my hand and seal hereunto annexed, particularly describes and ascertains the nature of the said invention and the manner in which the

WARRANT.

In humble obedience to Her Majesty's command referring to me the petition of _____ of _____, to consider what may be properly done therein, I do hereby certify as follows: that the said petition sets forth that the petitioner (*allegations of the petition*)

And the petitioner most humbly prays (*prayer of the petition*)

That in support of the allegations contained in the said petition the declaration of the petitioner has been laid before me, whereby he solemnly declares, that (*allegations of the declaration*).

That there has also been laid before me (a provisional specification signed _____ and also a certificate

_____) or (a complete specification, and a certificate of the filing thereof), whereby it appears that the said invention was provisionally protected (*or protected*) from the day of _____ A. D. _____ in pursuance of the statute:

That it appears that the said application was duly advertised:

Upon consideration of all the matters aforesaid, and as it is entirely at the hazard of the said petitioner whether the said petition is new or will have the desired success, and as it may be reasonable for Her Majesty to encourage all arts and inventions which may be for the public good, I am of opinion, that Her Majesty may grant her royal letters patent unto the petitioner, his executors, administrators, and assigns, for his said invention within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, (*Colonies to be mentioned if any,*) for the term of fourteen years according to the statute in that case made and provided, if Her Majesty shall be graciously pleased so to do, to the tenor and effect following: (*see next form.*)

Given under my hand this _____ day of _____ A. D. _____

(Seal of the Commissioners.)

LETTERS PATENT.

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

Whereas _____ hath by his petition humbly represented to us that he is in possession of an invention for _____, which the petitioner believes will be of great public utility; that he is the first and true inventor thereof; and that the same is not in use by any other person or persons, to the best of his knowledge and belief: the petitioner therefore most humbly prayed that we would be graciously pleased to grant unto him, his executors, administrators and assigns, our royal letters patent for the sole use, benefit and advantage of his said invention within our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man for the term of fourteen years, pursuant to the statute in that case made and provided:

And we, being willing to give encouragement to all arts and inventions which may be for the public good, are graciously pleased to condescend to the petitioner's request: Know ye, therefore, that we, of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said _____, his executors, administrators, and assigns, our especial licence, full power, sole privilege, and authority that the said _____, his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said _____, his executors, administrators, or assigns, shall at any time agree with, and no others, from time to time and at all times hereafter during the term of years herein expressed, shall and lawfully may make, use, exercise, and vend his said invention within our United Kingdom of Great Britain and Ireland, the Channel Islands and Isle of Man in such manner as to him the said _____, his executors, administrators and assigns, or any of them, shall

in his or their discretion seem meet; and that he the said
 , his executors, administrators, and
 assigns, shall and lawfully may have and enjoy the whole
 profit, benefit, commodity, and advantage from time to time
 coming, growing, accruing, and arising by reason of the said
 invention, for and during the term of years herein mentioned;
 to have, hold, exercise and enjoy the said licences, powers,
 privileges and advantages hereinbefore granted or mentioned
 to be granted unto the said , his executors,
 administrators, and assigns, for and during and unto the full
 end and term of fourteen years from the day of the date of
 these presents next and immediately ensuing, according to
 the statute in such case made and provided; and to the
 end that he the said , his executors, ad-
 ministrators and assigns, and every of them, may have and
 enjoy the full benefit and the sole use and exercise of the said
 invention, according to our gracious intention hereinbefore
 declared, we do by these presents, for us, our heirs and suc-
 cessors, require and strictly command all and every person
 and persons, bodies politic and corporate, and all other our
 subjects whatsoever, of what estate, quality, degree, name, or
 condition soever they be, within our United Kingdom of
 Great Britain and Ireland, the Channel Islands and Isle of
 Man that neither they, nor any of them, at any time during
 the continuance of the said term of fourteen years hereby
 granted, either directly or indirectly do make, use, or put in
 practice the said invention, or any part of the same, so
 attained unto by the said

as aforesaid, nor in any wise counterfeit, imitate, or
 resemble the same, nor shall make or cause to be made any
 addition thereunto, or subtraction from the same, whereby to
 pretend himself or themselves the inventor or inventors, de-
 visor or devisors thereof, without the consent, licence or
 agreement of the said , his executors, ad-
 ministrators or assigns, in writing under his or their hands
 and seals first had and obtained in that behalf, upon such
 pains and penalties as can or may be justly inflicted on such

offenders for their contempt of this our royal command, and further to be answerable to the said _____, his executors, administrators and assigns, according to law, for his and their damages thereby occasioned: And moreover, we do by these presents, for us, our heirs and successors, will and command all and singular the justices of the peace, mayors, sheriffs, bailiffs, constables, head-boroughs, and all other officers and ministers whatsoever of us, our heirs and successors, for the time being, that they or any of them do not nor shall not at any time during the said term hereby granted in any wise molest, trouble or hinder the said

his executors, administrators, or assigns, or any of them, or his or their deputies, servants, or agents, in or about the due and lawful use or exercise of the aforesaid invention, or anything relating thereto: Provided always, and these our letters patent are and shall be upon this condition, that if at any time during the said term hereby granted it shall be made to appear to us, our heirs or successors, or any six or more of our or their Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, within our United Kingdom of Great Britain and Ireland, the Channel Islands and Isle of Man, or that the said

is not the first and true inventor thereof within this realm as aforesaid, these our letters patent shall forthwith cease, determine, and be utterly void to all intents and purposes, anything hereinbefore contained to the contrary thereof in anywise notwithstanding: Provided also, that these our letters patent, or anything herein contained, shall not extend or be construed to extend to give privilege unto the said _____, his executors, administrators, or assigns, or any of them, to use or imitate any invention or work whatsoever which hath heretofore been found out or invented by any other of our subjects whatsoever, and publicly used or exercised within our United Kingdom of Great Britain and Ireland, the Channel Islands, or Isle of Man, unto whom our

like letters patent or privileges have been already granted for the sole use, exercise, and benefit thereof: it being our will and pleasure that the said _____, his executors, administrators, and assigns, and all and every other person and persons to whom like letters patent or privileges have been already granted as aforesaid, shall distinctly use and practice their several inventions by them invented and found out, according to the true intent and meaning of the same respective letters patent and of these presents: Provided likewise nevertheless, and these our letters patent are upon this express condition, that if the said _____ shall not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed, by an instrument in writing under his or their or one of their hands and seals, and cause the same to be filed in the Great Seal Patent Office within six calendar months next and immediately after the date of these our letters patent; and also if the said _____ his executors, administrators, or assigns, shall not pay the stamp duty of fifty pounds and produce these our letters patent stamped with a proper stamp to that amount at the office of our commissioners of patents for inventions before the expiration of three years from the date of these our letters patent, pursuant to the provisions of the act of the sixteenth year of our reign, chapter 5; and also if the said _____ his executors, administrators, or assigns, shall not pay the stamp duty of one hundred pounds, and produce these our letters patent stamped with a proper stamp to that amount at the said office of our said commissioners before the expiration of seven years from the date of these our letters patent pursuant also to the said act; and also if the said _____, his executors, administrators, or assigns, shall not supply or cause to be supplied for our service all such articles of the said invention as he or they shall be required to supply by the officers or commissioners administering the department of our service for the use of which the same shall be required,

in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled for that purpose by the said officers or commissioners requiring the same; that then and in any of the said cases these our letters patent, and all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding: Provided that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: and, lastly, we do by these presents, for us, our heirs and successors, grant unto the said _____, his executors, administrators, and assigns, that these our letters patent, or the filing thereof, shall be in and by all things good, firm, valid, sufficient, and effectual in the law according to the true intent and meaning thereof, and shall be taken, construed, and adjudged in the most favourable and beneficial sense for the best advantage of the said _____, his executors, administrators, and assigns, as well as in all our courts of record as elsewhere, and by all and singular the officers and ministers whatsoever of us, our heirs and successors, in our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, and amongst all and every the subjects of us, our heirs and successors, whatsoever and wheresoever, notwithstanding the not full and certain describing the nature or quality of the said invention, or of the materials thereunto conducing and belonging. In witness whereof we have caused these our letters to be made patent, this _____ day of _____, A. D. _____, and to be sealed and bear date as of the said _____ day of _____, A. D. _____, in the _____ year of our reign. (a)

(a) The above form, being the one in actual use, has been substituted for the form given in the schedule to the act. See section LIV.

SPECIFICATION.

To all to whom these presents shall come
 I _____ of _____ send
 greeting :

Whereas Her Most Excellent Majesty Queen Victoria, by
 her letters patent bearing date the _____ day of

_____ A. D. _____, in the
 year of her reign did for herself, her heirs and successors, give
 and grant unto me the said _____, her special licence
 that I the said _____, my executors, administrators and
 assigns, or such others as I the said

_____ my executors, administrators and assigns, should at
 any time agree with, and no others, from time to time and
 at all times thereafter during the term therein expressed
 should and lawfully might make, use, exercise, and vend,
 within the United Kingdom of Great Britain and Ireland,
 the Channel Islands, and Isle of Man, (*Colonies to be men-
 tioned, if any*) an invention for (*insert title as in letters patent*)
 upon the condition (amongst others) that I the said

_____, by an instrument in writing under my
 hand and seal, should particularly describe and ascertain the
 nature of the said invention, and in what manner the same
 was to be performed, and cause the same to be filed in
 _____ within _____ calendar months next and
 immediately after the date of the said letters patent.

Now know ye, that I the said _____ do hereby
 declare the nature of my said invention, and in what manner
 the same is to be performed, to be particularly described and
 ascertained in and by the following statement; (that is to say,)
 (*describe the invention.*)

In witness whereof I the said A. B. have heretofore
 set my hand and seal this _____ day of
 _____ A. D.

A. B.

16 VICT. C. 5.

An Act to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Purchase for the public use of certain Indexes of Specifications.
[21st February, 1853.]

15 & 16 Vict.
c. 38.

WHEREAS it is expedient that the fees payable in respect of letters patent for inventions under the Patent Law Amendment Act, 1852, and mentioned in the schedule to such Act, be converted into stamp duties; be it enacted, therefore, as follows:

Secs. 17, 44,
45, 46, and 53,
and part of
schedule of
recited Act
repealed.

I. Sections seventeen, forty-four, forty-five, forty-six, and fifty-three and so much of the schedule to the said Act as relates to fees and stamp duties to be paid under the said Act, shall be repealed.

Letters patent
to be made
subject to
avoidance on
non-payment
of stamp duties
expressed in
schedule to this
Act annexed.

II. All letters patent for inventions to be granted under the provisions of the said Patent Law Amendment Act, 1852, (except in the case provided for in the fourth section of this Act,) shall be made subject to the condition that the same shall be void, and that the powers and privileges thereby granted shall cease and determine at the expiration of three years and seven years respectively from the date thereof, unless there be paid before the expiration of the said three years and seven years respectively the stamp duties in the schedule to this Act annexed expressed to be payable before the expiration of the third year and of the seventh year respectively, and such letters patent or a duplicate thereof shall be stamped with proper stamps showing the payment of such respective stamp duties, and shall, when stamped, be produced before the expiration of such three years and seven years respectively at the office of the commissioners; and a certificate of the production of such letters patent or duplicate so stamped, specifying the date of such production, shall be endorsed by the clerk of the commissioners on the letters patent or duplicate, and a like certificate shall be endorsed upon the warrant for such letters patent filed in the said office.

III. There shall be paid unto and for the use of Her Majesty, her heirs and successors, for or in respect of letters patent applied for or issued under the provisions of the said Patent Law Amendment Act, 1852, warrants, specifications, disclaimers, certificates, and entries, and other matters and things mentioned in the schedule to this Act, or the vellum, parchment, or paper on which the same respectively are written, the stamp duties mentioned in the said schedule; and no other stamp duties shall be levied in respect of such letters patent, warrants, specifications, disclaimers, certificates, entries, matters and things; and the stamp duty mentioned in the said schedule on office copies of documents shall be in lieu of such sums as by the said Patent Law Amendment Act, 1852, are authorized to be appointed to be paid for such office copies.

Stamp duties mentioned in the schedule to this Act to be payable.

IV. Where the letters patent for England or Scotland or Ireland have been granted before the commencement of the said Patent Law Amendment Act, 1852, or have been since the commencement of the said Act or hereafter may be granted for any invention, in respect of any application made before the commencement of the said Act, letters patent for England or Scotland or Ireland may be granted for such invention in like manner as if the said Act had not been passed. Provided always that in lieu of all fees or payments and stamp duties which were at the time of the passing of the said Act payable in respect of such letters patent as last aforesaid, or in or about obtaining a grant thereof, and in lieu of all other stamp duties whatsoever, there shall be paid in respect of such letters patent as last aforesaid on the sealing thereof stamp duties equal to one third part of the stamp duties which would be payable under this Act in respect of letters patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, on or previously to the sealing of such letters patent as last aforesaid, and before the expiration of the third year and the seventh year respectively of the term granted by such letters patent for England, Scotland, or Ireland, stamp duties equal to one third part of the stamp duties

As to payment of stamp duties on letters patent for England, Scotland, or Ireland respectively.

payable under this Act before the expiration of the third year and the seventh year respectively of the term granted by letters patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, and the condition of such letters patent for England, or Scotland or Ireland shall be varied accordingly.

Duties to be under the management of the Commissioners of Inland Revenue.

V. The stamp duties hereby granted shall be under the care and management of the Commissioners of Inland Revenue; and the several rules, regulations, provisions, penalties, clauses, and matters contained in any Act now or hereafter to be in force with reference to stamp duties shall be applicable thereto.

Who are to provide the proper stamp for the purpose.

VI. The said Commissioners of Inland Revenue shall prepare stamps impressed upon adhesive paper, of the amounts following, that is to say, twopence, fourpence, eightpence, and one shilling, to be used only in respect of the stamp duties on the office copies of documents and on the certificates of searches and inspections mentioned in the schedule to this Act: such adhesive stamps of proper amounts to be affixed by the clerk of the Commissioners of Patents for inventions to such office copies of documents and certificates of searches and inspections as aforesaid; and immediately after such affixing he shall obliterate or deface such stamps by impressing thereon a seal to be provided for that purpose, but not so as to prevent the amount of the stamp from being ascertained; and no such office copy or certificate shall be delivered out until the stamps thereon shall be obliterated or defaced as aforesaid.

Conditions of letters patent already granted under recited Act to be satisfied by payment of stamp duties, &c., under this Act.

VII. The condition contained in any letters patent granted under the said Patent Law Amendment Act, 1852, and before the passing of this Act for making such letters patent void at the expiration of three years and seven years respectively from the date thereof, unless there be paid before the expiration of the said three years and seven years respectively, the sums of money and stamp duties by the said Patent Law Amendment Act, 1852, required in this behalf, shall be deemed to be satisfied and complied with by payment of the like stamp duties as would have been required if such letters

patent had been granted after the passing of this Act, and had been made subject to the condition required by this Act in lieu of the said condition therein contained; and the provision hereinbefore contained concerning the endorsement on the letters patent or duplicate, and on the warrant for the same letters patent, of a certificate of the production of the letters patent or duplicate properly stamped, shall be applicable in the case of such letters patent granted before the passing of this Act.(a)

IX. The word "duplicate" shall be construed to mean in this Act such letters patent as may be issued under the twenty-second section of the Patent Law Amendment Act, 1852, in case of any letters patent being destroyed or lost.

As to the word "duplicate."

X. This Act and the Patent Law Amendment Act, 1852, shall be construed together as one Act.

This Act and 15 & 16 Vict. c. 83 to be construed together.

THE SCHEDULE OF STAMP DUTIES TO BE PAID TO WHICH THIS ACT REFERS.

	£	s.	d.
On petition for grant of letters patent	5	0	0
On certificate of record of notice to proceed	5	0	0
On warrant of law officer for letters patent	5	0	0
On the sealing of letters patent	5	0	0
On specification	5	0	0
On the letters patent or a duplicate thereof, before the expiration of the third year	50	0	0
On the letters patent or a duplicate thereof, before the expiration of the seventh year	100	0	0
On certificate of record of notice of objections	2	0	0
On certificate of every search and inspection	0	1	0
On certificate of entry of assignment or licence	0	5	0
On certificate of assignment or licence	0	5	0
On application for disclaimer	5	0	0
On caveat against disclaimer	2	0	0
On office copies of documents, for every ninety words	0	0	2

(a) Section 8, which relates to the purchase of indexes from Mr. Bennet Woodcroft, has been omitted.

16 & 17 VICT. c. 115.

An Act to amend certain Provisions of the Patent Law Amendment Act, 1852, in respect of the Transmission of Certified Copies of Letters Patent and Specifications to certain Offices in Edinburgh and Dublin, and otherwise to amend the said Act. [20th August, 1853.]

15 & 16 Vict.
c. 83.

WHEREAS it is expedient to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act, be it therefore enacted as follows:

Sec. 33, and
part of s. 28 of
recited Act,
repealed.

I. Section thirty-three of the said Act and such part of section twenty-eight of the said Act as directs that in case reference is made to drawings in any specification deposited or filed under the said Act an extra copy of such drawings should be left with such specification, shall be repealed.

Copies of pro-
visional speci-
fications to be
open to inspec-
tion at the
Commission-
ers' office.

II. The Commissioners shall cause true copies of all provisional specifications left at the office of the Commissioners to be open to the inspection of the public, at such times after the date of the record thereof respectively, as the Commissioners shall by their order from time to time direct.

A copy of every
specification,
&c., under the
hand of the
patentee or
applicant to be
left at Com-
missioners'
office.

III. A true copy under the hand of the patentee or applicant, or agent of the patentee or applicant, of every specification and of every complete specification, with the drawings accompanying the same, if any, shall be left at the office of the Commissioners on filing such specification or complete specification.

Copies or
extracts of
letters patent,
&c., certified
and sealed,
filed at Com-
missioners'
office, to be
received in
evidence.

IV. Printed or manuscript copies or extracts, certified and sealed with the seal of the Commissioners, of letters patent, specifications, disclaimers, memoranda of alterations, and all other documents recorded and filed in the Commissioners' office, or in the office of the Court of Chancery appointed for the filing of specifications, shall be received in evidence in all proceedings relating to letters patent for inventions in all

courts whatsoever within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, and Her Majesty's colonies and plantations abroad without further proof or production of the originals.

V. Certified printed copies, under the seal of the Commissioners, of all specifications and complete specifications, and fac-simile printed copies of the drawings accompanying the same, if any, disclaimers, and memoranda of alterations filed or hereafter to be filed, under the said Patent Law Amendment Act, shall be transmitted to the office of the Director of Chancery in Scotland and to the Enrolment Office of the Court of Chancery in Ireland within twenty-one days after the filing thereof respectively, and the same shall be filed in the office of Chancery in Scotland and Ireland respectively, and certified copies or extracts from such documents shall be furnished to all persons requiring the same, on payment of such fees as the Commissioners shall direct; and such copies or extracts shall be received in evidence in all courts in Scotland and in Ireland respectively in all proceedings relating to letters patent for inventions without further proof or production of the originals.

Certified printed copies of specifications, &c., under seal of Commissioners, to be transmitted to the Director of Chancery in Scotland, and to the Court of Chancery in Ireland, which shall be evidence, without production of originals.

VI. Where letters patent have not been sealed during the continuance of the provisional protection on which the same is granted, provided the delay in such sealing has arisen from accident, and not from the neglect or wilful default of the applicant, it shall be lawful for the Lord Chancellor, if he shall think fit, to seal such letters patent at any time after the expiration of such provisional protection, whether such expiration has happened before or shall happen after the passing of this Act, and to date the sealing thereof as of any day before the expiration of such provisional protection, and also to extend the time for the filing of the specification thereon; and where the specification, in pursuance of the condition of any letters patent, has not been filed within the time limited by such letters patent, provided the delay in such filing has arisen from accident, and not from the neglect or wilful default of the patentee, it shall be lawful for the

Lord Chancellor in certain cases may seal letters patent after the expiration of provisional protection.

Lord Chancellor, if he shall think fit, to extend the time for the filing of such specification, whether the default in such filing has happened before or shall happen after the passing of this Act: Provided always, that except in any case that may have arisen before the passing of this Act, it shall not be lawful for the Lord Chancellor to extend the time for the sealing of any letters patent, or for the filing of any specification beyond the period of one month.

Removing doubts as to provision of 15 & 16 Vict. c. 83, respecting the making and sealing of new letters patent for a further term.

VII. And whereas doubts have arisen whether the provision of the Patent Law Amendment Act, 1852, for the making and sealing new letters patent for a further term, in pursuance of Her Majesty's order in council, in the cases mentioned in section forty of the said Act, extend to the making and sealing of new letters patent in the manner by such Act directed where such new letters patent are granted by way of prolongation of the term of letters patent issued before the commencement of the said Act: and whereas it is expedient that such new letters patent granted by way of prolongation shall be granted according to the provisions of the said Patent Law Amendment Act; be it declared and enacted, that where Her Majesty's order of Council for the sealing of new letters patent shall have been made after the commencement of the said Act, the said provision of the said Act for making and sealing in manner aforesaid of new letters patent shall extend, and shall as from the commencement of the said Act be deemed to have extended, to the making and sealing in manner aforesaid of new letters patent for a further term, as well where the original letters patent were made before as where such original letters patent have been issued since the commencement of the said Act.

15 & 16 Vict. c. 83 and this Act to be construed as one Act.

VIII. This Act and the Patent Law Amendment Act, 1852, shall be construed together as one Act.

22 VICT. C. 13.

An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War.

[8th of April, 1859.]

WHEREAS in some cases of inventions for improvements in instruments or munitions of war it may be important to the public service that the nature of the invention should not be published, and it is therefore expedient to amend the law concerning letters patent for inventions: 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:—

I. Any inventor of any improvement in instruments or munitions of war, or the executors, administrators, or assigns of such inventor, may, for valuable consideration or without, assign to Her Majesty's principal Secretary of State for the War Department, on behalf of Her Majesty, all the benefits of the invention, and of all letters patent obtained or to be obtained for the same, and such Secretary of State may be a party to the assignment, and such assignment shall be effectual to vest the benefit of such invention and of such letters patent in the said Secretary of State for the time being on behalf of Her Majesty at law and in equity; and the benefit of such invention and of such letters patent shall be deemed property acquired by the said Secretary of State on behalf of Her Majesty; and all covenants and agreements contained in such assignment for giving full effect thereto, and for keeping the invention secret, and otherwise in relation thereto, shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced and proceeded upon by the said Secretary of State for the time being accordingly, and all actions, suits, and proceedings in relation thereto may be instituted and conducted by such Secretary of

Improvements in instruments or munitions of war may be assigned by inventors to Secretary of State for War.

State for the time being, who shall have all such rights, privileges, and prerogatives in relation thereto as by law provided in the case of actions, suits, and proceedings concerning property under his care, control, and disposition.

Foregoing enactment to extend to assignments already made.

II. The foregoing enactment shall extend to render valid and effectual, and be otherwise applicable to and in respect of, any such assignment as aforesaid made before the passing of this Act, and the covenants and agreements contained in such assignment, as well as any such assignment to be made thereafter, and the covenants and agreements therein contained.

Secretary of State for War may certify to Commissioners of Patents that the invention should be kept secret.

III. Where any such assignment as aforesaid has been made to the said Secretary of State, he may at any time before the filing of the petition for the grant of letters patent for the invention, or after the filing of such petition and before publication of the provisional specification (if any), if he think it for the benefit of the public service that the particulars of the invention, and of the manner in which the same is performed, should be kept secret, certify the fact of such assignment having been so made, and his opinion to the effect aforesaid in writing under his hand to the commissioners of patents for inventions.

Where the Secretary of State for War has so certified, petition for letters patent &c. to be left with the clerk of the patents in a packet under the seal of Secretary of State.

IV. Where the said Secretary of State certifies as aforesaid, the petition for letters patent for the invention, the declaration accompanying such petition, and the provisional specification or complete specification (as the case may be), filed or left therewith, and any specification to be filed in pursuance of the condition of any letters patent for such invention, and all disclaimers and memoranda of alterations to be filed in relation to such letters patent, and any drawings accompanying any of the documents aforesaid, and any copies of any such documents or drawings, or where the said Secretary of State so certifies after the said petition has been filed, such of the said documents and drawings as may be filed after his so certifying, and the copies thereof, shall, in lieu of being filed or left in the ordinary manner in the office of the commissioners, or in the office appointed for that purpose under

"The Patent Law Amendment Act, 1854," be delivered to the clerk of the patents in a packet sealed with the seal of the said Secretary of State.

V. Such packet shall at all times after the delivery thereof to the clerk of the patents until the expiration of the term or any extended term for which letters patent for the invention may be granted, be kept by him sealed up as aforesaid, or under the seal of the commissioners, save when it may be necessary to have access to the documents therein contained, or any of them, for the purpose of recording and endorsing the day of the filing thereof, or for the purpose of any reference to one of the law officers, either in relation to the same or any other invention, but in any such case as aforesaid the clerk of the patents shall not part with the care or custody of the said packet, or any of the said documents, save as may be required by one of the law officers for the purposes of any such reference, and shall use such precautions as may be necessary to prevent the contents or particulars of such documents being improperly disclosed.

Such packet to be kept so sealed or under the seal of the Commissioners.

VI. Such sealed packet shall be delivered at any time during the continuance of any such letters patent to the said Secretary of State, or to any person having authority to receive the same on his behalf, on demand in writing under the hand of the said Secretary of State, or to such person as the Lord Chancellor may order, and shall if and when the same is returned to the commissioners be again sealed up, and kept under seal as aforesaid.

Such sealed packet to be delivered on demand to Secretary of State or by order of the Lord Chancellor.

VII. Such sealed packet as aforesaid shall at the end of the term or extended term for which any letters patent for the invention to which the documents in such packet relate, be delivered up to the said Secretary of State, or to any person having authority to receive the same on his behalf.

At the expiration of letters patent, sealed packet to be delivered to Secretary of State.

VIII. Where the said Secretary of State certifies as aforesaid after the filing of the petition, and before the publication of the provisional specification (if any), such petition and the declaration accompanying such petition and the provisional specification and drawings relating to the inven-

Where Secretary of State certifies after filing of petition, documents already filed to be put into a sealed packet.

tion which may have been filed or left in any such office as aforesaid, and all copies thereof in any such office, shall be forthwith placed in a packet, sealed with the seal of the commissioners, and every such packet shall be subject to all the provisions of this Act concerning any sealed packet delivered to the clerk of the patents.

Copy of specification, &c., not to be sent to Scotland or Ireland, or published; but, otherwise, provisions of Patent Acts to apply.

IX. No copy of any specification or other document or drawing by this Act required to be kept under seal, shall be transmitted to *Scotland* or *Ireland*, or be printed, published, or sold, or be open to the inspection of the public; but save as in this Act otherwise directed, the provisions of the "Patent Law Amendment Act, 1852," and any Act amending the same, shall extend and be applicable to and in respect of every such specification and other document and drawing as aforesaid, and the letters patent and invention to which the same relates, and this Act and the "Patent Law Amendment Act, 1852," shall be construed together as one Act.

No *scire facias* to be brought.

X. It shall not be lawful for any person to take proceedings, by *scire facias* or otherwise, to repeal any letters patent for an invention in relation to which the said Secretary of State has certified as aforesaid.

Secretary of State may waive the benefit of this Act as respects any invention.

XI. The Secretary of State may at any time by writing under his hand waive the benefit of this Act with respect to any particular invention, and the document and matters relating thereto shall be thenceforth kept and dealt with in the ordinary way.

Communications of invention to Secretary of State, &c., not to prejudice letters patent.

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

Construction of "Secretary of State."

XIII. In the construction of this Act, "Her Majesty's Principal Secretary of State for War Department" shall mean Her Majesty's principal Secretary of State for the time being, to whom Her Majesty shall think fit to entrust the seals of the War Department.

33 & 34 VICT. C. 27.

An Act for the Protection of Inventions exhibited at International Exhibitions in the United Kingdom.

[14th of July, 1870.]

WHEREAS it is expedient that such protection as is hereinafter mentioned should be afforded to persons desirous of exhibiting new inventions at exhibitions to be held in the United Kingdom.

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 (that is to say):

I. This Act may be cited as "The Protection of Inventions Act, 1870." Short title.

II. The exhibition of any new invention at any international exhibition shall not, nor shall the publication during the period of the holding of such exhibition, of any description of such invention, nor shall the user of such invention for the purposes of such exhibition, and within the place where the same may be held, nor shall the user of such invention elsewhere by any other person without the privity and consent of the true and first inventor thereof, prejudice the right of the exhibitor thereof, he being the true and first inventor, within six months from the time of the opening of such exhibition to leave at the office of the Commissioners of Patents a petition for the grant of letters patent for such invention, and the declaration accompanying the same, and a provisional specification or a complete specification thereof, under the "Patent Law Amendment Act, 1852," and the Acts amending the same, or to obtain provisional protection or letters patent for such invention, in pursuance of those Acts, nor invalidate any letters patent which may be granted for such invention upon any such petition as aforesaid. Exhibition of new inventions not to prejudice patent rights.

RULES AND REGULATIONS.

Made by the Commissioners of Patents for Inventions and by the Lord Chancellor and the Master of the Rolls under the Acts 15 & 16 Vict. c. 83 and 16 & 17 Vict. c. 115.

First set of Rules and Regulations under the Act 15 & 16 Vict. c. 83 for the passing of Letters Patent for inventions.

By the Right Honourable Edward Burtenshaw, Lord St. Leonards, Lord High Chancellor of Great Britain, The Right Honourable Sir John Romilly, Master of the Rolls, Sir Frederic Thesiger, Her Majesty's Attorney General, and Sir Fitz Roy Kelly, Her Majesty's Solicitor General, being four of the Commissioners of Patents for Inventions under the said Act.

Whereas a commodious office is forthwith intended to be provided by the Crown as the Great Seal Patent Office and the Commissioners of Her Majesty's Treasury have under the powers of the said Act appointed such office as the office also for the purpose of the said Act.

I. All petitions for the grants of letters patent and all declarations and provisional specifications shall be left at the said Commissioners' office and shall be respectively written upon sheets of paper of twelve inches in length by eight inches and a half in breadth, leaving a margin of one inch and a half on each side of each page in order that they may be bound in the books to be kept in the said office.

II. The drawings accompanying provisional specifications shall be made upon a sheet or sheets of parchment paper or cloth each of the size of twelve inches in length by eight inches and a half in breadth or of the size of twelve inches in breadth by seventeen inches in length, leaving a margin of one inch on every side of each sheet.

III. Every provisional protection of an invention allowed by the law officer shall be forthwith advertised in the *London Gazette*, and the advertisement shall set forth the name and address of the petitioner, the title of his invention, and the date of the application.

IV. Every invention protected by reason of the deposit of a complete specification shall be forthwith advertised in the *London Gazette* and the advertisement shall set forth the name and address of the petitioner, the title of the invention, the date of the application, and that a complete specification has been deposited.

V. Where a petitioner applying for letters patent after provisional protection or after deposit of a complete specification, shall give notice in writing at the office of the Commissioners of his intention to proceed with his application for letters patent the same shall forthwith be advertised in the *London Gazette*, and the advertisement shall set forth the name and address of the petitioner and the title of his invention; and that any persons having an interest in opposing such application are to be at liberty to leave particulars in writing of their objections to the said application at the office of the Commissioners within twenty-one days after the date of the *Gazette* in which such notice is issued.

VI. The Lord Chancellor having appointed the Great Seal Patent Office to be the Office of the Court of Chancery for the filing of specifications, the said Great Seal Patent Office and the Office of the Commissioners shall be combined; and the clerk of the patents for the time being shall be the clerk of the Commissioners for the purposes of the Act.

VII. The office shall be open to the public every day, Christmas Day and Good Friday excepted, from ten till four o'clock.

VIII. The charge for office or other copies of documents in the office of the Commissioners shall be at the rate of two-pence for every ninety words.

(Signed)

ST. LEONARDS, C.
JOHN ROMILLY, M. R.
FRED. THESIGER, A. G.
FITZ ROY KELLY, S. G.

Dated the 1st of October, 1852.

By the Right Honourable Edward Burtenshaw, Lord St. Leonards, Lord High Chancellor of Great Britain, and the Right Honourable Sir John Romilly, Master of the Rolls.

Ordered that there shall be paid to the law officers and to their clerks the following fees :—

By the person opposing a grant of letters patent :

	£	s.	d.
To the law officer	2	12	6
To his clerk	0	12	6
To his clerk for summons	0	5	0

By the petitioner on the hearing of the case of opposition :

	£	s.	d.
To the law officer	2	12	6
To his clerk	0	12	6
To his clerk for summons	0	5	0

By the petitioner for the hearing previous to the fiat of the law officer allowing a disclaimer or memorandum of alteration in letters patent and specification :

	£	s.	d.
To the law officer	2	12	6
To his clerk	0	12	6

By the person opposing the allowance of such disclaimer or memorandum of alteration on the hearing of the case of opposition :

	£	s.	d.
To the law officer	2	12	6
To his clerk	0	12	6

By the petitioner for the fiat of the law officer allowing a disclaimer or memorandum of alteration in letters patent and specification.

	£	s.	d.
To the law officer	3	3	0
To his clerk	0	12	6

(Signed)

ST. LEONARDS, C.

JOHN ROMILLY, M. R.

Dated the 1st of October, 1852.

Ordered by the Right Honourable Edward Burtenshaw,
Lord St. Leonards, Lord High Chancellor of Great Britain.

I. All specifications in pursuance of the condition of letters patent and all complete specifications accompanying petitions and declarations before grant of letters patent shall be filed in the Great Seal Patent Office.

II. All specifications in pursuance of the conditions of letters patent and all complete specifications accompanying petitions for the grant of letters patent shall be respectively written bookwise upon a sheet or sheets of parchment each of the size of twenty-one inches and a half in length by fourteen inches and three-fourths of an inch in breadth; the same may be written upon both sides of the sheet, but a margin must be left of one inch and a half on every side of each sheet.

III. The drawings accompanying such specification shall be made upon a sheet or sheets of parchment each of the size of twenty-one inches and a half in length by fourteen inches and three fourths of one inch in breadth, or upon a sheet or sheets of parchment, each of the size of twenty-one inches and a half in breadth by twenty-nine inches and a half in length, leaving a margin of one inch and a half on every side of each sheet.

IV. The charge for office or other copies of documents in the Great Seal Patent Office shall be at the rate of two pence for every ninety words.

(Signed) ST. LEONARDS, C.

Dated the 1st of October, 1852.

NOTE.—It is recommended to applicants and patentees to make their elevation drawings according to the scale of one inch to a foot.

Second set of Rules and Regulations under the Act 15 & 16 Vict. c. 83 for the passing of letters patent for inventions.

By the Right Honourable Edward Burtenshaw, Lord St. Leonards, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Frederic Thesiger, Her Majesty's Attorney General, and Sir Fitz Roy Kelly, Her Majesty's Solicitor General, being four of the Commissioners of Patents for Inventions under the said Act.

I. The office of the Directory of Chancery in Scotland being the office appointed by the Act for the recording of transcripts of letters patent shall be the office of the Commissioners in Edinburgh for the filing of copies of specifications, disclaimers, memoranda of alterations, provisional specifications, and certified duplicates of the register of proprietors.

II. All such transcripts, copies, and certified duplicates shall be bound in books and properly indexed, and shall be open to the inspection of the public at the said office every day from ten to three o'clock.

III. The charge for office copies of such transcripts, copies, and certified duplicates recorded and filed in the said office shall be at the rate of twopence for every ninety words.

IV. The enrolment office of the Court of Chancery in Dublin being the office appointed by the Act for the enrolment of transcripts of letters patent shall be the office of the Commissioners in Dublin for the filing of copies of specifications, disclaimers, memoranda of alterations, provisional specifications, and certified duplicates of the register of proprietors.

V. All such transcripts, copies, and certified duplicates shall be bound in books and properly indexed, and shall be open to the inspection of the public at the said Enrolment Office every day, Christmas Day and Good Friday excepted, from ten to three o'clock.

VI. The charge for office copies of such transcripts, copies, and certified duplicates enrolled and filed as aforesaid shall be at the rate of twopence for every ninety words.

VII. No warrant is to be granted for the sealing of any letters patent which contains two or more distinct substantive inventions. (a)

VIII. A provision is to be inserted in all letters patent in respect whereof a provisional and not a complete specification shall be left on the application for the same, requiring the specification to be filed within six months from the date of the application.

IX. No amendment or alteration at the instance of the applicant will be allowed in a provisional specification after the same has been recorded, except for the correction of clerical errors or of omissions made *per incuriam*.

X. The provisional specification must state distinctly and intelligibly the whole nature of the invention, so that the law officer may be apprised of the improvement and of the means by which it is to be carried into effect.

(Signed)

ST. LEONARDS, C.

JOHN ROMILLY, M. R.

FRED. THESIGER, A. G.

FITZ ROY KELLY, S. G.

Dated the 15th October, 1852.

Ordered by the Right Honourable Edward Burtenshaw Lord St. Leonards, Lord High Chancellor of Great Britain.

Every application to the Lord Chancellor against or in relation to the sealing of letters patent shall be by notice, and such notice shall be left at the commissioners' office, and shall contain particulars in writing of the objections to the sealing of such letters patent.

(Signed)

ST. LEONARDS, C.

Dated the 15th of October, 1852.

(a) This rule was rescinded by the third set of rules of the 12th December, 1853.

Third Set of Rules and Regulations under the Act 15 & 16 Vict. c. 83, for the passing of letters patent for inventions, and under the Act of the 16 & 17 Vict. c. 115.

By the Right Honourable Robert Monsey, Lord Cranworth, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Alexander James Edmund Cockburn, Her Majesty's Attorney General, and Sir Richard Bethell, Her Majesty's Solicitor General, being four of the Commissioners of Patents for Inventions under the said Act of the 15 & 16 Vict. c. 83.

It is ordered as follows:—

Rule 7 of the Second Set of Rules and Regulations of the Commissioners, dated the 15th October, 1852, is hereby rescinded.

I. Every application for letters patent, and every title of invention and provisional specification, must be limited to one invention only, and no provisional protection will be allowed or warrant granted where the title or the provisional specification embraces more than one invention.

II. The title of the invention must point out distinctly and specifically the nature and object of the invention.

III. The copy of the specification or complete specification, directed by the Act 16 & 17 Vict. c. 115, s. 3, to be left at the office of the commissioners on filing the specification or complete specification, shall be written upon sheets of brief or foolscap paper, briefwise and upon one side only of each sheet. The extra copy of drawings, if any, left with the same must be made as heretofore and according to the directions contained in Rule III. of the Lord Chancellor, dated the 1st of October, 1852.

IV. The copy of the provisional specification, to be left at the office of the commissioners, on depositing the same, shall be written upon sheets of brief or foolscap paper briefwise and upon one side only of each sheet. The extra copy of drawings, if any, left with the same must be made as hereto-

fore and according to the directions contained in Rule II. of the commissioners, dated the 1st October, 1852.

V. All specifications, copies of specifications, provisional specifications, petitions, notices, and other documents left at the office of the commissioners, and the signatures of the petitioners or agents thereto, must be written in a large and legible hand.

VI. In the case of all petitions for letters patent left at the office of the commissioners after the 31st day of December, 1853, the notice of the applicant of his intention to proceed for letters patent for his invention shall be left at the office of the commissioners eight weeks at the least before the expiration of the term of provisional protection thereon; and no notice to proceed shall be received unless the same shall have been left in the office eight weeks at the least before the expiration of such provisional protection, and the application for the warrant of the law officer and for the letters patent must be made at the office of the commissioners twelve clear days at least before the expiration of the term of provisional protection; and no warrant or letters patent shall be prepared unless such application shall have been made twelve clear days at the least before the expiration of such provisional protection: Provided always, that the Lord Chancellor may in either of the above cases, upon special circumstances, allow a further extension of time on being satisfied that the same has become necessary by accident, and not from neglect or wilful default of the applicant or his agent.

(Signed)

CRANWORTH, C.

JOHN ROMILLY, M. R.

A. J. E. COCKBURN, A. G.

RICHARD BETHELL, S. G.

Dated the 12th of December, 1853.

*Order in respect of Applications to the Lord Chancellor to extend
the time for sealing Letters Patent.*

By the Right Honourable Robert Monsey Lord Cranworth,
Lord High Chancellor of Great Britain.

Whereas by the Act 16 & 17 Vict. c. 115 the Lord Chancellor is empowered to extend the time for the sealing of letters patent for an invention, and for the filing of the specification thereon limited to the period of one month after the expiration of the six months of provisional protection of such invention, provided the delay in sealing such letters patent and in filing such specification has arisen from accident, and not from the neglect or wilful default of the applicant,

It is ordered as follows:—

Every petition addressed to the Lord Chancellor praying for the extension of time for the sealing of letters patent and for the filing of the specification thereon, under the provisions of the Act of the 16 & 17 Vict. c. 115, and the affidavit accompanying the same, shall be left at the office of the Commissioners of Patents. And in every case where the delay in sealing such letters patent and in filing such specification is alleged to have been caused by adjourned hearings of objections to the grant of such letters patent before the law officer to whom such objections may have been referred, the petitioner, before leaving his petition as aforesaid, shall obtain the certificate of such law officer to the effect that the allegations in respect of such adjourned hearings and causes of delay are, in the opinion of such law officer, correct, and that the delay arising from such adjourned hearings has not been occasioned by the neglect or default of the petitioner. And such certificate shall be written at the foot of or shall be annexed to such petition.

(Signed)

CRANWORTH, C.

Dated this 17th day of July, 1854.

Orders in respect of communications from abroad and provisional specifications.

I. In any application for a patent which is stated to be a communication, the declaration must state the name and address of the party from whom it has been received in the following manner:—

No. 1. When declaration is made in the United Kingdom: “That it has been communicated to me from abroad by (*here insert name and address in full*).”

No. 2. In other cases: “That it is a communication from (A. B.) a person resident at (*here insert address in full*).”

II. All provisional specifications on one side only of each sheet.

FITZ ROY KELLY.

H. M. CAIRNS.

Dated the 23rd of February, 1859.

RULES OF PRACTICE BEFORE THE LAW OFFICERS RESPECTING
DISCLAIMERS AND MEMORANDA OF ALTERATIONS.

I. The person applying must present a petition to the Attorney-General or Solicitor-General, stating what the proposed disclaimer or alteration is, when a time will be appointed for hearing the applicant. The petition is in general to be accompanied by a copy of the original specification, and of the proposed disclaimer or alteration.

II. If on the hearing the Attorney or Solicitor-General should think fit to disallow the proposed alteration or disclaimer, no further proceeding is necessary. If he should think fit to allow it without any advertisement, then, on being applied to for the purpose, he will put his signature to the fiat authorizing the clerk of the patents to make the required enrolment.

III. If it appears to the Attorney or Solicitor-General that any advertisement or advertisements ought to be inserted, then he will give such directions as he may think fit relative

thereto, and will fix any time not sooner than ten days from the first publication of any such advertisement, for resuming the consideration of the matter.

IV. Caveats may be lodged at any time before the actual issuing of the fiat; and any party lodging a caveat is to have seven days' notice of the next meeting.

V. The fiat must be written or engrossed on the same parchment with the disclaimer or alteration at the foot thereof.(a)

Patent Law Amendment Act, 1852. 15 & 16 Vict. c. 83.

By the Right Honourable Frederic Lord Chelmsford Lord High Chancellor of Great Britain, the Right Honourable John Lord Romilly, Master of the Rolls, Sir John Rolt, Her Majesty's Attorney General, and John Burgess Karlake, Esquire, Her Majesty's Solicitor General, being four of the Commissioners of Patents for Inventions under the said Act.

It is ordered as follows:—

After the 31st day of December, 1866, every applicant for letters patent shall deliver at the office of the commissioners, with his provisional specification, or (when a complete specification is filed with the petition and declaration) with his complete specification, an abridgment, in duplicate, under his hand or the hand of his agent, of such provisional or complete specification. The abridgment must set forth the name of the applicant, the title of the invention, and describe, in as short a manner as possible, the features of novelty which constitute the invention. The abridgment and the copy thereof must be written upon sheets of foolscap paper, and upon one side only of each page, leaving a margin of one inch and a half on the left hand side of the page.

(Signed) CHELMSFORD, C.
ROMILLY, M. R.
JOHN ROLT.
JOHN B. KARSLAKE.

Dated the 17th day of December, 1866.

(a) See Norman's Law of Patents.

Patent Law Amendment Act, 1852. 15 & 16 Vict. c. 83.

By the Right Honourable Frederic Lord Chelmsford, Lord High Chancellor of Great Britain, the Right Honourable John Lord Romilly, Master of the Rolls, Sir John Rolt, Her Majesty's Attorney General, and Sir John Burgess Karlake, Her Majesty's Solicitor General, being four of the Commissioners of Patents for inventions under the said Act.

It is ordered as follows :—

That on and after the 1st of July, 1867, no stamp duties payable upon notices to proceed, notices of objection, or warrants and letters patent shall be received in the office of the Commissioners after 2 o'clock in the afternoon of Saturdays, nor after 3 o'clock on other days: Except that on the last day for the payment of any of such stamp duties they shall be received up to 4 o'clock.

(Signed)

CHELMSFORD, C.

ROMILLY, M. R.

JOHN ROLT.

JOHN B. KARSLAKE.

Dated the 14th day of May, 1867.

Patent Law Amendment Act, 1852. 15 & 16 Vict. c. 83.

By the Right Honourable William Page, Lord Hatherley, Lord High Chancellor of Great Britain, the Right Honourable John Lord Romilly, Master of the Rolls, Sir Robert Porrett Collier, Her Majesty's Attorney General, and Sir John Duke Coleridge, Her Majesty's Solicitor General, being four of the Commissioners of Patents for inventions under the said Act.

It is ordered as follows :—

Rule II. of the First Set of Rules and Regulations of the Commissioners, dated the 1st October, 1852, to be altered by

the addition of the word "drawing" before the word "paper" in the second line of the printed copy.

(Signed)

HATHERLEY, C.

ROMILLY, M. R.

R. P. COLLIER, A. G.

J. D. COLERIDGE, S. G.

Dated the 1st day of July, 1871.

GENERAL ORDER. (11TH FEBRUARY, 1873.)

I, the Right Honourable Roundell Baron Selborne, Lord High Chancellor of Great Britain, do hereby in pursuance of all powers and authorities enabling me in that behalf, order and direct in manner following, that is to say :

Every order made by the Lord Chancellor upon the hearing of petitions against or relating to the sealing of Letters Patent, under the Patent Law Amendment Act, 1852, 15 & 16 Vict. c. 83, shall be drawn up, passed, and entered by the Registrar of the Court of Chancery in attendance, and an office copy of such order shall be remitted by him without fee to the clerk of the combined offices of the Great Seal Patent Office, and the office of the Commissioners of Patents for inventions, to be filed with the petition.

SELBORNE, C.

Rules to be observed in Proceedings before the Privy Council under the Act 5 & 6 Will. IV. intituled "An Act to amend the Law touching Letters Patent for Inventions."

I. A party intending to apply by petition under section 2 of the said Act, shall give public notice by advertising in the *London Gazette* three times and in three London papers, and three times in some country paper published in the town where or near to which he carries on any manufacture of anything

made according to his specification, or near to or in which he resides, in case he carries on no such manufacture, or published in the county where he carries on such manufacture or where he lives in case there shall not be any paper published in such town, that he intends to petition Her Majesty under the said section, and shall in such advertisement state the object of such petition, and give notice of the day on which he intends to apply for a time to be fixed for hearing the matter of his petition (which day shall be not less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*), and that on or before such day notice must be given of any opposition intended to be made to the petition; and any person intending to oppose the said application shall lodge notice to that effect at the Council Office, on or before such day so named in the said advertisement and having lodged such notice shall be entitled to have from the petitioner four weeks' notice of the time appointed for the hearing.

II. A party intending to apply by petition under section 4 of the said Act, shall in the advertisement directed to be published by the said section, give notice of the day on which he intends to apply for a time to be fixed for hearing the matter of his petition (which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*), and that on or before such day *caveats* must be entered; and any person intending to enter a *caveat* shall enter the same at the Council Office, on or before such day so named in the said advertisements; and having entered such *caveat*, shall be entitled to have from the petitioner four weeks' notice of the time appointed for the hearing.

III. Petitions under section 2 and 4 of the said Act must be presented within one week from the insertion of the last of the advertisements required to be published in the *London Gazette*.

IV. All petitions must be accompanied with affidavits of advertisements having been inserted according to the provi-

sions of section 4 of the said Act, and the 1st and 2nd of these rules, and the matters in such affidavits may be disputed by the parties opposing upon the hearing of the petitions.

V. All persons entering *caveats* under section 4 of the said Act, and all parties to any former suit or action touching letters patent, in respect of which petitions shall have been presented under section 2 of the said Act, and all persons lodging notice of opposition under the first of these rules, shall respectively be entitled to be served with copies of petitions presented under the said sections, and no application to fix a time for hearing shall be made without affidavit of such service.

VI. All parties served with petition shall lodge at the Council Office, within a fortnight after such service, notice of the grounds of their objections to the granting of the prayers of such petitions.

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

VIII. The registrar of the Privy Council, or other officers to whom it may be referred to tax the costs incurred in the matter of any petition presented under the said Act, shall allow or disallow in his discretion all payments made to persons of science or skill examined as witnesses to matters of opinion chiefly.

IX. A party applying for an extension of a patent under section 4 of the said Act, must lodge at the Council Office six printed copies of the specification, and also four copies of the balance sheet of expenditure and receipts relating to the patent in question, which accounts are to be proved on oath before the Lords of the Committee at the hearing. In the event of the applicant's specification not having been printed, and if the expense of making six copies of any drawing therein contained or referred to would be considerable, the lodging of two copies only of such specification and drawing will be deemed sufficient.

All copies mentioned in this rule must be lodged not less than one week before the day fixed for hearing the application. The Judicial Committee will hear the Attorney General or

other counsel on behalf of the Crown against granting any application made under either the 2nd or 4th section of the said Act in case it shall be thought fit to oppose the same on such behalf.

FOREIGN LAW.

AUSTRIA-HUNGARY.

AN inventor desirous of securing an exclusive right to his invention in Austria-Hungary must provide himself with two patents, which are however granted on a single application addressed either to the Cisleithanian or Hungarian Ministry of Commerce and on payment of one fee. The patents thus issued are valid also in the principality of Lichtenstein.

All inventions must have for their object either (1) a new industrial production; (2) a new means of production; or (3) a new method of production. But patents will not be granted for inventions which affect the preparation of food, drink and medicine, nor for those which cannot be used without injury to the interests of the state, the public health, morality and safety.

A foreign invention can only be patented on condition that it is still patented abroad; and a patent for such invention can only be granted to the foreign patentee or the possessor of his rights in it.

Patents for improvement are granted for the improvement only and not for the whole invention.

Patents are not granted for the discovery of scientific principles, unless the latter are actually brought to bear upon production.

One patent is never granted for two or more inventions, except in cases where both or all of them are to be used in the production of one and the same object.

The application for a patent must be accompanied with a

description and drawings and models if necessary. It must be made by the inventor or his agent. If the invention is foreign the original patent and a certified copy must be inclosed.

The petition must state the title of the invention and whether or not secrecy is desired, and also the number of years for which the patent is demanded. This number cannot exceed fifteen without the special consent of the Emperor; or if the invention is already patented abroad, the expiration of the patent there granted.

The tax is as follows: For the first five years, 100 florins 10 krs.; for the second five years, 200 florins 20 krs.; for the third five years, 400 florins 40 krs. Total for fifteen years, 700 florins 70 kr.

The provincial governor, to whom the application for a patent is forwarded must see that the subject matter is such that a patent can be granted and that the proper forms have been observed. The application is then forwarded to the Minister of Commerce. If the description is incorrect or the subject not patentable, the documents are returned to the applicant for correction, or as being useless, according to the circumstances.

A patent authorises the patentee to take all requisite measures for working his invention and selling its products, and to empower others to work it for him. He may dispose of his patent as he likes, by sale, testament, lease, etc., and obtain foreign patents for his invention.

A renewal of patents granted for less than fifteen years may be granted so long as the whole term with the extension does not exceed fifteen years.

Patents become invalid:

1. In consequence of being cancelled on the following grounds:

(a) When all the legal requirements have not been complied with in obtaining them.

(b) On proof being given that the invention in question was not new at the time when the patent was issued; or that

it was introduced from abroad without the consent of the foreign patentees.

(c) On proof being given by a patentee that the invention is identical with one for which a patent has already been granted.

(d) As being injurious to the public interests.

2. By lapsing :

(a) When the patentee fails to make use of his patent for one year from the date of its issue, or later, allows two consecutive years to elapse without working his invention.

(b) On the expiration of the term for which the patent was granted or renewed.

(c) In consequence of a voluntary renunciation of the rights conferred by a patent.

BAVARIA.

THE department by which patents and trade privileges are issued is that of the Bavarian Ministry of the Interior.

The longest term for the duration of a patent in Bavaria is fifteen years.

The following is the scale of fees :

	Fl.		Fl.
1 year . . .	25	9 years . . .	130
2 years . . .	35	10 „ . . .	150
3 „ . . .	40	11 „ . . .	175
4 „ . . .	50	12 „ . . .	200
5 „ . . .	60	13 „ . . .	225
6 „ . . .	70	14 „ . . .	250
7 „ . . .	90	15 „ . . .	275
8 „ . . .	110		

Patents may be granted for all new inventions, discoveries, or improvements in all branches of industry, whether consisting of new articles, implements, or processes of manufacture. The invention must be new and original and must be likely

to prove beneficial to industry; and it must be shown that neither the article nor the process to be employed in using it is illegal, dangerous, or injurious.

Patents may be granted for inventions patented abroad if they fulfil the foregoing conditions; such patents will only be granted to the foreign patentee or his legal successor, and will not be allowed to continue in force after the foreign term has expired.

Applicants for patents must produce security for the novelty and originality of their inventions. The patent will be revoked if it turns out not to be new and original or that the invention has been made, applied or in any way known elsewhere.

Applicants for patents must petition the minister of the interior. The petition must contain their names in full, their position, residence, and domicile, and in the case of foreigners those of their authorised agent. It must also contain a description of the invention, and must state the term of years for which the patent is required.

The legal fee and stamp duty must be paid when the petition is presented, and a specification, and, if necessary, drawings, models, or samples must be sent at the same time.

The term may be prolonged if the patent has been originally issued for less than fifteen years, but no patent will be allowed to extend over a longer period than fifteen years from the date of the original issue.

A patentee is at liberty to erect the necessary buildings and accommodation, take in operatives, and perform all other acts necessary to the exercise of the rights conferred upon him by his patent, subject to due compliance with the laws, statutes, and police regulations of the country. He may cede his patent to others in the legally prescribed manner, or may admit others to a partnership in the rights taken as a whole conferred by it; but no division of a patent with respect to the right taken separately, or to the places where the privilege is exercised is allowed. A patent will be revoked (1) if facts transpire, subsequently to its issue, which, if known at

the time, would have constituted a disqualification ; (2) or if the applicant has concealed or misrepresented any important part of the invention essential to its perfection ; (3) or if the patentee has failed to put the invention into execution or to notify the same to the Minister of the Interior within the space of three years ; or in the case of patents for shorter terms than six years, within the half of the term ; or in the case of an invention already patented abroad, within the space of one year from the date of issue of the patent. (4) In the case of patents granted for inventions patented abroad, upon expiration of the foreign term. (5) In case of the execution having been abandoned for more than two years. (6) By resignation or failure to make use of the patent. (7) By omission to notify change of proprietorship to the Ministry of the Interior within the prescribed time.

BELGIUM.

PATENTS for inventions are granted without previous examination either of the novelty or of the merit of the invention, and at the risk and peril of the inventor.

The tax on patents is 10 fr. for the first year, and 20 fr. for the second, with a yearly increase of 10 fr.

The government only interferes in questions of annulment of patent, first, for default of payment of the annuity tax within the time prescribed ; and, secondly, in the event of the invention not being worked.

In the case of a patent of invention, the period is twenty years ; but the time for which a patent of importation is granted must not exceed the period which the original patent has still to run in the countries where it was first delivered.

Three kinds of patents may be granted:—A patent of invention, of importation, and of improvement. A patent of invention is granted to the inventor who takes out his

Belgian patent before obtaining letters patent in any other country. In that case he is entitled to protection for twenty years.

A patent of importation is granted to an inventor who, previously to lodging his demand in Belgium, has applied for letters patent in any other country. The patent of importation is limited to the term for which the previous foreign patent is granted, and expires with it.

Patents of importation may be taken out in the name of the inventor or his assign duly appointed. A simple power from the inventor authorising a party to take out a Belgian patent in his own name suffices for the purpose, the power being stamped and registered.

A patent of improvement may be obtained by a patentee for an improvement on, or addition to, his previous invention. The patent of improvement must be for improvement of the same nature as the original invention, otherwise it would not be held to be legally valid. No tax is required for a patent of improvement which forms part of the original patent, and expires with it.

In applying for a patent, the inventor or his attorney, having paid the first year's tax, presents himself at the office of the Provisional Government, where he lodges the receipt for the tax, and a petition to the Minister of the Interior, praying that letters patent may be granted to him, and also a sealed packet, containing two copies of the specification and drawings illustrating the invention. The specification may be in any form, and written either in French or Flemish; the drawings may be made on paper of any size.

All transfers of patents are subject to a registration tax, fixed by the law at 10 fr., but in practice a few francs more are charged for additional; and the deed of transfer has to be stamped according to the size of the paper upon which the deed is drawn up. The transfer is then notified to the Minister of the Interior, who has it recorded in the Patent Office.

The government is now obliged to call the attention of the

inventor to the fact that the annual tax is due, by a registered letter to that effect.

All patentees must work their invention, or cause it to be worked, within a year of its having been worked in any other country.

The government alone has power to decide what is to be understood by the working of an invention, and to judge in each case whether the requirements of the law have been complied with.

It appears that it is not considered sufficient to import the patented articles from abroad and put them on sale in one or more shops or warehouses, even if large numbers were sold in the country by this means. It is not even considered sufficient to have a certain number of the patented articles made and sold in Belgium, the same articles being imported also from abroad and sold in Belgium.

The government may grant an extension of the term for working a patent. Practically this seeming act of condescension is valueless; for to obtain such an extension of time the inventor is required to state in his petition the day on which he should have his invention at work, in order to comply with the law—*i. e.*, one year from the date of its having been worked in any other country; which date it is often extremely difficult to be proved against the patentee, unless he himself gives it, as in the case under consideration. The inventor's petition is then referred to the different Chambers of Commerce, and they would not hesitate, in some cases, to give their opinion unfavourably to the patentee, should the invention be valuable, and likely to be of advantage to their fellow-countrymen.

The courts may annul a patent if the invention should have been worked commercially in the kingdom by a third party before the demand of the patent.

The intentional omission of part of the inventor's secret, or an erroneous specification given intentionally, also invalidates a patent.

If the complete specification and exact drawings should

have been printed and published previously to the demand of the Belgian patent, unless such publication should have been prescribed by law.

A foreign patentee, though his foreign patent may be several years old, may, should his invention not come under any of the stipulations of Article 24, take out a valid Belgian patent, and his Belgian patent will have priority over any patents for the same invention taken out by others between the date of his foreign patent and that of his Belgian patent of importation.

BRAZIL.

THE law secures to a discoverer or inventor of a useful industry the property and exclusive use of his discovery or invention.

Whosoever improves an invention or discovery has, in such improvement, the right of discoverer or inventor.

To the introducer of a foreign industry a premium will be given in proportion to its utility and the difficulty of introducing it.

The right of a discoverer or inventor will be confirmed by a patent, conceded gratuitously, on payment only of the stamp and costs.

(1.) It must be shown in writing that the invention in question is his own invention.

(2.) He must deposit in the public archives an exact specification of the means and processes to be followed, with plans, drawings, and models explanatory thereof, if possible, to do so.

Patents will be granted according to the species of discovery or invention for periods of from five to twenty years, a longer term being concedable by law.

The proprietor of a patent can dispose of it by using it himself or ceding it.

In the event of two or more persons obtaining by similar

processes a certain result, and applying simultaneously for a patent, it shall be given to all.

The patent expires if it can be proved that the recipient has committed any fraud, or has concealed anything in the declaration. If any one can prove to the declared inventor that the invention is his own. If the recipient does not put in practice the invention two years after the concession. If the discoverer obtains for the same invention a patent in a foreign country. In this case, according to Article 3, he has a right to a premium. If the article produced is found injurious to the public or contrary to law. The right of patent ceases if the recipients, before obtaining the concession, have made use of such invention, patent, or discovery.

The applicant for letters patent addresses a petition to the Crown, asking for a patent or privilege, and transmitting full explanations or models according to law. This is referred by the Minister of Agriculture to the Auxiliary Society of National Industry. They report on the utility of the inventive process or invention. It is then submitted to the law officers, who endeavour to decide as to its originality and as to its non-interference with anterior rights. Should it not be of a nature also to require reference to the Sanitary Board, or other similar technical authorities, it is then discussed and reported on by the Council of State.

Should it not be necessary to refer it to the legislative body, whose authority must be obtained to insure any remittance of Customs dues for the articles proposed to be imported, or any similar sacrifice of public resources or funds, it is then returned to the Minister of Agriculture, and the privilege granted or refused.

The actual legitimate official expenses involved by the papers, documents, &c., varies between £9 and £14, the patent being granted gratuitously.

DENMARK.

INVENTORS are protected by Royal letters patent granted through the Ministry of the Interior, in accordance with rules prescribed by the traditional practice of that department. The applicant must address the Ministry, accompanying his demand by detailed specifications and drawings. These papers are forwarded to the Polytechnic school to be reported upon by the director, who states whether a patent should be granted and what he thinks should be the term. The Ministry always adopt the director's conclusion. The patents usually run for three, four or five years. Important inventions are protected for ten years and in some cases for fifteen years.

Patents are never granted to foreigners for more than five years. The fee charged at the Ministry is 17 dollars (£1 17s. 6d.) The time occupied in the correspondence is about two months. The patent is forfeited if it is shown that a similar invention has been used in Denmark before, or if the patentee does not carry out his invention within the year and continue to employ it.

FRANCE.

EVERY new discovery or invention in all departments of industry confers upon its author, under the conditions and for the time hereafter mentioned, the exclusive rights of working for his own profit the said discovery or invention.

The following are considered as new inventions or discoveries :

The invention of a new industrial product.

The invention of new means, or the new application of known means, for obtaining an industrial result or product.

Pharmaceutical compositions or remedies of all kinds; being subject to certain special laws; and schemes and combinations referring to credit and finances, cannot be patented.

The duration of patents is five, ten, or fifteen years. Every

patent is subject to the following tax: 500 francs for a patent of five years, 1,000 for a patent of ten years, and 1,500 francs for a patent of fifteen years. This tax has to be paid by yearly instalments of 100 francs, under penalty of forfeiture if the patentee allows one year to elapse without paying the tax. The inventor must deposit under a sealed cover at the office of the secretary of the Prefecture in the department in which he resides, or in any other department on choosing a residence there: 1st. His petition to the Minister of Agriculture and Commerce. 2nd. A specification of the discovery, invention, or application forming the subject of the petition. 3rd. The drawings or specimens necessary for the comprehension of the specification; and 4th. A memorandum of a document deposited. The demand must be limited to a single principal object, with the details that constitute it, and the application which shall be indicated. It must mention the duration of the term required and must contain neither restrictions, conditions nor reservations; and must set forth a title containing a compendious and precise designation of the object of the invention.

The specification must not be in a foreign language, and a duplicate must be added to the petition. All documents must be signed by the applicant or his agent.

No deposit can be received except on the production of a receipt proving the payment of a sum of 100 francs on account of the tax of the patent.

The duration of the patent begins from the day of the deposit being made.

The letters patent are delivered according to the order in which the petitions are received, without previous examination, at the applicant's own risk, and without guarantee as to either the reality, novelty or merit of the invention, or the accuracy or exactness of the specification.

The duration of patents can only be extended by a special law.

The patentee or his assigns during the whole term of the patent may make alterations, improvements or additions to the invention; by complying on deposit of the petition with the

formalities above described, a certificate is granted which expires with the original patent.

Every application for a certificate of addition is subject to a tax of 20 francs.

A patentee, who, for an alteration, improvement, or addition wishes to take a principal patent of five, ten, or fifteen years, instead of a certificate of addition expiring with the original patent, must comply with the same formalities as on an original patent and must pay the same tax. None but the patentee or his assigns acting as above mentioned can during one year legally obtain a patent for an alteration, improvement or addition to the invention which formed the subject of the patent; but any person who wishes to obtain a patent for an alteration, addition or improvement on an existing patent may during the year make an application which must be transmitted to and remain under seal at the Ministry of Agriculture and Commerce; at the expiration of the year the seal will be broken and the patent delivered. The patentee will however have the preference for all alterations, improvements, and additions for which he has demanded a certificate during the year.

Whoever has taken a patent for a discovery, invention, or application connected with the subject of another patent has no right to work the invention already patented, and the original patentee cannot work the invention which forms the subject of the new patent. A patentee may transfer the whole or part of the proprietorship of his patent, by a notarial deed, and after the payment of so much of the tax then due.

No transfer is valid as regards a third party until registered. The licencees of a patent, and those who may have acquired from the patentee or his assigns the power to work the discovery or invention, have the full benefit of the certificates of addition and *vice versû*.

All specifications, drawings, specimens and models of patents remain, until the expiration of the term, deposited at the Ministry of Agriculture and Commerce, where they may be inspected free of charge by every applicant.

Foreigners may obtain patents in France on complying with the requisite formalities, and the author of an invention or discovery already patented abroad may obtain a patent, but the duration of this patent must not exceed that of the patent previously obtained abroad.

Patents become null and void, 1st. When the discovery, invention or application is not new. 2nd. When not patentable. 3rd. Whenever they refer to theoretical or merely scientific principles, methods, systems, discoveries, and conceptions, the industrial application of which are not indicated. 4th. Whenever the discovery, invention, or application is known to be contrary to public order or safety, to morals, or to the existing laws of the country. 5th. Whenever the title under which the patent has been demanded indicates fraudulently another object than the real object of the invention. 6th. Whenever the specification accompanying the patent is not sufficient for working the invention, or whenever it does not completely or fairly point out the real means employed by the inventor. Any discovery, invention, or application—to which in France or abroad, and before the date of the deposit of the petition, sufficient publicity has been given to enable the same to be worked—will not be considered as new.

The patentee forfeits his rights, 1st. If he has not paid his annuity before the beginning of each year of the term of his patent. 2nd. If he has not worked his discovery or invention in France within the term of two years from the date of the signature of his patent, or has ceased to work it during two consecutive years, unless in one or the other case, he justifies himself as to the causes of his inaction. 3rd. If he has introduced into France objects manufactured abroad and similar to those which are protected by his patent.

HANOVER.

ANY person making a new invention in industry, may be invested for a certain time with the right of applying it exclusively under certain conditions mentioned hereafter.

A patent may also be delivered to any person importing an invention from foreign countries, unless such invention be already known to the public, and a legalised copy of the foreign patent must be produced.

A patent may also be delivered to any person who shall add an essential improvement to an invention already patented in the kingdom.

Such a patent, however, will not be allowed to interfere with the rights of the original inventor.

The petitioner for a patent must deliver a precise, correct, and complete description of the object to be patented, together with the required drawings or models, and if possible, a pattern of the product, and the petition must set forth the peculiar claims as to novelty.

The petition is to be addressed to the Minister of the Home Department, who will submit the invention to an examination of competent judges as to its novelty and peculiarity, and to decide accordingly.

Foreigners will not be allowed to obtain patents except for inventions intended to be carried out within the kingdom.

A patent will not be granted for a longer term than ten years.

In the case of a patent being granted originally for a shorter period, its duration may, if thought proper, be extended to that term. Such a prolongation, however, must be published at least one year before the expiration of the term originally fixed.

Patents of importation are not allowed to endure beyond the term of the foreign patent.

The patent right must be limited to the object designated by the characteristic features, as laid down in the specification.

A patent may be transferred or made over to others by legacy.

The patent will be cancelled, if it can be shown that the invention is not new; and particularly if, at the time of the granting of the patent, it had already been openly put into practice, or had gained such publicity as to allow of its imita-

tion; or if it be shown that the invention has been wrongly or incompletely described; or if it be proved by some other person that the invention was made or originally imported by him, and that the patentee had illegally appropriated the same.

Finally, if the invention shall not, without sufficient reason, be put into practice in the kingdom within six months from the granting of the patent, or whenever the working of the said invention has been interrupted during six months.

ITALY.

LETTERS patent may be granted for new inventions or discoveries in industry as (1) An industrial product or result; (2) An instrument, machine, tool, engine, or any mechanical apparatus; (3) A process or mode of manufacture; (4) A motion or the application of any known power to industrial purposes; (5) The technical application of a scientific principle provided immediate results in industry are obtained thereby. In the latter case the patent is limited solely to those results expressly pointed out by the inventor.

An invention or discovery in industry is considered as new when not before known, or when even a general notion of it existed without the particulars necessary for its adoption. A patent may be granted for an invention patented abroad, during the continuance of the foreign term and if not known in the kingdom.

Modifications of inventions or discoveries in industry which are already protected by letters patent, may be patented without prejudice to the patent for the original invention.

Inventions or discoveries relating to trades which are contrary to law, morals, or public safety; or not relating to the manufacture of material objects; or of a mere theoretical nature; and all kinds of medicine, may not be patented.

Letters patent do not guarantee the utility or reality of the invention or discovery as claimed by the petitioner, nor do they

prove the existence of those properties which, according to law, an invention or discovery must possess in order to render the patent valid.

Patentees or their assigns may obtain a certificate of addition for any modification made by them in their original discovery or invention. The certificate extends the effect of the original patent to all such modifications from the date of application, and for the whole duration of the latter.

Letters patent take effect with respect to third parties from the date of application.

The duration of a patent can never exceed fifteen years, nor be less than one year.

Patents granted for less than fifteen years may be prolonged for one or more years, so long as the whole term does not exceed fifteen years.

All patents are subject to a proportional and annual tax; the proportional tax consists of a sum of as many ten lire as there are years in the duration of the patent; the annual tax is 40 lire for the first 3 years, 50 lire for the subsequent 3 years, 90 lire for the 7th, 8th, and 9th years, 115 lire for the 10th, 11th, and 12th years, and 140 lire for the remaining 3 years.

The first annuity and the proportional tax must be paid previous to the application for a patent. The other annuities must be paid in advance, *i. e.* on the first day of each year of the duration of the patent, and are also subject to the triennial increase, even in the case of a prolongation of the patent.

The delivery of a certificate of addition is subject only to the payment in advance of 20 lire.

Certificates of prolongation are subject to the payment of 40 lire, besides the proportional tax and annuities; the annuity corresponding to the first year of the prolongation must be paid at the time of application, and the subsequent annuities in advance.

An application for letters patent must be made to the Minister of Agriculture, Industry and Commerce, and must contain (1) the name and surname, birthplace and residence of the

inventor, or his representative; (2) the title of the invention, describing its precise features and object; (3) a statement of the duration of the term required.

One certificate only will be granted for an application, and one certificate only for a single invention. The application must be accompanied by a specification,—which must be in Italian or French,—drawings (if necessary), and the receipt for the tax. In cases of patents for importation, the original foreign patent, or a certified copy, and a power of attorney, must be sent; and in all cases a memorandum of documents and objects delivered is required.

During the first six months of the duration of a patent, any portion of it may be disclaimed on the payment of 40 lire.

Patents will be refused if there is no written application, or if in the application made the title of the invention or discovery has not been mentioned; if the specification is absent; if a single patent is demanded for different inventions or discoveries; or if several patents of the same nature or of different kinds are demanded in the same application; or if the fees do not correspond with the kind of patent asked for.

Assignments of patents must be registered, and are not valid with respect to other parties before the date of registration.

Patents cease to be valid (1) in cases of non-payment, even in a single instance of the annual tax within three months from the date of their expiration; (2) whenever an invention or discovery, patented for not more than five years, has not been worked within the first year of the grant of the patent, or whenever the patentee shall have discontinued working it during a whole year; (3) whenever a patent granted for more than five years has not been worked before the expiration of the second year, or whenever its working has been discontinued for two years. The patentee does not in any of these cases forfeit his rights, if the inaction is attributable to causes beyond his control. The want of pecuniary means is not included in these causes.

MEXICO.

INVENTORS must deliver to the Government, or to the magistrate of the place where they wish to execute their project, or to the magistrate of their residence, or to the governor of the state or territory to which that place belongs, the precise description, together with the drawings, models, and all they think to be required for explaining the object in view, all signed by their own hand, when the authorities will deliver to them a certificate. The patent is granted by the Governor.

In case the application has not been made directly to the government of the state, the local authorities are to forward such application, with all the documents, to the Governor, who, after making an entry of the same, is to forward them by the earliest mail to the Minister of the Interior, in case applicants should not do so by themselves.

In granting a patent, the Government does not examine the inventions or improvements as to their utility, but merely as to whether they are contrary to public safety, morality, laws, or regulations; and if not, the grant of protection cannot be refused to applicants.

Patents for inventions remain in vigour during ten years, and those for improvements during six years, to begin from the date of working the patent at any place of the republic.

Inventions or improvements are supposed to be worked from the day on which the patent has been delivered.

If inventors, or those who improve inventions, should wish to have their privilege limited to one state only, the patent is to be granted by the authorities of the said state.

Parties obtaining a patent for an invention or an improvement which has already been worked without a patent by another party, forfeit their privilege, although they declare to be the owners of the invention or improvement.

If the invention or improvement is of such a nature as to admit of its being kept secret, and if a patent has been ob-

tained for the same, the invention or improvement must be thrown open to the public at the expiration of the term.

Patents of improvements will remain inherent to those of the original invention, without prejudice to the arrangement both parties may come to.

If inventors, or those who improve inventions, should wish to have their privilege extended, they must apply to the Government, which is to make a report on purpose to the congress.

The patent fees vary between 10 and 300 dollars (pesos).

Importers of any branch of industry may obtain patents.

POLAND.

PATENTS for all kinds of inventions, discoveries, or improvements, as well as for importations, are granted in the kingdom of Poland.

Patents for inventions, discoveries, or improvements are granted for three, five, or ten years. Patents for importations can only be granted for the term obtained abroad.

Patents of invention are delivered on a mere application without previous examination, and consequently do not guarantee the merit, priority, or quality of the invention.

The right of working and manufacturing the patent article belongs, during the whole term of the patent, to the patentee or his assigns, except in the cases hereafter mentioned. However, if during that time other parties should take out a patent for an improvement in any part of the same invention, they acquire thereby the right of manufacturing that part only.

The taxes on patents are—

150 florins for 3 years.

250 „ 5 „

500 „ 10 „

and must be paid in advance.

All applications for patents must be made to the authorities

of the respective Governments, and at Warsaw to the Municipal Board, by fulfilling the following formalities :—

1. A declaration as to whether the article about to be patented is an original invention or an importation.

2. A complete specification (for the Board of Home Affairs and Public Instruction) of the principles, means, and processes that constitute the invention or improvement, as well as the required plans, sections, drawings, and models.

3. The specification must be clear and precise, so as to enable all manufacturers to use the invention at the expiration of the patent.

4. In cases of importations of inventions patented abroad, applicants must at the same time prove the article to be really patented abroad, and the foreign patent not to have expired.

5. Moreover, they must say whether they wish the description to be published in full, by extracts, or not at all.

Whenever patentees desire to transfer their patents entirely or partially to others, they, together with the assignees, must send an extract of the authentic act of transfer to the Board of Home Affairs and Public Instruction, to have it inserted in the public Register of Patents.

Patents for inventions that might be injurious to society, that relate to the common wants of life, or for objects that have already been manufactured in the country, will not be granted.

Patents are annulled—

1. (a) If inventors have not delivered an exact description, and indicated with clearness and precision the means of manufacturing the invention, discovery, or improvement; and if it is proved that it would be impossible to attain the object of the invention by following the published description and the information given by the inventor.

(b) If during the term mentioned in their letters patent inventors have not worked their invention, or if they cannot show good cause for such inaction.

2. By a judgment of decree of tribunals :—

(c) Whenever it is proved that the invention does not properly belong to the patentee; and also whenever it is proved that the same invention, discovery, or improvement has been known and published before the patent was applied for.

PORTUGAL.

PATENTS are granted for a term of years not exceeding fifteen to the inventor or discoverer, to enjoy during that time the right of property.

From the right of property to an invention is derived the exclusive right of producing or manufacturing the articles which constitute the said invention. Persons making additions to their inventions enjoy the advantage of the additional improvements, and they may apply for a French patent.

The publication of patents, their drawings, models, and specifications, which are required for obtaining the concession, must be shown gratuitously to every one who desires to see them. Applicants, by payment, can procure copies. On the Government devolves the duty to announce officially what patents have fallen into the dominion of the public.

The right of property conferred by a patent is transmissible by will to heirs and successors.

A register of all patents is kept in the Department of Public Works.

A tax of 120,000 reis is exacted on granting a patent for fifteen years, equivalent to about £26 sterling; of this amount 75,000 reis, or £18 12s., is set apart for a fund for the advancement of industry; the remaining sum is absorbed in stamps and fees paid to Government.

Medicines, articles of food, simple changes in the form of an object patented, and ornaments are excluded from obtaining patents.

The civil governor of the district is charged with the duty of granting patents, on whom devolves the duty also of for-

warding to the Office of Public Works information for their due registration.

An invention which involves danger to public safety is prohibited from obtaining a patent.

A foreigner can only obtain a patent subject to the rules laid down by the Civil Code of Portugal, and that also only for the period of time before it falls under the dominion of the public, in conformity with these rules.

No concession of patent for an improvement of an article already patented is granted, except to the patentee himself, during the first year after the patent is granted; application by another person may be made before the expiration of the year to the proper department, where such application will be taken into consideration.

This provision is to ensure to the first applicant the preference over other persons, with the exception of the original patentee, who always has the preference accorded to him, provided his application is also made during the first year.

PRUSSIA.

PATENTS can be obtained both for discoveries and for improvements, and also for the introduction into Prussia of inventions patented abroad.

New goods, new machines, new tools, and new modes of fabrication can be patented, but only on the condition that they are useful to industry and manufacture, and afford new means of industrial development.

Articles of invention patented abroad may also be patented in Prussia, provided, however, that no description of them shall have been published either here or elsewhere, and that no use shall have yet been made of the invention in Prussia.

When once the details of an invention have been published, either in Germany or elsewhere, officially or unofficially, before the application for the Prussian patent has been made in Berlin, it is invariably refused.

An article which is patented abroad may, if it fulfils the necessary requirements, be patented in Prussia by anybody. No rights whatever are reserved to the original patentee, except in the case of patents taken out in other German countries.

Under the agreement concluded between the Zollverein States in 1842, when a patent has been given for an invention in any one of those States, it secures to the patentee the sole right of applying for a patent for the same article in all the other States of the Confederation, but it does not necessarily follow from this that the Prussian authorities will give patents in every case where other German Governments have done so.

In Saxony, Bavaria and Württemberg, for instance, patents are much more easily obtained than they are in Prussia.

Patents are granted only to natives, or to the subjects of such countries as by treaty are entitled to most-favoured-nation treatment.

The application for a patent is made direct to the Minister of Commerce in Berlin, and must be accompanied by full descriptions, and, if necessary, also by models. These are, however, kept secret from everybody except from the persons whose special duty it is to examine and report upon them.

The applications are registered immediately on receipt at the Ministry, and take their precedence accordingly.

Under the Ministry of Commerce is a special department called the Technical Deputation for Industrial Matters, to whom all these applications are referred. It is their duty to examine the models, descriptions, &c., to see whether patents for similar or kindred inventions have been already given, and to ask for any further explanations which they may require. They then decide absolutely and without appeal whether they will grant the patent or not. They fix the length of time for which the patent is to hold good, and have moreover the right of declaring whether they will give a patent for the whole invention or only for some portion of it.

Their verdict is communicated to the person who has applied for the patent, and he is allowed a period of six weeks to decide whether he accepts or not the conditions proposed by the deputation.

If he agrees to accept them, the patent is then issued under the signature of the Minister of Commerce.

The following conditions are invariably imposed in the case of every patent which is granted:—

1. The patentee must give practical effect to his invention in Prussia within the time fixed by the Minister (usually six months, never more than a year), on pain of forfeiting his patent, and he must produce before the end of that term an official certificate from the local police, or at least from some Government employé, that his invention is, or has been, actually at work within the Prussian dominions.

2. If at any time during the period for which the patent is granted, his invention shall have been unemployed during twelve consecutive months, the patentee shall forfeit all his rights.

3. The patent shall equally be forfeited if, at any time afterwards, it can be proved that the invention was neither new nor original.

The period for which a patent is to run is laid down, specially for each case, in the rescript of the Minister of Commerce. The law is that it shall not be less than six months, nor more than fifteen year. ; but it is now usually fixed at three years.

A patent which is near expiring may in some cases be renewed, but the entire period for which it can last must never exceed fifteen years. Such prolongations, however, have lately been more difficult to obtain than they were formerly.

Unless in cases where the applicant himself demands a special exception, patents extend to the whole kingdom of Prussia.

The expenses of taking out a patent in Prussia are almost nominal.

The application for a patent must be written on stamped paper of 5 sgr. (6*d.*) The answer of the Technical Deputation is given on stamped paper of 15 sgr. (1*s.* 6*d.*), and the patent itself, if granted, is liable to a stamp duty of 1 th. (3*s.*) There is no further tax or duty whatever.

A patent in Prussia gives to the patentee the exclusive right of working his invention, that is to say, the sole right of making the article in question; and also, in the case of machinery, the sole right of employing it when made. It does not give the right of prohibiting the sale or importation of articles which are like the article for which the patent has been obtained.

RUSSIA.

PATENTS may be obtained for all kinds of discoveries, inventions, and improvements of general utility or a process of carrying on any art, trade, and manufacture.

Patents are granted without being guaranteed by the Government.

The law admits of patents for inventions that are privileged abroad.

Patents for inventions that are already known, but not privileged abroad, are granted only in case of exclusive utility, taking into consideration the expenses required for introducing them.

By the 152nd article of the Russian Code of Laws, vol. xi., relating to manufacturing industry, persons obtaining patents are bound to bring the patented inventions, &c. into operation in Russia before the expiration of the fourth part of the time granted by the patent, and a notification of the fact of the invention being carried out must be made to the Department of Interior Trade and Manufactures in the course of the six months following, and the exact locality stated where the invention is being carried out, otherwise the patent becomes public property. The declaration of the carrying out of the invention must be certified by the proper local administration.

The Department of Trade and Manufactures, on receipt of an application for a patent, accompanied by documents, delivers at once to the applicant a certificate of acknowledgment for such documents.

In cases in which a patent is not granted, the applicant is reimbursed the amount of the tax fixed for the patent, less the charges incurred on account of stamps, postage, and advertisements in the public newspapers.

Any patentee who may change his own invention by making an improvement in it, may take out another patent for such alteration by paying a new tax; but in every case a notification, together with a special description of the improvement must be made to the proper Department on the subject.

Any person making an improvement on an invention already patented can only obtain a special patent for such improvement after having come to terms with the holder of the original patent.

Formalities.—The petitioner must present to the Department of Interior Trade and Manufactures:—

(1) A petition stating the time for which the patent is desired, and the subject to which the invention refers. If the invention has been patented abroad the date on which a patent was granted for it must be stated, as well as the number of years for which it has been granted, or for which a prolongation of it is intended; it must likewise be stated whether the patent has been granted in a country in which the payment of the tax is made annually, as is the case, for instance, in Belgium.

(2) An exact description of the object for which the petitioner wishes to obtain the privilege or patent, specifying all the principal details, advantages, and the way of employing it, with the plans and drawings respecting it. If, for a clearer explanation, it should be necessary to add to the description a model, the petitioner is bound to forward it.

A translation of the description must be furnished in the Russian language.

(3) A receipt certifying the payment of the duties, according to a fixed rate.

Duration.—The duration of a patent is reckoned from the day on which the patent is signed.

Patents for inventions belonging to the applicant are granted for three, five, or ten years—the longest term.

Patents for the introduction of foreign inventions cannot exceed the term of the privilege granted abroad to the inventor; at all events, cannot exceed six years, unless the petitioner be the inventor himself, in which case he may obtain a patent for a term of ten years.

Tax.—The duties for discoveries, inventions, and improvements belonging to the applicant for the patent are:—

For 3 years	.	.	.	.	90 roubles = £12.
„ 5	„	.	.	.	150 „ 20.
„ 10	„	.	.	.	450 „ 60.

For the introduction of foreign inventions:—

For 1 year	.	.	.	.	60 roubles = £8.
„ 2 years	.	.	.	.	120 „ 16.
„ 3	„	.	.	.	180 „ 24.
„ 4	„	.	.	.	240 „ 32.
„ 5	„	.	.	.	300 „ 40.
„ 6	„	.	.	.	360 „ 48.

Transfer of Patents.—The patentee may transfer the patent to another person, wholly or partly, or be in partnership with some one else; but the law prohibits either to cede it to any company of shareholders, or be in partnership with it, without being specially authorised by the Government.

Loss of Right.—The causes of forfeiture are:—

(1) If the invention has not been fully carried out before the expiration of the fourth part of the time granted by the patent.

(2) The want of novelty.

(3) Proof that the patentee falsely gave out the invention or discovery for his own, and if the real inventor claims it.

(4) The deficiency of the specification, or a dissimulation

of the essential parts, indispensable for procuring the declared result.

(The expiration of patents is published in the newspapers.)

Infringement.—The patentee has a right to prosecute counterfeiters, and to claim damages in respect of the infringement of the patent.

SPAIN.

LETTERS patent for original inventions are delivered for five, ten, or fifteen years, at the option of the inventor. Letters patent for inventions imported from abroad (patents of importation) are only granted for five years, and available only for the working of the invention within the kingdom; such patentees therefore cannot import their patent article from abroad ready made, unless by submitting to the common duties on foreign articles.

Patents granted for five years may be extended to five years more, if there exist good reason for so doing; those granted for ten or fifteen years cannot be prolonged.

Patents of invention may be taken for objects which have not been worked in Spain or foreign countries, and objects worked abroad but not in Spain are patentable as importations. However, those objects of which models or descriptions in the Spanish language exist at the Royal Conservatory of Arts, cannot be patented unless three years have elapsed since their importation without their being put into practice, in which case letters patent of importation for five years only can be granted.

Royal letters patent may be solicited by the applicants themselves, or their attorney, by means of a memorial, addressed to the governor of the province where they reside, or at Madrid, if convenient.

The memorial must be accompanied with,—

1. A petition on stamped paper, mentioning the object of the patent, whether an original or imported invention, and its duration according. Each application must not contain more than one object.

2. A plan or model, with the description and explanation of the object concerning the mechanism or process represented as not being used at that time, all with the greatest correctness and clearness, so that there never could arise any doubt about the object or its particular nature, which applicants represent as not having been worked in that form, since the patent bears on that point only.

Models must be delivered in a closed and sealed case, and plans, descriptions, and explanations, in a sealed cover.

At the delivery of letters patent a proper receipt of the prepayment of the following taxes to the Conservatory of Arts must be produced, viz. :—

For a privilege of 5 years	.	.	.	1000	reis.
Do.	10	„	.	3000	„
Do.	15	„	.	6000	„
For a privilege of importation of five years				3000	„

Besides, 80 reis are to be paid for the delivery of the letters patent themselves.

Patents may be transferred, presented, sold, exchanged, and bequeathed by last will, like any common private property.

All transfers must be made in writing, and express whether the patent is transferred for the whole kingdom or for one or more provinces, or for certain places only; moreover, whether the renunciation is made absolutely or with certain reserves, whether it was made with the right of transferring the patent to others or no, and whether the owner prefers to see it transferred to one or more persons.

Assignees shall be bound to produce the written assignment before the Governor where the application for the patent was made, and the latter, after taking cognizance thereof, shall deliver it to the Council of the Exchequer, who shall inform thereof the Director of the Conservatory of Arts for his registering the same, according to Art. 14. Assignments not presented within thirty days of their date are null and void.

The duration of a patent commences from its date.

Patents become null and void in the following cases:—

1. At the expiration of the legal term.
2. If patentees do not apply for their patents within three months of their first application.
3. If patentees have not put their inventions into practice themselves or by others within one year and one day.
4. If patentees give up their invention by interrupting their works during one year and one day.
5. If the invention is proved to be worked already somewhere in the kingdom, or published in a book or by prints, models, plans, or descriptions existing at the Royal Conservatory of Arts, or if it is worked in another country whilst it is represented by the patentee as new and original.

UNITED STATES OF AMERICA.

PATENTS may be granted for any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter not known or used before the application.

The inventor must make an application in writing to the Commissioners of Patents. The form is not material, provided it sets forth the facts to which the applicant is required to make oath, which are that he verily believes himself to be the original and first inventor, that he does not know or believe that the same was ever before known or used, and also of what country he is a citizen.

The taxes are as follows:—On the application for a patent, 15 dollars; on the issue, 20 dollars. The inventor may disclaim any portion of the invention that is not new. Any addition or improvement requires a new patent. If the specification is defective or insufficient, the patent may be surrendered, and re-issued for the residue of the term.

All patents are granted for seventeen years, and no extension is allowed. The term of a patent which has been

patented abroad expires with the term of the foreign patent.

Letters patent are void if the patentee claims what he knows to be useless, or if he withholds any part of his knowledge from the public, or if there has been any previous use of the invention.

Drawings and written references, where the nature of the case admits of drawings, must accompany the specification, which must be in such full, clear and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains to make, construct, compound and use the same. The part, improvement, or combination which the patentee claims as his own invention must be particularly specified and pointed out.

Every patent is assignable, either as to the whole interest or any undivided part thereof. The assignment, and also every grant and conveyance of the exclusive right, under any patent, to make and use, and to grant to others to make and use the thing patented, must be recorded in the Patent Office within three months of the execution thereof.

All applications for patents must be completed and prepared for examination within two years after the filing of the petition, and in default thereof will be regarded as abandoned.

WÜRTEMBERG.

PATENTS in Würtemberg are divided into patents for invention and patents for introduction. The latter, however, have reference solely to foreign patents introduced into Würtemberg. A patent for invention taken out in the kingdom includes and carries with it a patent also for introduction. All that is necessary to obtain the latter in the case of a foreigner or native is the production of a certified copy of the foreign patent, together with the written consent of the patentee to its introduction. Every petition for a patent, accompanied by a specification in writing, sealed or open, as

the applicant may prefer, must be delivered at the district Government Office of the locality where the petitioner resides, and is immediately forwarded to the Central Board of Trade and Commerce at Stuttgart, which is a Department of the Ministry of the Interior. The petition is then referred for examination to a Commission *ad hoc*, whose business it is to examine the specification, and report whether it is "useful and new."

No patent can be granted for a longer term than ten years, but the average period of grants is for five, or even less. The patentee, however, can always obtain an extension of the term up to ten years. No fees are payable for the mere grant of a patent, but the patentee has to pay an annual tax, ranging from 5 fl. (8s. 6d.) to 20 fl. (£1 13s. 4d.), until the patent expires or is void. A foreigner patenting an invention in Würtemberg is obliged to find some native of the country to stand security for the annual payment of the patent-tax.

An annual tax of from 5 to 20 florins is payable for a patent during the period for which it is in force; the first payment is to be made when the patent is issued, and it is to be repeated at the commencement of each year of the period. When a patent ceases to be valid before the expiration of the term for which it was granted, the patentee is released from the payment of the tax for the year which has not yet fallen due.

Foreigners applying for patents must furnish the authority to which they deliver their application with a reference to some native of Würtemberg, who will be responsible for the payment of the patent-tax.

A patentee who has concealed or who has incorrectly described an essential part of his invention, with a view to keeping his process a secret, after the lapse of the term for which the patent was granted, renders himself liable to the penalty for fraud; and if the process in question was injurious to the public, to the additional penalty incurred thereby.

ZOLLVEREIN.

EVERY State belonging to the Zollverein possesses the power of granting, by letters patent, a privilege conveying to an individual or individuals specified therein the sole right to make, use, or dispose of some new inventions or discovery for a certain fixed period.

This power, however, has been limited and defined by certain regulations agreed upon at Stuttgart in 1841, between the Zollverein States. The object having been, on the one hand, to remove as far as possible all obstacles to the freedom of trade within the Zollverein States arising from patents or privileges, and, on the other, to establish uniformity in all essential points.

Patents may be granted for those things only which are really novel and peculiar. A patent, consequently, cannot be granted for inventions which have been already practised, have been vendible, or in any way known within the Zollverein previous to the grant of the patent; especially inventions already described in native or foreign works, by drawings or otherwise, in such a way that they can be practised by any competent person.

Each Government is to be the judge whether any invention, for which a patent is demanded, is really novel or peculiar.

No patent shall be granted in one Zollverein State for an invention by a German subject who has obtained a patent for the same in another German State, except to the inventor himself or his legal successor.

A patent may nevertheless be granted for an improvement to an old invention, if the improvement constitutes something novel and peculiar; but the patent must be confined to the addition or improvement, and not injure the patent granted for the original thing.

The grant of a patent does not establish the right to prohibit or limit the importation of such articles as have to do with those for which a patent has been granted, nor the sale and disposal in trade of such articles, nor can the holder claim

in virtue of his patent the right to prohibit the use or consumption of articles of the above kind not procured by him, or obtained elsewhere with his consent, machines and implements for manufacture and industry being alone excepted, these not being general articles of commerce destined for consumption by the public at large.

On the other hand, every Zollverein Government in granting a patent may secure to the holder within their territory the right of the exclusive manufacture or practise of the invention in question, or the right to introduce—

(a) A new process or method of manufacture; or,

(b) To apply exclusively new machines or implements for manufacture, so that he is entitled to prohibit the use of the method, or the use of the machines or implements by all those who have not acquired the right to do so from him, or procured the said machines or implements from him.

In every State of the Union the subjects of other States of the Union are treated on an equality with their own subjects, both in respect to grants of patents and protection in the enjoyment of the privileges acquired by the patent.

The grant of a patent, however, in one State will never be held as a valid reason for the non-refusal of a patent for the same thing in other States. On the contrary, every State within the limits agreed upon is the judge whether a patent ought to be granted or not, without reference to what may have taken place in the matter in any other Zollverein State.

Further, the grant of a patent does not convey in itself to the subject of another State the right of independent settlement, or of carrying on the trade or business in which the article for which a patent has been granted is used; on the contrary, such right must be specially acquired according to the provisions of the constitution of each State.

A patent becomes void if the invention eventually proves to be neither novel or peculiar.

A patent granted for an invention previously known to certain individuals, but kept secret by them, remains in force, unless rendered void by other causes, except as regards those individuals.

When a patent is granted, the invention must be specified, with the name and domicile of the holder, the period of duration, and must also be notified in the Official Gazette.

Similarly, the prolongation of withdrawal of a patent before the termination of the originally fixed period must be publicly made known.

Persons applying for letters patent must send in a petition in writing to the Board of Trade. The petition must contain accurately and fully the following particulars:—

(1) Christian and surname, profession, domicile, and present residence of the applicant.

(2) Declaration and distinct statement of the nature of the invention.

(3) The distinct statement of the grounds of the petition for an exclusive right—

(a) To manufacture or introduce a new article; or,

(b) To apply new instruments for manufacture (machines or implements); or,

(c) To apply a new method of manufacture.

(4) The number of years for which the patent is demanded. This petition must be accompanied by an accurate description of the articles for which the patent is demanded, with drawings, models and patterns necessary for the elucidation of the same.

This description may be sent in with the petition, either open or sealed up.

If the patent is not demanded by the inventor himself, a power must be obtained from him in duly legalized form.

When the petition is for the privilege of introducing an article similar in kind to one already known, and for which a patent has already been obtained in a foreign country, such patent must be annexed in original or legalised copy.

Foreigners must send in a declaration in the form of a regular deed drawn up by a solvent Baden subject, resident in the Grand Duchy, by which the latter renders himself responsible for the payment of the costs, taxes and fees, and also for the transmission to the applicant of the ministerial decision.

By a Law of 29th July, 1864, respecting stamps, fees and taxes, in matters connected with the Civil and Police Administration, the stamp charged on petitions is fixed at 15 kr. (about 5*d.*), and the tax on letters patent from 15 to 500 fl. (£1 5*s.* to £42.)

Besides this, the cost of the examination of the petitions for patents must be reimbursed to the Treasury, generally 6 fl. (10*s.*) a day for the time spent by a technologist.

The holder of a patent can transfer the right which he acquires by the patent to others for the period of its duration, or admit others to participate in the enjoyment of the same.

On the death of a holder of a patent before its expiration, the right passes to his heirs.

Notice must be given to the Board of Trade on every change of possession taking place, and this must be inserted in the Government Gazette.

A petition for the prolongation of a patent granted for less than fifteen years must be sent into the Board of Trade some months before its expiration. A decision is then passed after due investigation.

When granted, the applicant obtains a fresh Act, and notice is given in the Government Gazette.

The same taxes and fees have to be paid as before.

COLONIAL LAW.

BRITISH GUIANA.

THE Law relating to the grant of patents in British Guiana is very similar to the English law. The application for a patent is made to the governor, and must be accompanied by an affidavit and provisional specification.

In the event of any inventor being resident out of the colony, the petition, affidavit, and provisional specification may be lodged by any person acting as his agent in the colony, pro-

vided that the petition and affidavit of such inventor (or his declaration in places where a declaration is allowed by law instead of an oath) be certified. The complete specification may be deposited in the same manner.

Applications are referred to the Attorney General for examination and report.

The complete specification protects the invention for twelve months. The sum of 100 dollars stamp duty must be paid at the expiration of seven years.

The provisions as to disclaimers and extension are similar to those in force in this country.

CANADA.

ANY person being a subject of Her Majesty and residing in the province having discovered or invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement or any art, machine, manufacture or composition of matter, the same not being known or used in the province by others before his discovery or invention, and not being at the time of his application in public use or on sale in the province with his consent or allowance as the inventor or discoverer thereof, and desiring to obtain an exclusive property therein, may apply by petition to the governor of the province for a patent.

The governor on due proceedings being had is to grant such patent, which is available to the grantee, his heirs, lawful representatives or assigns for the period of fourteen years.

An original and true inventor is not deprived of his right to take out a patent in the province by reason of his having previously taken out a patent in a foreign country, and of the same having been published at any time within six months next preceding the filing of the specification.

The inventor before receiving his patent must make a solemn declaration that he believes that he is the true inventor or discoverer of the art, machine, or improvement for which he solicits a patent. He must deliver such a written

description in duplicate of his invention as will enable a skilled person to make or use it. Drawings, where the nature of the invention permits, or specimens of ingredients, must be delivered with the specification. He may also have to deliver a model if required.

Patent privileges extend to and include any subject of Her Majesty, being an inhabitant of the province, who in his travels in any foreign country has discovered or obtained a knowledge of, and is desirous of introducing into the provinces any new and useful invention not known and not in use in the province, except inventions discovered or used in the United States of America; or in any part of Her Majesty's dominions in Europe and America. Patents are assignable in law either as to the whole interest or any undivided part thereof by an instrument in writing, which assignment and also every licence must be recorded within two months from the execution thereof.

Patents may be issued to the assignee of the inventor, the assignment being first recorded, and the application being duly made and solemnly declared by the inventor.

In case of the death of the inventor, the right of applying for and obtaining a patent devolves on his executor or administrator in trust for the heir-at-law of the deceased, if he died intestate, or on his legal representative in any other case.

Patents may be extended for seven years.

Whenever a patent is invalid by reason of a defective specification, then, if the error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the patentee may surrender such patent and obtain a new patent, to be issued to him for the same invention for the residue of the unexpired period of the original patent, in accordance with the corrected specification. The patentee may disclaim part of the invention claimed by mistake.

The specification and drawings may be amended. The date of the patent must be marked on each article offered for sale.

The fee to be paid on presenting the petition is twenty dollars.

CAPE OF GOOD HOPE.

THE law of this Colony is based upon the Patent Law Amendment Act. The application must be made at the office of the Colonial Secretary, where a specification, which may be amended before the issue of the patent, is left. The application is referred to the Attorney-General, whose recommendation is followed. The term is fourteen years. Portions of the invention may be disclaimed, and the letters patent may be assigned. The following fees have to be paid:—

	£	s.	d.
On depositing specification	2	10	0
To the Attorney-General for any appointment	2	4	6
On obtaining letters patent	2	10	0
At or before the expiration of the third year	10	0	0
At or before the expiration of the seventh year	20	0	0

CEYLON.

AN inventor must petition the Governor for leave to file a specification of his invention. The petition must be in writing, signed by the petitioner or his agent, and must state his name, condition, and residence, and the nature of the invention. An order may be made granting the petitioner leave to file a specification; and if within six months from the date of the order a specification is filed, letters patent will be granted for the term of fourteen years, and for such further term not exceeding fourteen years as the Governor may think fit, upon petition presented not more than one year and not less than six months before the expiration of the original term.

The specification must be in writing, signed by the petitioner, and must particularly describe and ascertain the nature of the invention, and in what manner it is to be carried out.

The petition and specification must be left with the Colo-

nial Secretary, accompanied by a declaration signed by the petitioner, similar to the declaration required in this country; and if the inventor is absent from Ceylon, by a declaration signed by his agent, to the effect that he verily believes that the declaration purporting to be the declaration of the inventor was signed by him, and that its contents are true.

No specification will be filed until all the fees required are paid.

An invention will be deemed to be new if it has not—before the time of applying for leave to file the specification—been publicly used in Ceylon.

The specification may be amended when it is defective or insufficient, provided that there is no fraud.

Where the patent has been obtained by fraud, the patentee may, upon proceedings instituted by the true inventor within two years from the date of the petition to file the specification, be compelled to assign the patent to the true inventor. Every petition for leave to file a specification, or the extension of the term of the patent, must be written or printed upon stamped paper of the value of ten pounds.

INDIA.

THE Act of the 17th May, 1859, entitles inventors of any new manufacture to petition the Governor-General in Council for leave to file a specification thereof, and gives a form of petition, and authorises the Governor-General in Council to grant the petition; but he may previously refer it to be reported upon; and if within six months after the date of the order a specification be filed, the petitioner shall be entitled to a patent for fourteen years, and for such further term not exceeding fourteen years more, as the Governor-General in Council may direct upon petition.

The order authorising the filing of the specification may be made subject to any conditions and restrictions the Governor-General may direct.

The petition must be accompanied with a declaration by the inventor or his agent, as the case may be.

No specification can be filed until the necessary fees are paid.

A book is kept in the office of the Secretary to the Government of India, to record the petition and specification, and the order for the same, and all orders relating thereto; such book is open for inspection, and a certified copy of any entry in it may be obtained; such copy to be *primâ facie* evidence.

If from mistake or inadvertence a mis-statement has been made in the petition, or specification, or something not new or not invented by the inventor is stated, he may petition for leave to file a memorandum pointing out such error, defect, or insufficiency, and disclaiming any part of the alleged invention, or, in case of any defect or insufficiency of the specification, for leave to file an amended specification. The petition must state how the error, defect or insufficiency occurred, and that it was not fraudulently intended.

No person may have a patent if the invention is not useful, or not new, or not by the petitioner, or if the specification has defects specified, or contains wilful or fraudulent mis-statement.

The patent will be revoked if it appears that it is; or the mode in which it is exercised is; mischievous to the State, or generally prejudicial to the public; or if there has been any breach of the conditions upon which it is granted.

The importer of an invention will not be deemed to be an inventor within the meaning of the Act, unless he is the actual inventor.

A patent may be taken out by a foreign inventor.

An invention is deemed to be a new invention, if it has not, before the time of applying for leave to file the specification, been publicly used in India, or in any part of the United Kingdom of Great Britain and Ireland, or been made publicly known in any part of India or of the United Kingdom by means of a publication, either printed or written, or partly printed and part written. But public use or knowledge is of

no effect, if made in fraud or breach of confidence—unless acquiesced in ; and public use by or for the inventor himself for a year prior to the date of his petition will not prevent his taking out a patent.

An inventor who has obtained an English patent may, within twelve calendar months from the date of such patent, petition for leave to file a specification of such invention ; and in such a case, the invention will be deemed to be a new invention, if it was not publicly known or used in India at or before the date of the petition for such letters patent, notwithstanding it may have been publicly known or used in some part of the United Kingdom or India before the time of petitioning for leave to file the specification. The petitioner must state that such letters patent have been granted, and the date thereof, and the term during which they are to continue in force. The Indian patent will determine if the English patent is revoked or cancelled ; and will not be allowed to extend beyond the term of the English patent, unless the same is extended in England, in which case the Indian patent may also be extended for the same term. The Court has power, upon an action for infringement, to cause the specification to be amended where there is no fraud. Where the actual inventor is able to prove that the patent has been fraudulently obtained, the patentee may be compelled to assign the patent to the inventor, and account to him for profits.

The petition must bear a stamp of the value of 100 rupees.

JAMAICA.

AN inventor must apply to the governor by petition for letters patent. If the inventor is an absentee the application may be made by his attorney. The petition must be accompanied with a declaration of belief that the petitioner is the true inventor and also with a specification, and model in case of a machine, and also drawings and specimens. The

term of the grant is fourteen years, and extension may be granted for a further term of seven years. If any letters patent are not brought into operation within two years they will be forfeited and become void.

The patentee may assign or transfer the whole or any part of his patent, and the assignment must be recorded.

Patents may be granted to assignees of foreign patents.

The provisions as to disclaimers are similar to those in force in this country.

The fee on petition is £5.

NEWFOUNDLAND.

By the law of 1856 it is provided that: Whenever any person whomsoever shall apply to the governor alleging that he has invented and discovered any new and useful art, machine, manufacture or composition of matter, not previously known or used and shall by petition to the governor signify his desire to obtain an exclusive property in such new invention and discovery, and shall pray that a patent be granted for the same, it shall be lawful for the governor to cause letters patent to be issued which shall recite the allegations in the petition and shall give a short description of the invention and discovery, for the term of fourteen years.

A declaration as to the novelty of the invention must be made before the patent is granted.

A specification must be delivered at the office of the Colonial Secretary, together with drawings, models and specimens according to the nature of the invention.

The patent may be assigned.

No applicant will be deprived of his right to a patent by reason of his having previously taken out a patent in any other country, if the same has not been introduced into use in the colony, provided that the colonial patent does not continue in force after the foreign patent has expired.

Patents may be granted to the assignee of a person who has

taken out a patent abroad, but not for any invention made abroad for which no patent has been there obtained.

The patent will be void if not worked within two years from the grant.

The Act contains provisions for disclaiming portions of the specification, and in certain cases for the surrender and re-issue of the letters patent.

The sum of £5 must be deposited with the Colonial Secretary upon an application for a patent.

NEW SOUTH WALES.

THE governor may grant letters of registration, for a period of not less than seven or more than fourteen years, for all inventions or improvements in the arts or manufactures, to the author or authors, or designer or designers, or to his or their agents or assignees. Such letters must be registered in the supreme court within three days after the grant.

The applicant must deposit with the colonial treasurer the sum of £20, and after such deposit present a petition to the governor, specifying the particulars of his invention.

The grantee of any such letter of registration may assign the same by an instrument in writing under his hand and seal, to be registered in the supreme court in the same manner and within the same period as the original letter.

Any such letter may be repealed in the same manner as other grants of the Crown.

NEW ZEALAND.

THE patent laws of this colony are similar to those in force here.

All applications for the grant of letters patent must be made to the governor by petition.

The following fees must be paid :

	£	s.	d.
On depositing specification	2	10	0
On obtaining letters patent	2	10	0
At or before the expiration of the third year .	15	0	0

No person may receive letters patent for an invention or discovery for which letters patent or any like protection has been issued in Great Britain or any other colony, but the governor may on the application of the patentee or his assignee upon payment to the colonial treasurer of the sum of £10 grant letters of registration, which have the same effect as letters patent to continue during the term of the original patent.

 QUEENSLAND.

NO patent laws have been enacted in the colony of Queensland since its separation from New South Wales, but the Colonial Act of New South Wales (*see supra*) was continued in force in this colony by an order in council of the 6th November, 1859.

 SOUTH AUSTRALIA.

THE law in this colony is similar to that of New South Wales (*supra*).

 TASMANIA.

THE patent law of Tasmania is similar to the English law.

The following fees must be paid :

	£	s.	d.
On depositing specification	2	10	0
To the law officer for any appointment .	2	4	6
On obtaining letters patent	2	10	0
At or before the expiration of the third year	15	0	0
At or before the expiration of the seventh year	20	0	0

TRINIDAD.

THE Registrar General on an application by or on behalf of an inventor, and on the delivery of a declaration of novelty, together with a specification signed by the applicant or his agent, may deliver a certificate which protects the invention for the term of fourteen years.

The certificate may be assigned.

Any portion of the invention may be disclaimed either by the inventor or by his assignee.

The following fees must be paid :

	£	s.	d.
On leaving any declaration of invention and specification	10	0	0
Every disclaimer	2	0	0

VICTORIA.

THE patent law of Victoria is similar to the English law.

The same fees must be paid as in Tasmania.

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