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SUPPLEMENT

TO

**CARPMAEL'S PATENT LAWS
OF THE WORLD.**

Carpmael, Alfred

SUPPLEMENT

TO

CARPMAEL'S PATENT LAWS
OF THE WORLD.

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OF

THE INSTITUTE OF PATENT AGENTS.

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P R E F A C E.

THE following "Supplement to Carpmael's Patent Laws of the World" has, by the wish of the Institute of Patent Agents, been prepared by a Committee of Fellows of the Institute with the object of bringing down to the latest date precise information as to the various legal enactments in foreign countries and the colonies. It has not been thought necessary to include the British amending Acts. Although a very considerable amount of care has been exercised in translating the foreign laws, it is of course possible that omissions or inaccuracies may be detected, and should this be so, the Editing Committee would be pleased to receive particulars thereof.

Mr. Edward Carpmael, as one of the Committee, has devoted much time and labour to the preparation of the work, and to his energy and ability the issue of the present volume is largely due.

INSTITUTE OF PATENT AGENTS.

19 Southampton Buildings,
Chancery Lane,
London, January, 1889.

OCT 29 1909

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THE
PATENT LAWS OF THE WORLD.

BOLIVIA.

Law of May 8th, 1858.

Art. 1.

THE law shall secure to every inventor the full and entire enjoyment of his invention so far as it is not contrary to law or morality.

Art. 2.

Methods or means which may be discovered for the improvement of any manufacture or industry shall likewise be deemed to be an invention.

Art. 3.

That which is destined solely to produce modifications of shape and objects of pure ornament shall not be considered as inventions.

Art. 4.

The State may buy the secret of any invention useful to industry for the general benefit.

Art. 5.

To secure to the author of an invention or improvement the exclusive enjoyment of his ownership, there may be granted to him a privilege for not less than ten nor more than fifteen years.

Art. 6.

Exclusive privileges shall not be granted to inventors of secret remedies; their publication for fair compensation is the duty of the inventor.

Art. 7.

Importers of machinery or new methods of manufacture or industry which were not previously known in the Republic are also entitled to exclusive privileges. This concession will be governed by the following scale:—

Art. 8.

If the establishment of the machine or industry imported requires an outlay or advance of twenty-five thousand dollars, the privilege shall be for three years; if it reaches fifty thousand, for six years; and if a hundred thousand or more, for ten years.

Art. 9.

The privilege granted to importers of machinery or new methods of manufacture or industry already used and known abroad, shall be restricted to the locality in which the machine is worked or to the territory necessary to secure its benefits.

On the mode of obtaining privileges of invention, improvement and importation.

Art. 10.

The person who applies for either of the two first classes of privilege shall explain in what the invention or improvement consists, reserving to himself the secret of the method, simples or ingredients which he uses, or the instrument of which he avails himself. He shall also send with his petition a specimen of the manufacture, worked metal or product of the improved or perfected invention.

Art. 11.

When the privilege is for an importation, the applicant shall produce with his petition drawings or models of the machine

which he proposes to establish, or a detailed description of the principles, methods and processes of the industry which he proposes to introduce into the Territory of the Republic, as well as of the product which he proposes to elaborate.

Art. 12.

The Government shall thereupon appoint a Commission of three persons competent to judge of the matter or to examine the process or secret of which the invention, improvement or importation consists.

Art. 13.

This Commission for the examination and investigation mentioned in the preceding article shall always be presided over by the Political Chief of the locality in question in conjunction with two members of the Municipal Council.

Art. 14.

The two Municipal Councillors and the three members of the Commission appointed by the Government shall make oath before the said Political Chief not to reveal the secret and to fulfil their commission faithfully.

Art. 15.

The Commission and the two Municipal Councillors shall then without the presence of the interested party discuss the report which they are to make, noting any difference of opinion which may arise amongst the members of the Commission.

Art. 16.

The report mentioned in the preceding article shall be remitted to the Secretary of the Interior with an endorsement that the contents are to be kept secret, and enclosing in the same packet the description of the method, machinery or details of which the improvement, invention or importation consists.

Art. 17.

Within three months at the most after the receipt of the report of the Commission appointed to examine the invention, improvement or importation of the new industry, the Government shall deliver the patent in question on stamped paper of

the first class, ordering that the packet which contains the secret or the description mentioned in Art. 11 shall be kept locked up in the Office of the Secretary of the Interior.

Art. 18.

In order to avoid any abuse which patentees might make of their title deeds, the Government shall set forth in the patent that it does not guarantee the reality, the merit or the utility of the invention, improvement or importation, and that these are at the charge and risk of the interested party.

Art. 19.

A patentee who desires to make variations in his invention or in his petition before having obtained his title deed or during the term of his privilege, must make his declaration in writing accompanying it with a description of his new methods in the form and manner prescribed in Art. 10, in order to obtain the variation of his privilege, the duration of which shall not be thereby extended.

On the rights of Patentees.

Art. 20.

The patentee shall enjoy exclusively the exercise and fruits of the invention, improvement, or importation for which he holds his privilege.

Art. 21.

The patentee shall have the right of forming establishments in any part of the Republic, if his privilege extends to the whole of it, or in any locality to which it is restricted, and to authorize other persons to apply and make use of his methods; as also the power of disposing of his rights as objects of personal property.

Art. 22.

The patentee shall not assign his privilege either wholly or partially except by public instrument on pain of losing his privilege.

Art. 23.

Priority in the petition for a privilege in the event of dispute or doubt between two applicants shall be decided by the

certificate of the branch Secretary who shall note the day and hour on which petitions of this kind are received.

On the duration of privileges.

Art. 24.

The duration of privileges of invention, improvement or importation shall commence from the date of the decree which grants them.

Art. 25.

The title deeds of privileges granted by the Government shall be registered in a special register at the office of the Secretary of the Interior. There shall be also deposited there until the expiration of the term of the privilege the original petition, the descriptions and other papers referred to in Art. 10.

Art. 26.

The granting of privileges shall be communicated officially by the Secretary of the Interior in a despatch to the Political Chiefs of the districts and published in the official journal. It shall also be registered in the collection of Laws and Decrees.

On the rights of the nation at the expiration of the term of the privileges.

Art. 27.

At the expiration of the term of the duration of the privilege, the invention, improvement or importation of the new industrial method shall become public property.

Art. 28.

On the expiration of the duration of the privilege, the petition, description, and other papers referred to in Art. 10 shall be published and deposited in the public library of the capital of the State.

Art. 29.

If the privilege lapses through any of the causes laid down by this law, there shall be a like publication and deposit for the purposes expressed in Art. 27.

Art. 30.

The Government shall order the descriptions to be printed and the necessary drawings to be made for a due understanding of the methods which become subject to public use and shall forward sufficient copies to the Political Chiefs of the districts.

On the guarantees of the privilege against fraud.

Art. 31.

The patentee upon giving security and sufficient bond may make application for the seizure of the machines, instruments, and products which may be established, used, or elaborated in fraud of his rights.

Art. 32.

If the author of the fraud is convicted he shall be condemned to the confiscation of the property seized in the favour of the patentee, and to pay the latter damages proportionate to the extent of the fraud.

Art. 33.

If the fraud is not proved the prosecuting patentee shall be condemned in the damages caused by the seizure in favour of the defendant and to pay a fine equal to that the latter would have had to have paid if he had been convicted of the fraud.

Art. 34.

If the patentee is disturbed in the exercise of his exclusive right he may proceed against the disturbers in the ordinary Courts of Law for the infliction of the penalties prescribed by the preceding articles. But if a dispute arises as to the validity or lapse of the privilege it must be tried in the Tribunal for contentious administrative cases.

Art. 35.

In case of question or dispute between two patentees for the same invention, if the similarity is absolute the privilege shall be valid which comes first in point of time.

Art. 36.

The later patentee shall in that case be considered as improver of the invention.

*On the guarantees of the nation against abuses on the part of
Patentees.*

Art. 37.

A privilege granted for an invention, improvement, or importation which the Courts condemn as contrary to the laws of the State, to public safety or to the police regulations, shall be null and void. The patentee shall also in that case lose his right to indemnification.

Art. 38.

Privileges shall lapse, not only in the cases already specified, but also in the following:—

1. If the inventor is convicted of having concealed in his description the true methods of working his invention.

2. If the inventor is convicted of using secret methods which are not detailed in his description or in the declaration which Art. 19 allows to be made for the modification of the same.

3. If the inventor or the person calling himself such is convicted of having obtained the privilege for an invention already described and published in the press, within or without the Republic.

4. If the patentee allows a year and a day to elapse after the date on which the privilege was granted to him without having put his invention into complete practice unless he excuses his omission by justifiable causes according to the laws.

5. If the inventor or the assignee of his rights by whatever title contravenes the obligations attached to the use of the privilege.

Art. 39.

In all cases of nullity of the privilege or of its lapsing from any cause whatsoever, the provisions of Art. 27 shall apply.

B O R N E O (British North).

Proclamation No. 1 of 1887.

WHEREAS it is expedient to make provision by law for the encouragement of inventors of new manufactures by giving certain exclusive privileges to such inventors:—

It is hereby enacted by the Governor of British North Borneo as follows:—

Straits Settlements Inventions Ordinance, 1871, adopted.

1. The Ordinance of the Legislative Council of the Straits Settlements numbered XII. of 1871, and entitled, "An ordinance for granting exclusive privileges to inventors," and enacted on the 15th day of November, 1871, is hereby adopted as the law of this Territory, and any references to persons, places, or subjects in the said Ordinance shall be taken as referring to corresponding or analogous persons, places, or subjects in this Territory.

Short Title. Date of Operation.

2. This proclamation may be cited as the "Patents Proclamation, 1887," and shall come into operation on the 1st April, 1887.

CANADA.

CHAPTER 61.—A.D. 1886.

An Act respecting Patents of Invention.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as "*The Patent Act.*"

INTERPRETATION.

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

"Minister."

(a.) The expression "the Minister," means the Minister of Agriculture;

"Commissioner." "Deputy Commissioner."

(b.) The expression "Commissioner" means the Commissioner of Patents, and the expression "Deputy Commissioner" means the Deputy Commissioner of Patents;

"Invention."

(c.) The expression "invention" means any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement in any art, machine, manufacture or composition of matter;

“Legal Representatives.”

(d.) The expression “legal representatives” includes heirs, executors, administrators and assigns or other legal representatives.

PATENT OFFICE AND APPOINTMENT OF OFFICERS.

Patent Office constituted.

3. There shall be attached to the Department of Agriculture, as a branch thereof, an office which shall be called the Patent Office; and the Minister of Agriculture for the time being shall be the Commissioner of Patents.

Duties of the Commissioner.

4. The Commissioner shall receive all applications, fees, papers, documents and models for patents, and shall perform and do all acts and things requisite for the granting and issuing of patents of invention; and he shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office.

Deputy and Officers.

5. The deputy of the Ministers of Agriculture shall be the Deputy Commissioner of Patents, and the Governor in Council may, from time to time, appoint such officers and clerks under the Deputy Commissioner as are necessary for the purposes of this Act, and such officers and clerks shall hold office during pleasure.

Seal.

6. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office.

APPLICATIONS FOR PATENTS.

Who may obtain patents.

7. Any person who has invented any new and useful art, machine, manufacture or composition of matter, or any new

and useful improvement in any art, machine, manufacture or composition of matter, which was not known or used by any other person before his invention thereof, and which has not been in public use or on sale with the consent or allowance of the inventor thereof, for more than one year previously to his application for patent therefor in Canada, may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention :

What may not be patented.

(2.) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem.

As to inventions for which foreign patents have been taken out.

Expiry of patent in such cases.

8. No inventor shall be entitled to a patent for his invention if a patent therefor, in any other country, has been in existence in such country for more than twelve months prior to the application for such patent in Canada; and if, during such twelve months, any person has commenced to manufacture in Canada the invention for which such patent is afterwards obtained, such person shall continue to have the right to manufacture and sell such article, notwithstanding such patent; and under any circumstances, if a foreign patent exists, the Canadian patent shall expire at the earliest date at which any foreign patent for the same invention expires.

Improvements may be patented.

9. Any person who has invented any improvement on any patented invention, may obtain a patent for such improvement; but he shall not thereby obtain the right of vending or using the original invention, nor shall the patent for the original invention confer the right of vending or using the patented improvement.

Oath to be made by inventor.

10. Every inventor shall, before a patent can be obtained, make oath, or, when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily

believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the petition contained are respectively true and correct :

Or by the applicant if the inventor is dead.

(2.) In the event of the inventor being dead, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is, was the inventor of the invention for which the patent is solicited, and that the several allegations in the petition contained are respectively true and correct :

Before whom oath may be made.

(3.) Such oath or affirmation may be made before any justice of the peace in Canada ; but if the inventor or the applicant is not at the time in Canada, the oath or affirmation may be made before any Minister plenipotentiary, *chargé d'affaires*, consul, vice-consul or consular agent, holding commission under the Government of the United Kingdom, or before any judge of a court of record or a public notary, or the mayor or other chief magistrate of any city, borough or town corporate in the country in which the applicant is at the time he makes such oath or affirmation.

Domicile.

11. The applicant for a patent shall, for the purposes of this Act, elect his domicile at some known and specified place in Canada, and shall mention the same in his petition for a patent.

Particulars required in application.

12. The applicant shall, in his petition for a patent, insert the title or name of the invention, and shall, with the petition, send in a specification in duplicate of the invention.

What the specification shall show.

13. The specification shall correctly and fully describe the mode or modes of operating the invention, as contemplated by the inventor ; and shall state clearly and distinctly the contrivances and things which he claims as new and for the use of which he claims an exclusive property and privilege :

Place and date.

(2.) Such specification shall bear the name of the place where, and the date when it is made, and shall be signed by the inventor, if he is alive, and if not, by the applicant and by two witnesses to such signature of the inventor or applicant :

In the case of a machine.

(3.) In the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same :

Drawings to be furnished in certain cases.

(4.) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate, showing clearly all parts of the invention ; and each drawing shall bear the signature of the inventor, if he is alive, and if not of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification ; but the Commissioner may require further drawings or dispense with any of them, as he sees fit :

Drawings how disposed of.

(5.) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office :

Certain matters may be dispensed with.

(6.) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part.

Working model to be delivered. Or specimens of ingredients.

14. The applicant shall deliver to the Commissioner, unless the same is specially dispensed with for some good reason, a neat working model of his invention, on a convenient scale,

exhibiting its several parts in due proportion, whenever the invention admits of such model; and shall deliver to the Commissioner specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter,—if such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they shall be furnished only when specially required by the Commissioner, and then with such precautions as are prescribed in the requisition therefor.

Case of withdrawal.

15. In the case of withdrawal of any application for a patent, a fresh application, as if no proceeding had taken place in the matter, shall be necessary to revive the claim.

REFUSAL TO GRANT PATENTS.

Commissioner may object to grant a patent in certain cases.

16. The Commissioner may object to grant a patent in any of the following cases:—

(a.) When he is of opinion that the alleged invention is not patentable in law;

(b.) When it appears to him that the invention is already in the possession of the public, with the consent or allowance of the inventor;

(c.) When it appears to him that there is no novelty in the invention;

(d.) When it appears to him that the invention has been described in a book or other printed publication before the date of the application, or is otherwise in the possession of the public;

(e.) When it appears to him that the invention has already been patented in Canada or elsewhere, if the case is one within the eighth section of this Act, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor.

Applicant to be notified.

17. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor, with sufficient detail

to enable the applicant to answer, if he can, the objection of Commissioner.

Appeal to Governor in Council.

18. Every applicant who has failed to obtain a patent by reason of the objection of the Commissioner as aforesaid, may, at any time within six months after notice thereof has been addressed to him or his agent, appeal from his decision of the Commissioner to the Governor in Council.

CONFLICTING APPLICATIONS.

Arbitration in case of conflicting applications.

19. In case of conflicting applications for any patent, the same shall be submitted to the arbitration of three skilled persons, two of whom shall be chosen by the applicants, one by each, and the third of whom shall be chosen by the Commissioner or by the Deputy Commissioner or by the person appointed to perform the duty of that officer; and the decision or award of such arbitrators, or of any two of them, delivered to the Commissioner in writing, and subscribed by them or any two of them, shall be final, as far as concerns the granting of the patent:

Failure to appoint arbitrator.

(2.) If either of the applicants refuses or fails to choose an arbitrator, when required so to do by the Commissioner, and if there are only two such applicants, the patent shall issue to the opposing applicant:

In certain cases Commissioner may appoint.

(3.) If there are more than two conflicting applications, and if the persons applying do not all unite in appointing three arbitrators, the Commissioner or the Deputy Commissioner or person appointed to perform the duty of that officer, may appoint the three arbitrators for the purposes aforesaid:

Arbitrators to be sworn.

(4.) The arbitrators so named shall subscribe and take, before a judge of any court of record in Canada, an oath in the form following, that is to say:—

Form of oath.

“ I, the undersigned (A.B), being duly appointed an arbitrator
 “ under the authority of ‘ *The Patent Act,*’ do hereby solemnly
 “ swear (or affirm as the case may be), that I will well and truly
 “ perform the duty of such arbitrator on the conflicting appli-
 “ cations of (C.D. and E.F.) submitted to me :”

Powers of the arbitrators. Proviso.

(5.) The arbitrators, or any one of them, when so sworn, may summon before them any applicant or other person, and may require him to give evidence on oath, orally or in writing (or on solemn affirmation if such applicant or person is entitled to affirm in civil cases), and to produce such documents and things as such arbitrators deem requisite to the full investigation of the matters into which they are appointed to examine, and they shall have the same power to enforce the attendance of such applicants and other persons, and to compel them to give evidence, as is vested in any court of justice in civil cases, in the Province in which the arbitration is held: but no such applicant or person shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution :

Their remuneration.

(6.) The fees for the services of such arbitrators shall be a matter of agreement between the arbitrators and the applicants, and shall be paid by the applicants who name them respectively, except those of the arbitrator or arbitrators named by the Commissioner, which shall be paid by the applicants jointly.

GRANT AND DURATION OF PATENTS.

What the patent shall contain and confer.

20. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall grant to the patentee and his legal representatives, for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction :

Joint applications.

(2.) In cases of joint applications, the patents shall be granted in the names of all the applicants.

Form of issue.

21. Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner or of some other member of the Queen's Privy Council for Canada, acting for him, and when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent:

Patent may be referred to the Minister of Justice.

(2.) The Commissioner may require that any patent, before it is signed by the Commissioner or by any other member of the Queen's Privy Council for Canada, acting for him, and before the seal hereinbefore mentioned is affixed to it, shall be examined by the Minister of Justice; and if such examination is so required, the Minister of Justice shall, accordingly, examine it, and if he finds it conformable to law, he shall certify accordingly, and such patent may then be signed, and the seal affixed thereto.

Duration of patent.

22. The term limited for the duration of every patent of invention issued by the Patent Office shall be fifteen years; but at the time of the application therefore it shall be at the option of the applicant to pay the full fee required for the term of fifteen years, or the partial fee required for the term of five years, or the partial fee required for the term of ten years:

If partial fee only is paid.

(2.) If a partial fee only is paid, the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or on this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of five or ten years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time adopted,

which certificate shall be attached to and refer to the patent, and shall be under the signature of the Commissioner, or the signature of any other member of the Queen's Privy Council for Canada acting for him :

Effect of second and of further payment.

(3.) If such second payment, together with the first payment, makes up only the fee required for ten years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of ten years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining five years, making up the full term of fifteen years, and obtains a like certificate in respect thereof.

RE-ISSUE OF PATENTS.

In certain cases new patent or amended specification may be issued.

23. Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention for any part or for the whole of the then unexpired residue of the term for which the original patent was, or might have been granted :

Death or assignment.

(2.) In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives :

Effect of new patent.

(3.) Such new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent :

Separate patents for separate parts of invention.

(4.) The Commissioner may entertain separate applications, and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a re-issue for each of such re-issued patents.

DISCLAIMERS.

Patentee may disclaim anything included in patent by mistake.

24. Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor,—or has, in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented, of which he was not the first inventor, and to which he had no lawful right—the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof:

Form and attestation of disclaimer.

(2.) Such disclaimer shall be in writing, and in duplicate, and shall be attested in the manner hereinbefore prescribed in respect of an application for a patent; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification:

Not to affect pending suits.

(3.) Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it:

In case of death of patentee.

(4.) In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer:

Effect of disclaimer.

(5.) The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly.

ASSIGNMENTS.

When representatives may obtain the patent.

25. The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment or bequest, to the legal representatives of the deceased inventor.

Patents to be assignable. Registration. Assignment null if not registered.

26. Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner, from time to time, prescribed by the Commissioner for such registration; and every assignment affecting a patent for invention shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims.

Assignment in case of joint application, &c.

27. In cases of joint applications or grants, every assignment from one or more of the applicants or patentees to the other or others, or to any other person, shall be registered in like manner as other assignments.

IMPEACHMENT AND OTHER LEGAL PROCEEDINGS IN RESPECT OF
PATENTS.

Patent to be void in certain cases, or valid only for part. Copies of judgment to be sent to Patent Office.

28. A patent shall be void, if any material allegation in the petition or declaration of the applicant herein before mentioned in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading; but if it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to; and two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made part of it by a reference thereto.

Remedy for infringement of patent.

29. Every person who, without the consent in writing of the patentee, makes, constructs or puts in practice any invention for which a patent has been obtained under this Act or any previous Act, or who procures such invention from any person not authorized by the patentee or his legal representatives to make or use it, and who uses it, shall be liable to the patentee or his legal representatives in an action of damages for so doing; and the judgment shall be enforced, and the damages and costs that are adjudged shall be recoverable, in like manner as in other cases in the court in which the action is brought.

Action for infringement of patent.

30. Any action for the infringement of a patent may be brought in any court of record having jurisdiction, to the amount of the damages claimed, in the Province in which the infringement is alleged to have taken place, and which is also that one of the said courts which holds its sittings nearest to

the place of residence or of business of the defendant; and such court shall decide the case and determine as to costs.

Injunction may issue. Appeal.

31. In any action for the infringement of a patent, the court if sitting, or any judge thereof if the court is not sitting, may, on the application of the plaintiff or defendant respectively, make such order for an injunction, restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience of such order, or for inspection or account, and respecting the same and the proceedings in the action, as the court or judge sees fit; but, from such order, an appeal shall lie under the same circumstances, and to the same court, as from other judgments or orders of the court in which the order is made.

Court may discriminate in certain cases.

32. Whenever the plaintiff, in any such action, fails to sustain his action, because his specification and claim embrace more than that of which he was the first inventor, and it appears that the defendant used or infringed any part of the invention justly and truly specified and claimed as new, the court may discriminate,—and the judgment may be rendered accordingly.

Defence in actions for infringement.

33. The defendant, in any such action, may plead specially as matter of defence, any fact or default which, by this Act, or by law, renders the patent void; and the court shall take cognizance of that special pleading and of the facts connected therewith, and shall decide the case accordingly.

Proceedings for impeachment of patent.

34. Any person who desires to impeach any patent issued under this Act, may obtain a sealed and certified copy of the patent, and of the petition, affidavit, specification and drawings thereunto relating, and may have the same filed in the office of the prothonotary or clerk of the Superior Court for Lower Canada in Quebec, or of any of the divisions of the High Court of Justice for Ontario, or of the Supreme Court in Nova Scotia, or of the Supreme Court in New Brunswick, or of the Supreme

Court of Judicature in Prince Edward Island, or of the Supreme Court in British Columbia, or of the Court of Queen's Bench in Manitoba or of the Supreme Court in the North-West Territories, according to the domicile elected by the patentee, as aforesaid,—which courts, respectively, shall adjudicate on the matter and decide as to costs; and if the domicile elected by the patentee is in the District of Keewatin, the Court of Queen's Bench of Manitoba shall have jurisdiction until there is a superior court in such District, after which such superior court shall have jurisdiction:

Scire facias may issue.

(2.) The patent and documents aforesaid shall then be held as of record in such courts respectively, so that a writ of *scire facias* under the seal of the court, grounded upon such record, may issue for the repeal of the patent, for cause as aforesaid, if, upon proceedings had upon the writ in accordance with the meaning of this Act, the patent is adjudged to be void.

Judgment voiding patent to be filed in Patent Office.

35. A certificate of the judgment avoiding any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided.

Appeal.

36. The judgment declaring or refusing to declare any patent void shall be subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which the judgment declaring or refusing to declare such patent void, was rendered.

FORFEITURE OF PATENTS.

Patent conditional as to manufacture in Canada. Importation prohibited after twelve months. Decision of disputes.

37. Every patent granted, under this Act, shall be subject and be expressed to be subject to the condition that such patent and all the rights and privileges thereby granted shall cease and determine, and that the patent shall be null and void at the end

of two years from the date thereof, unless the patentee or his legal representatives, within that period, commence, and, after such commencement, continuously carry on in Canada the construction or manufacture of the invention patented, in such manner that any person desiring to use it may obtain it, or cause it to be made for him, at a reasonable price at some manufactory or establishment for making or constructing it in Canada,—and that such patent shall be void if, after the expiration of twelve months from the granting thereof, the patentee or his legal representatives or his assignee for the whole or part of his interest in the patent imports or causes to be imported into Canada, the invention for which the patent is granted; and if any dispute arises as to whether a patent has or has not become null and void under the provisions of this section, such dispute shall be decided by the Minister or the deputy of the Minister of Agriculture, whose decision in the matter shall be final:

Term for manufacture in Canada may be extended.

(2.) Whenever a patentee has been unable to carry on the construction or manufacture of his invention within the two years hereinbefore mentioned, the Commissioner may, at any time not more than three months before the expiration of that term, grant to the patentee an extension of the term of two years on his proving to the satisfaction of the Commissioner that he was, for reasons beyond his control, prevented from complying with the above condition:

Term for importation may be extended. Proviso.

(3.) The Commissioner may grant to the patentee, or to his legal representatives or assignees for the whole or any part of the patent, an extension for a further term not exceeding one year, beyond the twelve months limited by this section, during which he may import or cause to be imported into Canada the invention for which the patent is granted, if the patentee or his legal representatives, or assignee for the whole or any part of the patent, show cause, satisfactory to the Commissioner, to warrant the granting of such extension; but no extension shall be granted unless application is made to the Commissioner at some time within three months before the expiry of the twelve months aforesaid, or of any extension thereof.

CAVEATS.

Intending applicant for patent may file a caveat.

38. Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file, in the Patent Office, a description of his invention so far, with or without plans, at his own will; and the Commissioner, on payment of the fee in this Act prescribed, shall cause the said document, which shall be called a caveat, to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said applicant or by any judicial tribunal,—but the secrecy of the document shall cease when the applicant obtains a patent for his invention:

Notice of application by another to be sent to person filing caveat.

(2.) If application is made by any other person for a patent for any invention with which such caveat may, in any respect, interfere, the Commissioner shall forthwith give notice, by mail, of such application, to the person who has filed such caveat, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the caveat, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications:

Duration of caveat.

(3.) Unless the person filing a caveat makes application within one year from the filing thereof for a patent, the Commissioner shall be relieved from the obligation of giving notice, and the caveat shall then remain as a simple matter of proof as to novelty or priority of invention, if required.

PATENT FEES.

Tariff of fees.

39. The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

Full fee for 15 years	\$ 60 00
Partial fee for 10 years	40 00
Partial fee for 5 years	20 00
Fee for further term of 10 years	40 00

Fee for further term of 5 years	\$ 20 00
On lodging a caveat	5 00
On asking to register a judgment <i>pro tanto</i>	4 00
On asking to register an assignment	2 00
On asking to attach a disclaimer to a patent	2 00
On asking for a copy of patent with specification	4 00
On petition to re-issue a patent after surrender, and on petition to extend a former patent to the whole of Canada for every unexpired year of the duration of the provincial or sub-patent, the fee shall be at the rate of	4 00

On office copies of documents, not above mentioned, the following charges shall be made:—

For every single or first folio of certified copy	\$ 0 50
For every subsequent hundred words (fractions from and under fifty not being counted, and over fifty being counted for one hundred)	0 25

For copies of drawings.

40. For every copy of drawings, the person applying shall pay such sum as the Commissioner considers a fair remuneration for the time and labour expended thereon by any officer of the Patent Office or of the department or person employed to perform such service.

Fees to be in full for all services.

41. The said fees shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office.

Application of fees. Exception.

42. All fees received under this Act shall be paid over to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office.

Return of fees in certain cases only.

43. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and no fee, when paid, shall be returned to the person who paid it, except,—

(a.) When the invention is not susceptible of being patented ;
or—

(b.) When the petition for a patent is withdrawn :

And in every such case the Commissioner may return the fee paid less the sum of ten dollars.

GENERAL PROVISIONS.

Government may use patented invention.

44. The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof.

As to use of patented invention in foreign vessels.

45. No patent shall extend to prevent the use of any invention in any foreign ship or vessel, if such invention is not so used for the manufacture of any goods to be vended within or exported from Canada.

Patent not to affect a previous purchaser. Proviso : as to other persons.

46. Every person who, before the issuing of a patent, has purchased, constructed or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing ; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention, by the person first aforesaid or by those to whom he has sold the same unless the same was purchased, constructed, acquired or used, with the consent or allowance of the inventor thereof, for a longer period than one year before the application for a patent therefor—making the invention one which had become public and in public use.

Inspection by the public.

47. All specifications, drawings, models, disclaimers, judgments and other papers, except caveats, shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf.

As to clerical errors.

48. Clerical errors which occur in the framing or copying of any instrument in the Patent Office shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Commissioner.

Destroyed patent may be replaced.

49. If any patent is destroyed or lost, another patent of the like tenor, date and effect may be issued in lieu thereof, upon the person who applies therefor paying the fees hereinbefore prescribed for office copies of documents.

Seal of Patent Office to be evidence.

50. Every court, judge and person whomsoever shall take notice of the seal of the Patent Office and shall receive the impressions thereof in evidence, in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office.

Officers of Patent Office not to deal in patents.

51. No officer or employé of the Patent Office shall buy, sell or acquire or traffic in any invention or patent, or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employé, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor, or to any acquisition by bequest.

Regulations may be made and forms prescribed.

52. The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act,—and notice thereof shall be given in the *Canada Gazette*; and all documents, executed in conformity with the same and accepted by the Commissioner, shall be held valid, so far as relates to proceedings in the Patent Office.

Annual report for Parliament.

53. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall, from time to time, and at least once in each year, publish a list of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest, or essential parts thereof, to be printed, from time to time, for distribution or sale.

OFFENCES AND PENALTIES.*Patented articles to be stamped or marked. Penalty for default.*

54. Every patentee under this Act shall stamp or engrave on each patented article sold or offered for sale by him the year of the date of the patent applying to such article, thus: "Patented 1886," or as the case may be; or when, from the nature of the article, this cannot be done, then by affixing to it, or to every package wherein one or more of such articles is or are enclosed a label marked with a like notice; and any such patentee selling or offering for sale any such patented article not so marked, or not enclosed in a package so marked, shall be liable to a penalty not exceeding one hundred dollars, and in default of the payment of such penalty, to imprisonment for a term not exceeding two months.

Falsely marking an article as patented a misdemeanor. Punishment.

55. Every person who writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name or any imitation of the name of any patentee for the sole making or selling of such thing, without the consent of such patentee,—or who, without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words, "patent," "letters patent," "Queen's patent," "patented," or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark, or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee or his legal representatives; or who offers for sale as patented any

article not patented in Canada, for the purpose of deceiving the public, is guilty of a misdemeanor, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both.

Making certain false entries on copies a misdemeanor.

56. Every person who wilfully makes or causes to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who produces or tenders any such false or altered document in evidence, knowing the same to be such, is guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment accordingly.

PATENTS ISSUED UNDER FORMER ACTS.

Certain existing patents to remain in force.

57. Every patent issued under any Act of Parliament of Canada, or of the legislature of the late Province of Canada, or of the legislature of any Province now forming part of Canada, shall remain in force for the same term and for the same extent of territory as if the Acts under which they were issued had not been repealed, but subject to the provisions of this Act in so far as the same are applicable to them :

Extension of such patent.

(2.) The Commissioner may, upon the application of the patentee named in any such patent, who is the inventor of the subject matter of the patent, if the subject matter of the patent has not been known or used, and has not, with the consent of the patentee, been on sale in any of the other Provinces of Canada, issue, on payment of the proper fees in that behalf, a patent under this Act, extending such Provincial patent over the whole of Canada, for the remainder of the term mentioned in the Provincial patent.

Duration of certain patents.

58. Every patent heretofore issued by the Patent Office in respect of which the fee required for the whole or for any unexpired portion of the term of fifteen years, has been duly paid according to the provisions of the law under which such patent was issued in that behalf, has been and shall be deemed to have been issued for the term of fifteen years, subject, in case

a partial fee only has been paid, to its ceasing on the same conditions on which patents hereafter issued are to cease under the operation of this Act.

Extension to Prince Edward Island.

59. Every patent issued prior to the eighth day of April one thousand eight hundred and seventy-five, under the Acts respecting patents then in force in Canada, shall extend over the Province of Prince Edward Island for the remainder of the term mentioned therein.

C O N G O .

Law of October 29th, 1886.

LÉOPOLD II., King of the Belgians, Sovereign of the Independent State of the Congo; To all present and to come; Greeting:—

Considering that it is necessary to encourage new and useful inventions by granting to their authors for a limited time the exclusive enjoyment of these inventions:—

Upon the proposition of our Council of General Administrators:—

We have decreed and decree:—

Art. 1.

Every discovery and every improvement capable of being worked as an object of industry or commerce is patentable.

Art. 2.

Patents will be granted without previous examination at the risk and peril of the applicants, without guarantee either of the reality or of the novelty or of the merit of the invention or of the correctness of the description, and without prejudice to the rights of third parties.

Art. 3.

Patents are of three kinds: Patents of invention; Patents of importation; and Patents of improvement.

Art. 4.

The date of the lodging of the application is that of the patent.

Art. 5.

The term of a patent of invention is twenty years.

The term of a patent of importation is limited by that of the foreign patent.

Patents of improvement expire at the same time as the principal patent.

Art. 6.

Every patent requires the payment of the sum of one hundred francs. Patents of improvement are not liable to any tax.

The payments shall be made in advance.

Art. 7.

The issue of every patent shall be advertised in the *Bulletin Officiel*.

Art. 8.

Patents confer on their owners the right of prosecuting, before the tribunals, those who may attack their rights, of recovering damages from the infringers, and, according to the case, of having decreed the confiscation of articles made in contravention of the patent.

Art. 9.

Our Administrator-General of the Department of Foreign Affairs shall issue the patents in our name: he shall take all necessary measures relative to the present decree, which comes into force this day.

Given at Brussels, the 29th of October, 1886.

Decree of October 30th, 1886.

The Administrator-General of the Department of Foreign Affairs, under the decree on patents dated the 29th of October, 1886, prescribes:—

Art. 1.

Any person who wishes to take a patent of invention, of importation or of improvement must lodge an application to that effect at the Department of Foreign Affairs either directly or through the agency of the Administrator-General of the Congo.

To this application must be annexed duplicate copies, of which one shall be sent to the Director of Justice at the Congo, of:—

1. A certified description agreeing with the object invented.
2. The drawings, models or specimens which may be necessary for understanding the description.

Art. 2.

The application shall be drawn up on unstamped paper; it shall state the Christian and surname, profession and residence of the inventor.

When it relates to a patent of importation, the petition shall set out the date and term of the original patent and the country where it was granted.

Art. 3.

All the papers must be dated and signed by the applicant or by his attorney, whose power, duly legalized, shall remain annexed to the application.

Art. 4.

There shall be given to the applicant or his attorney a receipt for the papers lodged, which shall fix the day and hour of the application. This receipt shall only be given on payment of the fees, and mention shall be made in it of this payment.

Art. 5.

The patent shall mention expressly that the grant is made without preliminary examination, at the risk and peril of the applicants, without guarantee either of the reality or of the novelty or of the merit of the invention, or of the exactitude of the description, and without prejudice to the rights of third parties.

Art. 6.

The first copy of patents shall be made without charge. All other copies shall be certified as agreeing with the original and shall be subject to a tax of five francs.

Art. 7.

All assignments or changes in ownership, total or partial, shall be notified to the Department of Foreign Affairs. The notification of the assignment or any deed involving change in ownership must be accompanied by an authentic extract of the deed of assignment or change.

Art. 8.

The deeds of assignment or change shall be published in the *Bulletin Officiel* in the same way as grants of patents, in accordance with Article 7 of the decree of the 29th October, 1886.

ECUADOR.

Law of October 18th, 1880.

Art. 1.

THE law shall secure to every inventor the full and entire enjoyment of his invention so far as it is not contrary to law or morality.

Art. 2.

Methods or means which may be discovered for the improvement of any manufacture or industry shall likewise be deemed to be an invention.

Art. 3.

That which is destined solely to produce modifications of shape and objects of pure ornament shall not be considered as inventions.

Art. 4.

The State may buy the secret of any invention useful to industry for the general benefit.

Art. 5.

To secure to the author of an invention or improvement the exclusive enjoyment of his ownership, there may be granted to him a privilege for not less than ten nor more than fifteen years.

Art. 6.

Exclusive privileges shall not be granted to inventors of secret remedies; their publication for fair compensation is the duty of the inventor.

Art. 7.

Importers of machinery or of new methods of manufacture or industry which were not previously known in the Republic are also entitled to exclusive privileges. This concession will be governed by the following scale :—

Art. 8.

If the establishment of the machine or industry imported requires an outlay or advance of twenty-five thousand dollars, the privilege shall be for three years; if it reaches fifty thousand, for six years; and if a hundred thousand or more, for ten years.

Art. 9.

The privilege granted to importers of machinery or new methods of manufacture or industry already used and known abroad, shall be restricted to the locality in which the machine is worked or to the territory necessary to secure its benefits.

On the mode of obtaining privileges of invention, improvement, and importation.

Art. 10.

The person who applies for any of the classes of privilege shall make representation to the Executive Power explaining in what the invention or improvement consists, reserving to himself the secret of the method, simples or ingredients which he uses, or the instrument of which he avails himself. He shall also send with his petition a specimen of the manufacture, worked metal or product of the improved or perfected invention.

Art. 11.

When the privilege is for an importation, the applicant shall produce, with his petition, drawings or models of the machine which he proposes to establish, or a detailed description of the principles, methods, and processes of the industry which he proposes to introduce into the Territory of the Republic, as well as of the product which he proposes to elaborate.

Art. 12.

The Government shall thereupon appoint a Commission of three persons competent to judge of the matter or to examine

the process or secret of which the invention, improvement, or importation consists.

Art. 13.

This Commission shall always be presided over by the Political Chief of the Canton in which the privilege is to be worked, and if it is to be for the whole Republic, by the Political Chief of the Canton in which the application was made, with two members of the Municipal Council who shall, jointly, make the examination and investigation referred to in the preceding article.

Art. 14.

The two Municipal Councillors and the three members of the Commission appointed by the Government, shall make oath before the said Political Chief not to reveal the secret and to fulfil their commission faithfully.

Art. 15.

The Commission and the two Municipal Councillors shall then, without the presence of the interested party, discuss the report which they are to make, noting any difference of opinion which may arise amongst the members of the Commission.

Art. 16.

The report mentioned in the preceding article shall be remitted to the Minister of the Interior with an endorsement that the contents are to be kept secret, and enclosing in the same packet the description of the method, machinery, or details of which the improvement, invention, or importation consists.

Art. 17.

Within three months at most after the receipt of the report of the Commission appointed to examine the invention, improvement, or importation of the new industry, the Executive Power shall deliver the papers to Congress together with the aforesaid report.

Congress, after examining the same, will grant or refuse the privilege; in the former case it will return the documents to the Executive Power for the issue of the corresponding patent, on stamped paper of the tenth class, ordering the packet

containing the petition with the description referred to in Art. 11 to be kept locked up at the Ministry of the Interior.

Art. 18.

In order to avoid any abuse which patentees might make of their title-deeds, the Government shall set forth in the patent that it does not guarantee the reality, the merit, or the utility of the invention, improvement, or importation, and that these are at the charge and risk of the interested party.

Art. 19.

A patentee who desires to make variations in his invention or in his petition before having obtained his title-deed, or during the term of his privilege, must make his declaration in writing, accompanying it with a description of his new methods in the form and manner prescribed in Art. 10, in order to obtain the variation of his privilege, the duration of which shall not be thereby extended.

On the rights of Patentees.

Art. 20.

The patentee shall enjoy exclusively the exercise and fruits of the invention, improvement, or importation for which he holds his privilege.

Art. 21.

The patentee shall have the right of forming establishments in any part of the Republic, if his privilege extends to the whole of it, or in any locality to which it is restricted, and to authorize other persons to apply and make use of his methods; as also the power of disposing of his rights as objects of personal property.

Art. 22.

The patentee shall not assign his privilege either wholly or partially, except by public instrument, on pain of losing his privilege.

Art. 23.

Priority in the petition for a privilege in the event of dispute or doubt between two applicants shall be decided by the

certificate of the Under Secretary of the Interior, who shall note the day and hour on which petitions of this kind are received.

On the duration of the privileges.

Art. 24.

The duration of privileges of invention, improvement, and importation shall commence from the date of the decree which grants them.

Art. 25.

The title-deeds of patentees granted by the Government shall be registered in a Special Register at the Ministry of the Interior. There shall also be deposited there until the expiration of the term of the privilege, the original petition, the descriptions and other papers referred to in Art. 10.

Art. 26.

The granting of privileges shall be communicated officially by the Ministry of the Interior to the Provincial Governors, and published in the Official Journal. It shall also be registered in the collection of Laws and Decrees.

On the rights of the nation at the expiration of the term of the privileges.

Art. 27.

At the expiration of the term of the duration of the privilege, the invention, improvement, or importation of the new industrial method shall become public property.

Art. 28.

On the expiration of the duration of the privilege, the petition, description, and other papers referred to in Art. 10 shall be published and deposited in the public library of the capital of the Republic.

Art. 29.

If the privilege lapses through any of the causes laid down in this law, there shall be a like publication and deposit for the purposes expressed in Art. 27.

Art. 30.

The Government shall order the descriptions to be printed, and the necessary drawings to be made for a due understanding of the methods which become subject to public use and shall forward sufficient copies to the Provincial Governors.

On the guarantees of the privilege against fraud.

Art. 31.

The patentee upon giving security and sufficient bond may make application for the seizure of the machines, instruments and products which may be established, used, or elaborated in fraud of his rights, proceeding for that purpose in conformity with the laws in force.

Art. 32.

If the author of the fraud is convicted he shall be condemned to the confiscation of the property seized in favour of the patentee, and to pay the latter damages proportionate to the extent of the fraud.

Art. 33.

If the fraud is not proved the prosecuting patentee shall be condemned in the damages caused by the seizure in favour of the defendant, and to pay a fine equal to that which the latter would have had to pay if he had been convicted of the fraud.

Art. 34.

If the patentee is disturbed in the exercise of his exclusive right he may proceed against the disturbers, in the ordinary Courts of Law, for the infliction of the penalties prescribed by the preceding articles. But if a dispute arises as to the validity or the lapse of the privilege, the Minister of the Interior shall take cognizance thereof as administrative tribunal.

Art. 35.

In case of question or dispute between two patentees for the same invention, if the similarity is absolute the privilege shall be valid which comes first in point of time.

Art. 36.

The later patentee shall in that case be considered as improver of the invention.

On the guarantees of the nation against abuses on the part of patentees.

Art. 37.

A privilege granted for an invention, improvement, or importation which the Courts condemn as contrary to the laws of the State, to public safety, or to the police regulations shall be null and void. The patentee shall also in that case lose his right to indemnification.

Art. 38.

Privileges shall lapse, not only in the cases already specified, but also in the following :—

1. If the inventor is convicted of having concealed in his description the true methods of carrying his invention into practice.
2. If the inventor is convicted of using secret methods which are not detailed in the description or in the declaration which Art. 19 allows to be made for the modification of the same.
3. If the inventor or the person calling himself such is convicted of having obtained the privilege for an invention already described and published in the press, within or without the Republic.
4. If the patentee allows a year and a day to elapse after the date on which the privilege was granted to him without having put his invention into complete practice, unless he excuses his omission by justifiable causes according to the laws. And
5. If the inventor or the assignee of his rights by whatever title contravenes the obligations attached to the use of the privilege.

Art. 39.

In all cases of nullity of the privilege or of its lapsing from any cause whatsoever, the provisions of Art. 27 shall apply.

Art. 40.

Every patentee must offer to submit to the laws of the country in all matter that may arise in respect of the grant, expressly renouncing all diplomatic claims or intervention.

Art. 41.

All patentees existing in the Republic remain subject as regards the lapsing of privileges to the provisions of the present law.

GUATEMALA.

Law of May 21st, 1886.

THE Legislative Assembly of the Republic of Guatemala, considering that it is necessary to amplify, in a manner suitable to the interests of the country and in harmony with liberal principles, Art. 20 of the Constitution, which in one of its parts guarantees to the author or inventor the property in his work or invention and to regulate at the same time the functions the same article gives to the Executive Power; Decrees that:—

Art. 1.

Every discovery or invention in whatsoever kind of industry, gives to its author the exclusive right to utilize his invention or improvement for the time and under the conditions established by this law.

Art. 2.

Every native of Guatemala or foreigner domiciled in Guatemala who invents or perfects any machine, instrument or mechanical apparatus, manufacture of whatsoever kind, or process capable of useful application in the sciences or arts, can obtain from the Executive a "Patent of invention" or "Patent of improvement" assuring to him, for a term of from five to fifteen years, the property in his invention or improvement.

Art. 3.

To obtain this patent the person interested shall apply to the Minister of the Interior, either personally or by attorney, declaring his invention or improvement, explaining it with clearness and soliciting the privilege.

Art. 4.

If the patent be granted, the grantee shall present within forty days an exact drawing of the machine or mechanical apparatus in question, or a detailed description of the new process, annexing a specimen of the manufacture or product, if possible and if it can be preserved, in order that it may be deposited in the office of the Chamber under the care of the officer in charge, and may serve as proof in case of litigation under the patent.

Art. 5.

Persons may obtain patents if they have obtained patents in other countries, provided their discovery has not been published in the Dominion, and if there exists a convention between the Government of the country in question and that of Guatemala.

These patents shall expire with the foreign patents, but if the term of the latter be more than fifteen years, the grant shall not exceed that time.

Art. 6.

The privilege granted shall be entered in a special book which shall be kept in the Secretary's office.

Art. 7.

In the patent that is issued shall be inserted the terms of the grant; in it shall be cited the present law, the invention or improvement which it covers, the term for which it is granted, and the declaration of possession of the privilege, and it shall be sealed with the seal of the Minister of the Interior.

Art. 8.

The Executive, in granting a patent, shall not declare that the discovery or invention is the property of the person appearing as the inventor or author, nor as to its truth or utility. Persons interested are at liberty to prove the contrary at law.

Art. 9.

Every application for a patent shall be published four times during a month in the Official Journal, and the patents granted shall be published not less than twice in the same journal.

Art. 10.

Patents shall be void (in addition to the cases provided for in Art. 4) in the following cases:—

1. When in the opinion of a competent tribunal they have been issued prejudicially to the rights of a third party.
2. When a year has elapsed without the industry or improvement for which the patent was granted having been put into practice.
3. When, after setting up the industry or improvement, it is abandoned for more than a year.
4. When the products issued are inferior, by reason of adulteration or otherwise, to the specimens lodged.

Art. 11.

A patent shall not be granted in the following cases:—

1. When the invention or improvement is contrary to existing laws, to health or public security, or to morality and good manners.
2. When the formalities prescribed by this law have not been fulfilled.

Art. 12.

The patent granted shall cover only the process or means of performance and production, not the products, which, when manufactured by any other system may be freely made and sold.

Art. 13.

Every person has the right of improving the invention of another but not of using the original invention without coming to an agreement with the inventor; neither shall the inventor use the modifications and improvements made by another without coming to an agreement with him.

Art. 14.

The grant of a patent requires the payment to the national treasury of a tax of from five to fifty dollars for each year of the grant, which the grantee shall pay by annuities in advance.

Art. 15.

When the term fixed in the patent has expired, the specification of the author or inventor shall be published, copies of the drawings or models shall be given to and at the cost of any one asking for them and the manufacture by that process or system is from thenceforth open.

Art. 16.

The crimes of falsification, imitation, and others against patented articles shall be punished under the provisions of the penal code.

Art. 17.

The Executive may make grants in favour of enterprises of public utility which may be established in the country, or plans which have for their object the establishment of new industries or improvements in those already existing.

Art. 18.

These grants may be:—The exemption from or diminution of the payment of the fiscal dues for the introduction of machinery or material; the gratuitous lending of national buildings or land during the term of the grant; the exemption from military service of the operatives employed in the industry to which the grant refers; subsidies and rewards in money when the state of the exchequer permits.

In case of relief from or diminution of the duties, the chiefs or administrators of the privileged undertaking to obtain the delivery of the goods must present at the Custom House in question a request which must state the following points:—

1. That the undertaking is restricted to those who own the grant.
2. That the articles of which the delivery is asked are not in excess of the necessities or conditions of the said undertaking.
3. State the name of the ship conveying the goods; marks and numbers of the packages.

4. Note minutely the goods previously introduced into their warehouse and depositories.

The officers entrusted with the delivery of these goods shall take the necessary precautions to verify their conformity with that which is expressed in the request, and shall stop the delivery in case of noting any default. If the undertaking favoured by the relief from payment of duty shall cease by the lapse of the grant or from any other cause, a copy of the formal inventory of all the existing articles belonging to the undertaking shall be presented at the proper Custom House, and if the said articles are intended for consumption or future use the corresponding duties shall be paid.

Art. 19.

Any person who desires to obtain a grant for the establishment of an undertaking of public utility or the introduction or improvement of any speciality, shall make application at the office of the Minister of the Interior, explaining clearly the conditions of the undertaking or industry or improvement he wishes to establish. The Minister shall forward the petition to the Council of State with the report of two or more experts. On hearing the decision of the latter, he shall, if it be favourable, grant the concession subject to the approval of the Assembly, who shall take it into consideration at the next ordinary session. The grantee may commence to use the concession as soon as it has been granted, but in case of its not being approved by the Assembly he shall have no right to any indemnification. Every petition for a concession shall be published four times for the term of a month in the Official Journal prior to being forwarded for the consideration of the Council of State, in order that any one whose rights are prejudiced thereby may appear at the said office of the Minister.

Art. 20.

Special concessions shall not be made for the introduction of machines for domestic use and other articles of ordinary trade.

Art. 21.

The exemption made in favour of any undertaking shall lapse if it be discovered that there is a trade in the materials or articles it is to introduce.

Art. 22.

In the case mentioned in the preceding article, the grantee, besides the loss of the concession, shall pay the proper duties on all the previous importations proved, and forty per cent. over the total amount.

Art. 23.

Grants shall also lapse in the following cases:—

1. When the time in which the grantee is compelled to establish the industry or to commence the works for putting it into practice shall have expired.
2. When after establishment the same shall be abandoned for more than a year.

Art. 24.

Articles 436 & 437 of Chapter. II. Title X. of the Civil Code Book I. are repealed.

HAWAIIAN KINGDOM.

Civil Code.

Sec. 255.

THE Minister of the Interior, with the approval of his Majesty the King, may issue a patent to the inventor or improver of any machine, manufacture or other work of art calculated to promote the interests of science, agriculture or manufactures, and may therein grant to such inventor or improver the exclusive use and benefit of his invention or improvement for any term of years, not exceeding ten, that may be specified in such patent.

Sec. 256.

Every such inventor or importer shall, before receiving a patent, deliver to the Minister of the Interior a full and clear description in writing of his invention or improvement, together with the mode of using or applying the same to the purpose for which it is intended, and the manner and process of making, constructing or compounding the same, and in case of any machine he shall also furnish, in addition to the written description, accurate drawings and a complete model thereof.

Act of August 29, 1884, to regulate the issuing of patents.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :

Sec. 1.

All patents shall be issued in the name of his Majesty the King, under the seal of the Interior Department, and shall be signed by the Minister of the Interior and countersigned by the

Commissioner of Patents, and they shall be recorded, together with the specifications, in the office of the Interior Department in books kept for that purpose.

Sec. 2.

Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns for the term of ten years, of the exclusive right to make, use, and vend the invention or discovery throughout the Hawaiian Islands, referring to the specification for particulars thereof. A copy of the specifications and drawings shall be annexed to the patent and be a part thereof.

Sec. 3.

Any person who has invented or discovered any new and useful art, machine, manufacture, process, or composition of matter, or any new and useful improvement thereof not known or used by others in this country, and not patented (or described in any printed publication) in this or any foreign country before his invention or discovery thereof, may, upon payment of the fees required by law and other due proceedings had, obtain a patent therefor: *Provided, however,* That any person who has invented or discovered, any new and useful art, machine, manufacture, process, or composition of matter, or any new and useful improvement thereof, and has received a patent or patents therefor from any foreign government, may also obtain a patent therefor in this country as provided above, unless the thing patented has been introduced into public use in the Hawaiian Islands for more than one year prior to the application for a patent. But every patent granted for an invention which has been previously patented in a foreign country shall be so limited that it shall not continue longer than the time of the expiration of such foreign patent, or if there are several foreign patents it shall not continue longer than the time of the expiration of the one with the shortest unexpired term, and in no case shall it be in force more than ten years.

Sec. 4.

Before any inventor or discoverer shall receive a patent for his invention or discovery he shall apply therefor in writing to the Minister of the Interior, and shall file in the office of the Interior Department a written description of the same and of

the manner and process of making, compounding, and using it, in clear, concise, and exact terms, and in case of a machine he shall explain the principle thereof and of the manner in which he has applied that principle, so as to distinguish it from other inventions, and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. When the nature of the case admits of drawings, the applicant shall furnish them, as set forth in section 2. When the invention or discovery is of a composition of matter, the applicant shall furnish a specimen of ingredients and of the composition, sufficient in quantity for the purpose of experiment. In all cases which admit of representation by model the applicant shall, if required, furnish a model of convenient size to exhibit advantageously the several parts of his invention.

Sec. 5.

The applicant shall make oath that he believes himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent, and that he does not know or believe that the same was ever before known or used, and shall state of what country he is a citizen.

Sec. 6.

On filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall examine the alleged new invention or discovery, and if upon such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, he shall report accordingly to the Minister of the Interior, who shall cause a patent to be issued therefor.

Sec. 7.

Any person who makes any new invention or discovery, and desires further time to mature the same, may on payment of the fees required by law file in the Interior Department a caveat setting forth the design thereof and its distinguishing characteristics, and praying protection of his right until he shall have matured the invention. Such caveat shall be preserved in secrecy and shall be operative for the term of one year from the filing thereof.

Sec. 8.

The Commissioner of Patents shall be appointed by the Minister of the Interior, and shall examine and report on all applications for patents, and shall receive for such services a fee of twenty dollars for each application examined and reported by him, which fee shall be paid by the applicant in advance. In addition to this fee the following fees shall be charged all applicants for patents: Upon filing each original application for a patent, five dollars; and upon issuing a patent, five dollars; and five dollars shall be charged for the filing of a caveat.

Sec. 9.

This Act shall take effect and become a law from and after its publication, and "An Act to amend sections 255 and 256 of the Civil Code, and add a new section to the Civil Code to be numbered Section 256 A," approved the 22nd day of June, A.D. 1868, is hereby repealed.

YALE LAW LIBRARY.

I N D I A .

Act No. 5 of 1888.

THE INVENTIONS AND DESIGNS ACT, 1888.

So far as it relates to Patents for Inventions.

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An Act to consolidate and amend the law relating to the Protection of Inventions and Designs.

WHEREAS it is expedient to consolidate and amend the law relating to the protection of inventions and designs; It is hereby enacted as follows:—

Title, extent and commencement.

1. (1) This Act may be called the Inventions and Designs Act, 1888.

(2) It shall extend to the whole of British India; and

(3) It shall come into force on the first day of July, 1888.

Repeal.

2. (1) The enactments described in the first schedule are hereby repealed to the extent specified in the third column thereof.

(2) But this repeal of enactments shall not affect any exclusive privilege acquired, or any conditions or restrictions imposed with respect to any such privilege, or any right or liability accrued or incurred, under any of those enactments before the commencement of this Act, or any relief in respect of any such privilege, right or liability.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

Division of Act into Parts.

3. The remainder of this Act is divided into Parts as follows:—

PART I.—INVENTIONS.

PART II.—DESIGNS.

PART I.

INVENTIONS.

Definitions.

4. In this Part, unless there is something repugnant in the subject or context,—

(1) “invention” includes an improvement:

(2) "inventor" does not include the importer into British India of a new invention unless he is the actual inventor :

(3) "applicant" means a person who has applied under this Part for leave to file a specification of an invention, whether he has filed the specification or not :

(4) "assign" includes a grantee of the exclusive privilege of making, selling or using an invention, or of authorizing others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term :

(5) "inventor," "actual inventor" and "applicant" include the executors, administrators or assigns of an inventor, actual inventor and applicant, as the case may be :

(6) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture :

(7) "write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance :

(8) "Secretary" means a Secretary to the Government of India appointed by the Governor General in Council to discharge the functions of the Secretary under this Act, and includes any under-secretary, assistant-secretary or other officer subordinate to the Government of India to the extent to which such officer may be authorized by general or special order of the Governor General in Council to discharge any of those functions :

(9) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure : and

(10) "High Court" has the meaning assigned to that expression by the Code of Criminal Procedure, 1882, in reference to proceedings against European British subjects.

Application for leave to file specification.

5. (1) The inventor of a new manufacture, whether he is a British subject or not, may apply to the Governor General in Council for leave to file a specification thereof.

(2) The application must be in writing signed by the applicant and in the form or to the effect of the second schedule if the inventor has not obtained a patent in the United Kingdom, and in the form or to the effect of the third schedule if he has obtained a patent in the United Kingdom.

(3) It must state the name, occupation and address of the applicant, and, where a patent has been obtained in the United

Kingdom, the date of the patent and the date of the actual sealing thereof, and must describe with reasonable precision and detail the nature of the invention, and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Governor General in Council may see fit to require from the applicant.

(4) If in any case it appears to the Governor General in Council that an application ought to be further supplemented by a model of anything alleged to constitute an invention, he may require the applicant to furnish such a model neatly and substantially made of durable material and of dimensions not exceeding those, if any, specified in the requisition therefor.

Order to file specification.

6. (1) Upon an application under the last foregoing section the Governor General in Council may, after such inquiry as he thinks fit, make an order authorizing the applicant to file a specification of the invention.

(2) Before making an order under sub-section (1), the Governor General in Council may direct that the application be referred for inquiry and report to any person whom he thinks fit.

(3) When such inquiry and report are made by a person who is not in the service of the Government, there shall be payable to that person by the applicant such fee as the Governor General in Council, after considering the report, may determine.

(4) When an application is to be referred to such a person, the applicant shall deposit, in such place and within such time as the Governor General in Council may by rule or otherwise prescribe, such sum as will, in the opinion of the Secretary, be sufficient to defray any fee which is likely to be determined under sub-section (3).

(5) If the sum is not deposited in the place and within the time prescribed, the application may be rejected.

(6) If the fee as determined by the Governor General in Council exceeds the sum so deposited, an order shall not be made under sub-section (1) until the applicant has paid the balance of the fee.

(7) If the sum deposited exceeds the fee so determined, the excess shall be refunded to the applicant.

Applications in respect of contemporaneous inventions.

7. (1) If two or more inventors apply on the same day for leave to file specifications of inventions which appear to the Governor General in Council to be identical or so similar as to be practically identical, the Governor General in Council may, in his discretion, authorize both or all the applicants, subject to the other provisions of this Part, to file specifications of their respective inventions.

(2) If they apply on different days for leave to file specifications of such inventions as aforesaid, the applicant who applied on the first of the different days shall be deemed to have a preferential claim to an order authorizing the filing of his specification.

Acquisition and continuance of exclusive privilege.

8. (1) If within six months from the date of an order under section 6, sub-section (1), or within such further time, not exceeding three months, as the Governor General in Council in his discretion, may, on cause shown to his satisfaction and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the applicant causes a specification of his invention to be filed in manner by this Part required, and the fee prescribed in the fourth schedule in respect of the filing of the specification to be paid, the applicant shall, subject to the other provisions of this Part, be entitled to the exclusive privilege of making, selling and using the invention in British India, and of authorizing others so to do, for a term of fourteen years from the date of the filing of the specification.

(2) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (1), cease if the inventor fails to pay, within the time limited in that behalf by the fourth schedule, any fee prescribed in that schedule in respect of the continuance of the privilege.

(3) If, nevertheless, in any case, by accident, mistake or inadvertence, an inventor fails to pay any such fee within the time so limited, he may apply to the Governor General in Council for an enlargement of the time for making the payment.

(4) Thereupon the Governor General in Council may enlarge the time accordingly, on payment of the fee prescribed in that behalf in the fourth schedule and subject to the following conditions, namely :—

- (a) the time for making a payment shall not in any case be enlarged for more than three months; and
- (b) if any suit is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof and before the enlargement of that time, the Court disposing of the suit may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

Form and contents of specification.

9. (1) A specification filed under this Part must be in writing signed by the applicant, and must set forth the precise invention in respect of which the applicant claims to become entitled to an exclusive privilege.

(2) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

(3) Every specification must explain the principle of the invention set forth therein and the best mode in which the applicant has contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

Mode of filing application and specification.

10. Every application for leave to file a specification, and every specification filed under this Part, must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

Delivery and distribution of copies of specification.

11. (1) At the time of delivering or sending the specification for the purpose of its being filed, the applicant shall cause to be delivered or sent therewith to the Secretary as many copies thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(2) One of these copies shall be retained by the Secretary, and one shall be sent to the Governor of Fort St. George in Council, one to the Governor of Bombay in Council, one to the

Chief Commissioner of Burma, and the others, if any, to such authorities as the Governor General in Council may appoint in this behalf.

(3) The copies of the specification which are sent under sub-section (2) to the authorities mentioned or referred to in that sub-section shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

Register of inventions.

12. (1) A book, to be called the register of inventions, shall be kept in the office of the Secretary, wherein shall be entered and recorded every application for leave to file a specification, every order made on any such application, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein.

(2) Applications for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt, and shall be entered in the register of inventions in the order of their respective numbers.

(3) A reference shall be made in that register, in the margin, of the entry of each application, to every order on or in respect of the application, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the application.

Address-book.

13. (1) Another book, to be called the address-book, shall be kept in the office of the Secretary wherein any person filing a specification under this Part, or any person in whom an exclusive privilege acquired under this Part, or any share or interest therein, may become vested, may from time to time cause to be stated some place in British India where notice of any rule or proceeding relating to the exclusive privilege may be served on him.

(2) A reference to each entry in the address-book shall be made in the register of inventions in the margin of the entry in that register of the application for leave to file the specification.

Provisions with respect to the register and book.

14. (1) Every entry in the register of inventions or address-book, and every document entered and recorded in the register, shall, for the purposes of the law of evidence for the time being

in force, be deemed to be a public document and shall be open to the inspection of any person at all reasonable times at the office of the Secretary.

(2) The books kept under section 11 and section 35 of Act No. XV of 1859 (*an Act for granting exclusive Privileges to Inventors*) shall be deemed to be parts of the register of inventions and address-book respectively.

Extension of exclusive privilege.

15. (1) The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege acquired under section 8, apply to the Governor General in Council for an extension of the privilege for a further term.

(2) When an application is made under sub-section (1), the Governor General in Council may, if he thinks fit, refer it to a High Court for report.

(3) The Court to which the application is referred shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made by the inventor as such, and to all the circumstances of the case.

(4) The procedure on the reference shall be such as the Court thinks fit, and may include the issue of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day on which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representation which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(5) If the Governor General in Council is of opinion, or, where a reference has been made under sub-section (2), if the Court reports, that the inventor has been inadequately remunerated by his exclusive privilege, the Governor General in Council may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(6) But an exclusive privilege of which the term has been extended under the last foregoing sub-section shall, notwithstanding anything in that sub-section, cease if the inventor

fails to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

Imposition of conditions with respect to exclusive privilege.

16. An order under section 6, sub-section (1), authorizing the filing of a specification, or under section 15, sub-section (5), extending the term of an exclusive privilege, may be made subject to such conditions as the Governor General in Council thinks expedient.

Exclusive privilege to bind the Government.

17. (1) Subject to any conditions imposed under the last foregoing section :—

(a) with respect to the filing, by a person employed in the service of Her Majesty in India, of the specification of a manufacture invented by him in the course of his employment; or

(b) with respect to the extension, in favour of any person, of the term of an exclusive privilege;

an exclusive privilege acquired under this Part shall have to all intents the like effect as against Her Majesty as it has against a subject.

(2) But the officers or authorities administering any department of the service of Her Majesty may, by themselves, their agents, contractors, or others, at any time after the delivery or receipt of the application for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Governor General in Council, between those officers or authorities and the inventor, or, in default of such agreement, on such terms as may be settled by the Governor General in Council.

Application for leave to file memorandum or amended specification.

18. (1) If, after the filing of the specification, the applicant has reason to believe that through mistake or inadvertence he has erroneously made any mis-statement in his application or specification or included therein something which at the date of the delivery or receipt of his application was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, he may apply to the

Governor General in Council for leave to file a memorandum pointing out the mis-statement or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(2) The application must be in writing signed by the applicant, and must state how the error, defect, or insufficiency occurred, and that it was not fraudulently intended.

(3) Upon the application the Governor General in Council may make an order allowing the memorandum or amended specification to be filed.

(4) The provisions of section 6 with respect to applications, and of sections 9 and 11 with respect to specifications and copies thereof, shall apply, so far as they can be made applicable, to applications and to amended specifications, respectively, made and filed under this section.

Effect of amended specification.

19. An amended specification filed under the last foregoing section shall, except as to any suit or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed:

Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

Bar to exclusive privilege in certain cases.

20. A person shall not be entitled to an exclusive privilege under this Part:—

- (a) if the invention is of no utility; or
- (b) if the invention, at the date of the delivery or receipt of the application for leave to file the specification thereof, was not a new invention within the meaning of this Part; or
- (c) if the applicant is not the inventor thereof; or
- (d) if the original or any amended specification does not fulfil the requirements of this Part; or
- (e) if the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement; or
- (f) if the application for leave to file the specification of the

invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of British India and the United Kingdom.

Novelty of invention dependent on public use or knowledge thereof before application to file specification.

21. An invention shall be deemed a new invention within the meaning of this Part if it has not before the date of the delivery or receipt of the application for leave to file the specification thereof been publicly used in any part of British India or of the United Kingdom, or been made publicly known in any part of British India or of the United Kingdom by means of a written publication.

Effect of public use or knowledge of invention in fraud of inventor.

22. The public use or knowledge of an invention before the date of the delivery or receipt of the application for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Part if the knowledge has been obtained surreptitiously or in fraud of the inventor, or has been communicated to the public in fraud of the inventor or in breach of confidence :

Provided that the inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for leave to file a specification.

Effect of temporary use of invention in public by inventor or by his leave.

23. Use of an invention in public by the inventor thereof, or by his servant or agent, or by any other person by his licence in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his application for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Part.

Effect of public use or knowledge of patented invention between application for patent and application to file specification.

24. If an inventor who has obtained a patent for his invention in the United Kingdom causes an application for leave to file a specification of the invention under this Part to be delivered or received by the Secretary within twelve months from the date of the actual sealing of the patent, the invention shall be deemed a new invention within the meaning of this Part if it was not publicly used or known in any part of British India at or before the date of the application for the patent, notwithstanding that it may have been publicly used or known in some part of British India or of the United Kingdom before the date of the delivery or receipt of the application under this Part for leave to file the specification.

Effect of like public use or knowledge of unpatented invention.

25. If an inventor applies for leave to file a specification under this Part while his application for a patent is pending in the United Kingdom, and the interval between the date of his application for the patent and the date of the delivery or receipt of his application under this Part does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having been used, or a description thereof having been published, in any part of British India or of the United Kingdom during the interval.

Effect of public use or knowledge of invention after admission to an exhibition.

26. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for leave to file a specification of the invention to be delivered to or received by the Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having at any time after admission into the exhibition been publicly used or made publicly known.

Cessation of exclusive privilege by order of the Government.

27. (1) An exclusive privilege acquired under this Part shall cease if the Governor General in Council declares the privilege, or the mode in which it is exercised, to be mischievous to the State, or generally prejudicial to the public.

(2) It shall also cease if a breach of any condition on which the applicant was authorised to file a specification, or on which the term of the exclusive privilege was extended, is on an application under this Part to a High Court proved to the satisfaction of that Court, and if the Governor General in Council thereupon declares the privilege to have ceased.

Cessation of exclusive privilege on revocation or expiration of patent.

28. (1) An exclusive privilege acquired under this Part in respect of an invention for which a patent has been obtained in the United Kingdom shall cease on the revocation or expiration of the patent.

(2) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

Suit for infringement of exclusive privilege.

29. (1) An inventor may institute a suit in the District Court against any person who, during the continuance of an exclusive privilege acquired by him under this Part in respect of an invention, makes, sells, or uses the invention without his licence, or counterfeits or imitates it.

(2) The suit shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or upon the ground that the invention is of no utility :

(3) Nor shall it be defended upon the ground that the plaintiff was not the inventor, unless the defendant shows that he himself is the actual inventor or has obtained from the actual inventor a right to make, sell, or use the invention, or to counterfeit or imitate it, as the case may be :

(4) Nor shall it be defended upon the ground that the

invention was not new, unless the defendant, or some person through whom he claims, has, before the date of the delivery or receipt of the application for leave to file the specification, publicly or actually used in some part of British India or of the United Kingdom the invention or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

Application to declare exclusive privilege in respect of an invention not to have been acquired.

30. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention to be specified in the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say :—

- (a) that the invention is of no utility; or
- (b) that the invention was not, at the date of the delivery or receipt of the application for leave to file the specification, a new invention within the meaning of this Part; or
- (c) that the applicant was not the inventor thereof; or
- (d) that the original or any amended specification does not fulfil the requirements of this Part; or
- (e) that the applicant has knowingly or fraudulently included in the application for leave to file the specification, or in the original or any amended specification, as part of his invention, something which was not new or whereof he was not the inventor; or
- (f) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement; or
- (g) that some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

Like application as to part of an invention.

31. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive

privilege in respect of any part of an invention, to be specified in the rule has not been acquired under this Part, by reason of all or any of the objections following (to be specified in the rule) that is to say :—

- (a) that that part of the invention is wholly distinct from the other parts thereof and is of no utility; or
- (b) that that part of the invention was not, at the date of the delivery of receipt of the application for leave to file the specification, a new invention within the meaning of this Part; or
- (c) that the applicant was not the inventor of that part of the invention; or
- (d) that that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

Security for costs of application under either of the two last foregoing sections.

32. The High Court may, irrespective of any provisions of the Code of Civil Procedure in this behalf, require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person appearing to show cause against the rule.

Application on breach of condition.

33. (1) Any person authorized by the Governor General in Council in this behalf may apply to a High Court for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 27 may, in the judgment of the Governor General in Council, depend, should not be tried in the form of an issue directed by the Court.

(2) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried and certify the result of the trial to the Governor General in Council.

Notice of proceedings to persons interested.

34. (1) Notice of any rule obtained or proceeding taken under section 30, section 31, or section 33 shall be served on all

persons appearing from the address-book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address-book, by delivering the copy to any person resident at or in charge of the place or, if there is no person resident at or in charge of the place, or if the place is not within the local limits of the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

Framing issue for trial before other Court.

35. (1) The High Court may, if it thinks fit, direct an issue for the trial, before itself or any other High Court, or any District Court, of any question of fact arising upon an application under section 30, section 31, or section 33, and the issue shall be tried accordingly.

(2) If the issue is directed to another Court, the finding shall be certified by that Court to the Court directing the issue.

(3) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the High Court, and the High Court may thereupon act upon the finding of the District Court, or dispose of the application upon the evidence recorded, or direct a new trial, as the justice of the case may require.

Order on Application.

36. (1) If it appears to the High Court at the hearing of an application under section 30 or section 31 that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the applicant shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(2) If it appears to the High Court, at the hearing of any such application as last aforesaid, that the applicant has, in the

description of his invention in the application for leave to file a specification thereof or in the original or any amended specification, erroneously included something which at the date of the delivery or receipt of the application for leave to file the specification was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect, or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect, or insufficiency: or,

(3) If it appears to the High Court that the error, defect, or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective, or insufficient; and thereupon the applicant shall, within a time to be limited by the Court for the purpose, file in the office of the Secretary a specification amended according to the order.

(4) The provisions of section 18 with respect to the distribution and disposal of copies of amended specifications, and of section 19 with respect to the effect of such specifications, shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(5) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the application for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

Delivery of particulars.

37. (1) In a suit for the infringement of an exclusive privilege acquired under this Part the plaintiff shall deliver with his plaint particulars of the breaches complained of in the suit, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(2) In like manner, upon an application to a High Court under section 30, section 31, or section 33, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(3) At the hearing of any such suit or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(4) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the application for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(5) Notwithstanding anything in the foregoing portion of this section, the Court in which the suit or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

Title of actual inventor to exclusive privilege in case of fraud.

38. If, in a suit instituted in the District Court at any time within fourteen years from the date of the filing of a specification of an invention under this Part, the actual inventor proves to the satisfaction of the Court that the applicant was not the actual inventor, and that at the time of the application for leave to file the specification the applicant knew or had reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived the knowledge, the Court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Part, in the actual inventor for a term of fourteen years from the date on which the specification was filed, and requiring the applicant to account for and pay over to the actual inventor the profits derived by him from the invention or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section, and to all the other circumstances of the case, may see fit to require the applicant to pay.

Transmission of copies of decrees and orders to Secretary.

39. A Court making a decree in a suit under section 29 or section 38, or an order on an application under section 30, section 31, or section 33, shall send a copy of the decree or order, as the case may be, to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

Registration of cessation of exclusive privilege.

40. In the following cases, namely :—

- (a) when an exclusive privilege acquired under this Part has ceased under section 8 or section 15 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof, and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired ;
- (b) when an exclusive privilege acquired under this Part has been declared by the Governor General in Council under section 27 to have ceased ;
- (c) when an exclusive privilege acquired under this Part has ceased under section 28 by reason of the revocation or expiration of a patent or exclusive privilege ;
- (d) when the whole or any part of an exclusive privilege acquired under this Part has ceased under section 36 in consequence of an order under that section ;
- (e) when an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 38 ;
- (f) when an exclusive privilege acquired under this Part has ceased by reason of the expiration of the term for which it was acquired :

the Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the application for leave to file the specification of the invention.

Rectification of register of inventions or address-book.

41. (1) If any person is aggrieved by an entry in the register of inventions or address-book, or by the omission of an entry

therefrom, and a proceeding is not provided in the foregoing portion of this Part whereby the register or book may be rectified, he may apply to a High Court for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(2) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

(3) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

Power to High Court to stay proceedings on or dismiss certain applications.

42. A High Court to which an application has been made under section 30, section 31, section 33 or section 41 may stay proceedings on, or dismiss, the application if in its opinion the application would be disposed of more justly or conveniently by another High Court.

Power for Governor General in Council to require grant of licences.

43. If on the petition of any person interested it is proved to the Governor General in Council that, by reason of an inventor who has acquired an exclusive privilege under this Part failing to grant licences on reasonable terms,—

(a) the exclusive privilege is not being worked in British India; or

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

(c) any person is prevented from working or using to the best advantage an invention of which he is possessed;

the Governor-General in Council may order the inventor to grant, or may himself on behalf of the inventor grant, licences on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor General in Council, having regard to the nature of the invention and the circumstances of the case, may deem just.

Assignment for particular places.

44. Any person for the time being entitled to an exclusive privilege under this Part, or to any share or interest in such a privilege, in any local area may, subject to the conditions of his

title thereto, assign the privilege or such share or interest, as the case may be, for any place in or part of that local area.

Subscription of specifications and applications.

45. If an applicant is absent from British India, an application for leave to file a specification, or a specification, or an application for leave to file a memorandum or amended specification, may, instead of being signed by the applicant under section 5, section 9 or section 18, as the case may be, be signed on behalf of the applicant by an agent in British India authorized by him in writing in that behalf.

Verification of applications.

46. (1) An application under this Part for leave to file a specification, memorandum or amended specification must be verified by the person making the application.

(2) If that person is absent from British India, the application may be verified by the agent who signs the application on his behalf.

(3) The verification must be signed by the person making it, and must be to the effect that the facts stated in the application are true to his knowledge, except as to matters stated on information and belief, and that as to those matters he believes them to be true.

Agents.

47. Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorized by this Part to be done by any person may be done on his behalf by an agent in British India having authority in writing from that person so to do the act.

Fees.

48. (1) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(2) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council directs.

(4) A proceeding in respect of which a fee is payable under

the fourth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

49. (1) The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend either of the forms in the second and third schedules.

(2) Rules under this section may provide, among other matters, for the printing of specifications, memoranda and amended specifications, and for the distribution or sale of printed copies thereof.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

See Section 2.

Number and year.	Subject or title.	Extent of repeal.
XV of 1859.	For granting exclusive Privileges to Inventors.	So much as has not been repealed.
XVI of 1883	Protection of Inventions Act, 1883.	The whole.
I of 1879	Indian Stamp Act, 1879.	Article 48, Schedule 1.

THE SECOND SCHEDULE.

APPLICATION WHERE PATENT HAS NOT BEEN OBTAINED.

See sections 5 and 49.

TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part 1 of the Inventions and Designs Act, 1888.

1. The applicant is in possession of an invention for (*state the title of the invention*); he is the inventor thereof (*or, as the case may be, the*

executor, administrator or assign of the inventor); and, to the best of his information and belief, the invention is new within the meaning of Part I. of the Inventions and Designs Act, 1888, and no circumstance exists which if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

2. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

3. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I. of the Inventions and Designs Act, 1888.

(*Signature and verification.*)

THE THIRD SCHEDULE.

APPLICATION WHERE PATENT HAS BEEN OBTAINED.

See sections 5 and 49.

TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I. of the Inventions and Designs Act, 1888.

1. The applicant (*or, as the case may be, A. B. of whom the applicant is the executor, administrator or assign*) has obtained a patent in the United Kingdom dated and sealed as of the day of , and actually sealed on the day of , for (*state the title of the invention*).

2. To the best of the information and belief of the applicant, the invention is new within the meaning of Part I. of the Inventions and Designs Act, 1888, and no circumstance exists, which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

3. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

4. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I. of the Inventions and Designs Act, 1888.

(*Signature and verification.*)

THE FOURTH SCHEDULE.

FEES (*Inventions*).

See sections 8, 15, and 48.

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
(1) In respect of an application for leave to file a specification (section 5)	10	0	0
(2) In respect of the filing of a specification (section 8)	30	0	0
(3) In respect of an extension of the time for filing a specification (section 8)	20	0	0
(4) In respect of the continuance of an exclusive privilege (section 8)—			
(<i>a</i>) After the filing of the specification and before the expiration of the fourth year from the date of the filing thereof	50	0	0
(<i>b</i>) After the expiration of the fourth year and before the expiration of the fifth year from that date	50	0	0
(<i>c</i>) After the expiration of the fifth year and before the expiration of the sixth year from that date	50	0	0
(<i>d</i>) After the expiration of the sixth year and before the expiration of the seventh year from that date	50	0	0
(<i>e</i>) After the expiration of the seventh year and before the expiration of the eighth year from that date	50	0	0
(<i>f</i>) After the expiration of the eighth year and before the expiration of the ninth year from that date	100	0	0
(<i>g</i>) After the expiration of the ninth year and before the expiration of the tenth year from that date	100	0	0
(<i>h</i>) After the expiration of the tenth year and before the expiration of the eleventh year from that date	100	0	0
(<i>i</i>) After the expiration of the eleventh year and before the expiration of the twelfth year from that date	100	0	0
(<i>j</i>) After the expiration of the twelfth year and before the expiration of the thirteenth year from that date	100	0	0

Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.

	<i>Rs. a. p.</i>
(5) In respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 8)—	
(i) If the enlargement does not exceed one month.	10 0 0
(ii) If the enlargement exceeds one month, but does not exceed two months	25 0 0
(iii) If the enlargement exceeds two months	50 0 0
(6) In respect of an application for an extension of an exclusive privilege for a further term (section 15)	50 0 0
(7) In respect of an order extending the term of an exclusive privilege (section 15)	100 0 0
(8) In respect of the continuance of an exclusive privilege of which the term has been extended (section 15)	100 0 0
	to be paid before the expiration of each year of the extended term :
<p>Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.</p>	
(9) In respect of an application for leave to file a memorandum or amended specification (section 18)	20 0 0
(10) In respect of a petition to the Governor General in Council for a compulsory licence (section 43)	50 0 0
(11) For the inspection of any book or other document which is open to inspection under Part I	1 0 0
(12) For copies—	
(a) When the number of words copied does not exceed four hundred	1 0 0
(b) For every hundred words in excess of four hundred	0 4 0
(c) Of drawings or photographs	cost according to agreement.
(13) For certifying copies—	
For every hundred words.	0 2 0

J A P A N .

From the United States Official Gazette.

IMPERIAL PROCLAMATION No. 7.

April 18, 1885.

It is hereby notified that the following regulations as to patents have been published and will be enforced on and after the 1st July, 1885.

N.B.—The rules respecting patents published on the 7th April, 1871, and Imperial Proclamation No. 105, published in March, 1872, have been repealed.

By order of H. I. M. the MIKADO.

Art. 1.

Inventors of useful articles desirous of having the exclusive sale of the same shall apply to the Minister of Agriculture and Commerce, and obtain his special permission. The Minister of Agriculture and Commerce shall, if advisable, deliver certificates of special permission for their exclusive sale.

Art. 2.

In applying for a patent a detailed statement of the invention and the necessary diagrams will be affixed to the written application. The invented article, or a specimen, shall, if necessary, be ordered to be submitted.

Art. 3.

The terms of a patent right may not exceed fifteen years, reckoned from the date of its certificate.

Art. 4.

Patents cannot be applied for in the case of articles of the nature specified below :

(1.) Articles that have previously been invented by others.

N.B.—This provision does not extend to patents that have been transferred by their owners.

(2.) Articles that have been publicly used or known before the patents have been applied for.

(3.) Articles that tend to disturb social tranquillity or demoralize customs and fashions, or are injurious to health.

(4.) Medicines.

Art. 5.

For inventions deemed necessary for war purposes, or those the general use of which is deemed important, the Minister of Agriculture and Commerce will not grant patents, and in the case of those for which patents have previously been granted he may cancel the same. In the case of inventions described above the Minister of Agriculture and Commerce will grant appropriate sums of money to the inventors by way of compensation.

Art. 6.

Privileges by securing patents, as well as the patents may be hereditary. When a successor has inherited a patent he shall report the fact to the Minister of Agriculture and Commerce within three months.

Art. 7.

Persons desirous of transferring to, or acquiring from, another person patents, they must apply for the permission of the Minister of Agriculture and Commerce.

Art. 8.

When a patentee effects improvement upon his invention he may apply for a fresh patent.

N.B.—The effect of additional patents may not exceed that of the original patents.

Art. 9.

Persons desirous of obtaining patents for articles that are improvements upon other patented inventions must secure the consent of the original patentees. If the original patentee

should refuse his consent and the Minister of Agriculture and Commerce deem the refusal obstructive to the improvement of the invention, he may grant the improver special permission to use the original invention together with the improved part. In such cases as have been mentioned above the Minister of Agriculture and Commerce shall cause the improvers to give appropriate sums of money to the original inventors by way of compensation.

Art. 10.

Patentees must indicate on their inventions the date and term of the patents. In the case of articles, the nature of which precludes such indication, the date and term must be marked on the cover or otherwise.

Art. 11.

The register of patentees, with other details, shall be submitted for public inspection by the Minister of Agriculture and Commerce.

Art. 12.

When patentees change the places of their registration or their residences or names, they must report the fact to the Department of Agriculture and Commerce within three months.

Art. 13.

When certificates of patents have been lost or damaged the patentees must apply to the Minister of Agriculture and Commerce for the delivery of fresh certificates.

Art. 14.

In cases mentioned below patents shall be declared void and the return of the certificates of the patents shall be ordered :

(1.) When any contravention of the provisions of article 4 has been discovered.

(2.) When any misrepresentation of facts has been discovered in the written applications and details of the inventions.

Art. 15.

Patents will become void in the following cases :

(1.) When the inventions have not been practically publicly applied within two years after the date of the certificates of the patents, or when their execution has been suspended for

two years without any representation of the circumstances of the case to the authorities.

(2.) When patented inventions have been imported from abroad and sold.

Art. 16.

When certificates of patents are granted or cancelled, or when any loss of patent right has occurred, the Department of Agriculture and Commerce will publicly notify the fact.

Art. 17.

Persons applying for patents shall pay the undermentioned fees.

N.B.—Should the written applications be dismissed the fees shall be returned.

(1.) For persons applying for patents lasting for five years, 10 yen.*

(2.) For persons applying for patents lasting for ten years, 15 yen.

(3.) For persons applying for patents lasting for fifteen years, 20 yen.

(4.) For persons applying for the transfer of patents, 5 yen.

(5.) For persons applying for additional patents, 5 yen.

(6.) For persons applying for fresh certificates of patents, 1 yen.

Art. 18.

Officials concerned in the granting of patents may not apply for patents.

Art. 19.

If the marks described in article 10 are not made, no appeal for any claim of damage may be made.

Art. 20.

Persons who have counterfeited patented inventions, or imported them from abroad, or clandestinely used any patent, shall be liable to imprisonment with labour for a period not less than one month and not exceeding one year and a fine of not less than 4 yen and not exceeding 40 yen.

Art. 21.

Persons who have applied to articles of the same kind as others manufactured under patent marks that bear a close re-

* 1 yen = about 1 dollar.

semblance to those used by the owners of such patents, shall be liable to imprisonment with labour for a period of not less than fifteen days and not exceeding six months, and a fine not less than 2 yen and not exceeding 20 yen.

Art. 22.

Persons who have sold articles in contravention of articles 20 and 21, with previous knowledge of the fact, shall be liable to a fine not less than 4 yen and not exceeding 40 yen.

Art. 23.

In the cases mentioned in articles 20, 21, and 22 the infringing articles and the apparatus used for the perpetration of the offences shall be confiscated and handed over to the patentees, and in the case of articles previously sold their price shall be exacted from the offender and also given to the patentees.

Art. 24.

Persons who have obtained rights by fraudulent means or sham patents shall be liable to imprisonment for a period not less than fifteen days and not exceeding six months, and a penalty of not less than 2 yen and not exceeding 20 yen.

Art. 25.

Persons who have failed to make the reports mentioned in the second clause of article 6 and article 12 within the prescribed periods shall be liable to a penalty of not less than 1 yen and not exceeding 1.95 yen.

Art. 26.

To contraventions of these regulations the provisions in the criminal code for the simultaneous commission of several crimes shall not be applied.

Art. 27.

The offences mentioned in articles 20, 21, and 22 shall be dealt with at the instance of the patentees.

Art. 28.

When patentees have made appeals, judges may temporarily suspend the sale of the articles to which such appeals relate.

Appendix.

Persons desirous of obtaining the exclusive sale of articles invented after the publication of the patent rules on the 7th April, 1871, and before the publication of these regulations, and which were reported to the authorities according to the additional provisions of notification No. 105, published in March, 1872, may apply to the Minister of Agriculture and Commerce for their patents within six months after the date of the enforcement of these regulations, even though they be such as are generally used or known.

Persons who have made use of the inventions described above before the publication of these regulations may apply to the Minister of Agriculture and Commerce for special permission for their use within one year after the date of the enforcement of these regulations. In such cases they shall pay fees to the same amount as those for the granting of patents mentioned in article 17.

NOTIFICATION No. 5 COUNCIL OF STATE.

April 18th, 1885.

It is hereby notified that the Patent Regulations having been published, the following regulations are issued as to the mode of procedure to obtain patents.

Art. 1.

Applications and reports in connection with patents shall be sent to the Agricultural and Commercial Department through the prefectural authorities.

Art. 2.

When application is made for a patent, there must be two letters of application and three statements of details and diagrams sent in, together with the patent fee. When more than one person is connected with the invention, they shall all sign the documents sent to the department.

Art. 3.

Written statements, details, and diagrams are to be sent to the prefectural authorities in a sealed form, and in that form

they will be forwarded to the Minister of the Agricultural and Commercial Department.

Art. 4.

The following must be stated in all applications for patents:—

- (1.) The name of the invention.
- (2.) The duration of the patent applied for.
- (3.) A declaration that it is not contravening the regulations.
- (4.) A declaration that there are no misrepresentations of facts made in the written application and statement.

Art. 5.

In the details the following must appear:—

- (1.) The object of the invention and explanation of its nature.
- (2.) An explanation of the diagrams, when such are submitted.
- (3.) A detailed description of the manufacture, structure, composition, and the way of employing the invention.
- (4.) The uses to which the invention may be applied.
- (5.) The social rank, name and address of the inventor.

Art. 6.

The diagrams must be numbered and their respective parts shall be marked with letters or numerical figures to correspond with the explanations.

Art. 7.

Any one applying for the transfer of the whole or part of the patent, in accordance with the 7th article of the regulations, must send in two letters of application, a copy of the agreement between the parties, and the certificate of patent, together with the fee.

Art. 8.

Any person applying for additional patent rights should do as provided in articles 2 and 3.

Art. 9.

Any person desirous of obtaining the special permission stated in the second part of article 9 of the regulations, shall send in two applications, stating the circumstances of the case.

Art. 10.

When it is reported, as stated in articles 6 and 12 of the regulations, that the name of the patentee is altered, the Minister of the Agricultural and Commercial Department shall indorse the fact on the certificate of patent.

Art. 11.

When any one applies for a fresh certificate, a detailed account of the circumstances of the case must be sent in.

Art. 12.

In a case where a patentee has discovered omissions or misstatements in the letters of application and diagrams, he shall send in two applications with a detailed account of the circumstances of the case. But when by addition or altering some important part the invention is completely changed, no application will be received.

Art. 13.

When patentees allow others by mutual consent to use the invention, the fact should be reported and the document signed by both parties.

Art. 14.

When after a patent has been declared void through a contravention of the provisions of the first part of article 4 of the regulations, and the original inventor applies again for the patent, its term shall not exceed that granted to the original patent.

Art. 15.

Any person who desires to obtain permission to use articles, as provided for in the second clause of the regulations, shall send in two applications containing a detailed account of their previous employment.

L I B E R I A .

Act of 23rd December, 1864.

AN ACT to promote the progress of the arts, manufactures, agriculture, and commerce.

It is enacted by the Senate and House of Representatives of the Republic of Liberia in legislature assembled :—

Sec. 1.

That there shall be established an office to be termed the Patent Office, which shall be under the control of the Secretary of State, whose duty it shall be to superintend, execute, and perform all such acts and things touching and respecting the granting and issuing of letters patent for new and useful discoveries, inventions, and improvements, as are hereby provided for, or shall hereafter be by law directed to be done and performed, and shall have charge and authority of all books, records, papers, and all other things belonging to the said office.

Sec. 2.

It is further enacted that all patents issued from the said office shall be issued in the name and under the seal of the Republic of Liberia, and be signed by the President of the Republic, and countersigned by the Secretary of State, and shall be recorded together with descriptions, specifications, and drawings in the said office in books to be kept for that purpose. Every such patent shall contain a short title of the invention or discovery, correctly indicating its nature and design, and its terms, and grant to the applicant or applicants, his or their heirs, administrators, executors or assigns, for a term not exceeding twenty years, the full and exclusive right, and liberty of

making, using and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which specifications with the illustrative drawings shall be annexed to the patent specifying what the patentee claims as his invention or discovery.

Sec. 3.

It is further enacted that any citizen or citizens having discovered or invented any new and useful art, machine, manufacture, process, composition of matter, or any new and useful improvement in any art, machine, manufacture, process or composition of matter, or having invented or discovered a new and useful application of any known substance, or matter, or composition of matter, or any new and useful application of any known article of manufacture, device or apparatus, to any art, manufacture, machine-process or composition of matter, such invention or discovery or such application not being known or used by others within the limits of this Republic, and not being described in any book or other publication in this country before his or their discovery thereof, may make application in writing to the Secretary of State, expressing such desire, and the Secretary of State may on due proceedings had, grant a patent therefor, but before any inventor shall receive a patent for any such invention, discovery, or new application, he shall deliver a written description thereof, and of the manner and process of making, constructing, using, applying and compounding the same. in such full clear and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most clearly connected, to make, construct, apply, compound and use the same, and shall particularly specify and point out the part improvement or combination which he claims as his own invention or discovery. He shall furthermore accompany the whole with a drawing or drawings and written references, where the nature of the case admits of drawings. The applicant shall furthermore make oath or affirmation that he does verily believe that he is the original, and first inventor or discoverer of the art, machine, composition, application or improvement for which he solicits a patent, and that the same was not known or used within the limits of the Republic of Liberia prior to his said invention, and that he is a citizen of this Republic, the said oath or affirmation to be taken before any person authorized by law to administer oaths.

Sec. 4.

It is further enacted that on filing such application, descriptions and specifications and the payment of the fees hereinafter provided, the Secretary of State shall make or cause to be made an examination of the alleged new invention or discovery, and if it should appear to the Secretary of State that the same had not been invented or discovered or known by any other person in this country, and had not been described in any book or other publication in this country prior to the discovery thereof by the applicant, then it shall be the duty of the Secretary of State to issue patent therefor, but whenever it shall appear to the Secretary of State that the applicant was not the first inventor or discoverer thereof, or that what is claimed as new had been known to others in this country, or had been described in some publication in this country prior to the time of the alleged invention or discovery of the applicant, then it shall be the duty of the Secretary of State to refuse the grant of letters patent to the applicant therefor.

Sec. 5.

It is further enacted that if any alien or aliens shall have invented or discovered any new art, machine, manufacture, process or composition of matter, or any new and useful improvement of any art, machine or manufacture, process or composition of matter, or has invented or discovered a new and useful application of any known substance or machine, or composition of matter, or any new and useful application of any known article of manufacture, device, or apparatus to any art, manufacture, machine, process or composition of matter, such invention or discovery or such application not having been known or used by others within the limits of this Republic, or if any alien or aliens shall be the legal owner or owners of such invention or discovery or application, and shall express a desire to introduce the same and put it into active operation in this country, then it shall be the duty of the Secretary of State on due proceedings held, as provided for in the third section of this Act to issue Letters Patent therefor. But before Letters Patent can be granted to such applicant, he shall deliver with the description of the invention or discovery claimed, a certificate signed and sealed by the Mayor or Governor of the City or State in which he resides, or by a duly authorized notary public, which certifi-

cate shall set forth that the applicant is the original and first discoverer of the thing claimed, or that he has purchased the the right, title, and interest in this country to the said invention or discovery.

Sec. 6.

It is further enacted that when any alien or aliens shall have obtained Letters Patent for any invention or discovery, it shall be his or their duty to put the same in active operation in this Republic within three years from the date of the said patent, and any refusal or neglect on the part of the patentee to do this shall be considered as an abandonment by him of his patent to the public.

Sec. 7.

It is further enacted:—That before any application for a patent shall be considered by the Secretary of State, the applicant shall pay into the Treasury, or into the office of the Secretary of State to the credit of the Treasurer, if he be a citizen of this Republic, the sum of twenty-five dollars, if he be an alien the sum of fifty dollars, and the moneys received under this Act shall constitute a fund for the payment of salaries of such assistants as the Secretary of State may deem necessary for carrying this Act into effect.

Sec. 8.

It is further enacted that every patent shall be assignable in law, either as to the whole interest or any individual part thereof by any instrument of writing, which assignment, and also every grant and conveyance of the exclusive right under any patent to make and use, and to grant to others to make and use the thing patented, within and throughout the whole or any specified portion of the Republic of Liberia, shall be recorded in the office of the Secretary of State within one year from the execution thereof.

Sec. 9.

It is further enacted that all actions for damages for making, using, or selling the thing whereof the exclusive right is secured by any patent, and all suits, controversies, and cases arising under this Act shall be cognizable as well in equity as at law, by the Supreme Court of the Republic of Liberia.

Sec. 10.

It is further enacted that it shall be the duty of the Secretary of State to make or cause to be made, exact copies of all patents issued and also of all drawings appertaining to the said patents, which copies shall be properly classified, and shall be retained as permanent records in the office of the Secretary of State, and the said copies shall be open for inspection at reasonable hours to all who may desire to peruse the same. And it shall furthermore be the duty of the Secretary of State to furnish on reasonable terms certified copies of any patents or documents relating thereto.

N A T A L.

Law No. 32 of 1884.
To amend the Patent Law No. 4 of 1870.

Preamble.

WHEREAS it is expedient to make provision for the mutual protection of inventions for which Letters Patent have been granted either in the United Kingdom of Great Britain, or Ireland, or in this Colony, and for that purpose it is necessary to repeal Section 38 of Law 4, 1870, intituled "Law to provide for the granting in this Colony of Patents for Inventions."

And whereas it is enacted by Section 104 of the "Patents, Designs, and Trade Marks Act, 1883," the 46 & 47 Vict. cap. 57, that where it shall be made to appear to Her Majesty that the Legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks patented or registered in the United Kingdom of Great Britain and Ireland, it shall be lawful for Her Majesty from time to time by Order in Council to apply, with such variations or additions, if any, as to Her Majesty in Council may seem fit, the provisions of Section 103 of the "Patents, Designs, and Trade Marks Act, 1883," aforesaid to any such British possession.

And whereas the said Section 103 of the "Patents, Designs, and Trade Marks Act, 1883," provides *mutatis mutandis*, that if Her Majesty is pleased to make any arrangement with the Government of any British possession for the mutual protection of inventions, designs and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such British possession shall be entitled to a patent for his invention, or to registration of his

design or trade mark (as the case may be) under the said Act in priority to other applicants, and such patent or registration shall have the same date as the date of the protection obtained in such British possession.

Be it therefore enacted by the Governor of Natal with the advice and consent of the Legislative Council thereof, as follows :

Repeal of Section 38 of Law 4, 1870. Letters Patent granted under 46 & 47 Vict. cap. 57 to be deemed granted under Law 4, 1870, after promulgation of Order in Council. This Law not to apply to designs or trade marks.

1. The thirty-eighth section of Law No. 4, 1870, shall be and the same is hereby repealed, and it is hereby further enacted that from and after the promulgation in this Colony of the Order in Council referred to in Section 104 of the "Patents, Designs, and Trade Marks Act, 1883," all Letters Patent granted in the United Kingdom of Great Britain and Ireland shall be deemed and taken to be granted under the provisions of Law, No. 4, 1870, and may be dealt with accordingly. Provided that this Law shall only apply to patents granted for inventions in the said United Kingdom, and not to designs or trade marks.

Commencement of Law.

2. This law shall come into operation from and after the date of the promulgation in the Natal Government Gazette of the Order in Council referred to in Section 1 hereof, and shall be read and construed together with Law 4, 1870, as one Law.

NEW SOUTH WALES.

Act No. 3 of 8th July, 1887.

AN Act to further amend the law relating to Patents for Inventions and Improvements in Arts or Manufactures and to authorize the appointment of an Examiner of Patents.

Preamble.

WHEREAS it is expedient that the sum now payable by way of deposit with the Colonial Treasurer pursuant to the Act sixteenth Victoria number twenty-four intituled "An Act to authorize the Governor-General with the advice of the Executive Council to grant Letters of Registration for all Inventions and Improvements in the Arts or Manufactures to have the same effect as Letters Patent in England so far as regards this Colony" by persons desiring to obtain Letters Patent under the said Act should be reduced and that henceforth the sums so reduced should be paid into and form part of the Consolidated Revenue Fund and it is also expedient to make provision for the temporary protection of such Inventions and Improvements and for the appointment of an Examiner of Patents to aid in carrying out the provisions of the Acts relating to Letters Patent Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Deposit to be paid to Colonial Treasurer on applying for Letters Patent and mode of application.

1. Every person claiming to be the author or designer of any invention in or improvement to the arts or manufactures or

his agent or assignee who shall desire to obtain Letters Patent shall pay to the Colonial Treasurer the sum of five pounds sterling and shall after such payment lodge with the Minister of Justice a petition to the Governor setting forth that petitioner is the author or designer or the agent or assignee of such author or designer (as the case may be) of a certain invention in or improvement to the arts or manufactures, and specifying (and where necessary illustrating) the particulars of such invention or improvement and that in connection therewith he has paid to the Colonial Treasurer the sum of five pounds.

Governor may grant Letters Patent on receipt of favourable report from Minister of Justice.

2. If the Minister of Justice shall after examination of the said petition and of the report thereon of the Examiner of Patents report to the Governor that he approves of the prayer of the petitioner it shall thereupon be lawful for the Governor to grant Letters Patent which shall then be forwarded to the Examiner of Patents, who shall before issuing them to the grantee or his duly authorized agent register them as hereinafter provided.

Certificates of provisional protection may be obtained on payment of two pounds.

3. Any person so claiming as aforesaid or his agent or assignee may in like manner obtain a certificate entitling him to provisional protection for any such invention or improvement upon payment to the Colonial Treasurer of the sum of two pounds sterling and upon depositing with the Minister of Justice a petition addressed to the Governor and a provisional specification in the prescribed form.

Duration of Certificates.

4. A certificate of provisional protection shall be in force for twelve months and no longer and shall be null and void if before the date of the expiration thereof the lawful holder of such certificate shall fail to make application for Letters Patent in terms of section one of this Act.

Certificates superseded by Letters Patent.

5. It shall be lawful for the Governor to grant and issue to the lawful holder of such certificate or to his agent or assignee Letters Patent for the invention or improvement provisionally specified provided that the petitioner so entitled shall have deposited a complete specification setting forth how the invention or improvement is to be carried out and performed and provided also that all the other conditions of sections one and two of this Act shall have been complied with. And upon the issue of such Letters Patent the certificate of Provisional Protection shall be deemed to be cancelled.

Fees payable on conversion of certificates into Letters Patent.

6. The payment of two pounds sterling to the Colonial Treasurer on petition for provisional protection and the payment of three pounds sterling on petition for Letters Patent for the same invention shall if both payments are made by the original petitioner or the latter payment by his legal representative be deemed to constitute the payment of five pounds sterling provided for in section one of this Act.

Definition of Provisional Protection.

7. While a certificate of provisional protection remains in force the lawful holder thereof may use and publish his invention or improvement without prejudice to the issue of Letters Patent for the same and such protection from the consequences of use and publication shall constitute the provisional protection provided for in this Act.

Date of Letters Patent and limitation of proceedings for interim infringements.

8. Letters Patent shall (unless the Minister of Justice shall in any case otherwise advise) be dated and sealed as of the day of the deposit of the petition for provisional protection or if there has been no petition for provisional protection then as of the day of the deposit of the petition for the said Letters Patent. Provided that no action shall be maintainable in respect of any infringement of an invention or improvement committed before the deposit of the complete specification thereof nor shall any

person be entitled to institute any proceedings at law or in equity for infringement until after the actual registration of the Letters Patent granted to him for the invention or improvement alleged to be infringed.

Certificates for the same invention.

9. A certificate of provisional protection shall be no bar to the granting of a like certificate for the same invention to other petitioners but it shall be at the discretion of the Minister of Justice to approve or refuse the issue of Letters Patent upon a second or other certificate during the continuance of a certificate of prior date for the same invention.

Assignment of certificates and Letters Patent.

10. Every lawful holder of a certificate of provisional protection and every grantee of Letters Patent (whether granted under this or the Principal Act) shall be at liberty to assign the same together with all the benefits and advantages derivable therefrom to any person or persons by an instrument in writing under his hand and seal.

Issue of licenses by patentee.

11. Every such grantee of Letters Patent shall also be at liberty by an instrument in manner aforesaid to grant to any person or persons a license (either exclusive or otherwise and for any portion or portions of the Colony) to manufacture adopt utilize or exercise proprietary or co-proprietary rights over the whole or any portion of the invention or improvement which may be specifically protected by the said Letters Patent.

Nullity of assignments and licenses if unregistered.

12. Every assignment made under the authority of section ten and every license issued under the authority of section eleven shall be null and void if not registered in the prescribed time and manner.

Registration of grants, licenses, and certificates, and of assignments thereof.

13. All Letters Patent and assignments thereof or licenses thereunder and all certificates of provisional protection and

assignments thereof shall be registered in the office of the Examiner of Patents by that officer and it shall be lawful for the Minister of Justice after the passing of this Act to authorize and effect the removal from the office of the Supreme Court mentioned in the said Act to the office of the Examiner of Patents of all records and registers of grants and assignments of grants made under the Principal Act.

All future payments by applicants for Letters Patent, &c., carried to Revenue.

14. All sums paid by such persons as aforesaid shall be carried by the Colonial Treasurer to the credit of the Consolidated Revenue Fund for the public purposes of the Colony.

Examiner of Patents.

15. The Governor may appoint some fit and proper person to be an Examiner of Patents who under the direction of the Minister of Justice shall examine and report to that Minister upon all petitions for Letters Patent presented after the passing of this Act. The person so appointed shall be paid such annual salary as Parliament shall provide and shall perform such duties and give such security for the faithful performance thereof as the Governor may require.

Governor may make regulations.

16. The Governor may make and proclaim regulations for carrying into full effect the provisions of this Act and the Principal Act and for regulating the collection and disposal of fees for registering assignments and licenses and making searches of the records in the Examiner's office. And all such regulations shall upon publication in the *Government Gazette* be valid in law. Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from the issue thereof if Parliament be then in Session or otherwise within fourteen days after the commencement of the then next ensuing Session.

Interpretation of terms.

17. The following terms in inverted commas shall for the purposes of this Act bear the meanings set against them respectively:—

- “Governor”—The Governor with the advice of the Executive Council.
- “Prescribed”—Prescribed by regulations made under the authority of this Act.
- “Letters Patent”—The Letters of Registration mentioned in the Act sixteenth Victoria number twenty-four.
- “Principal Act”—The Act sixteenth Victoria number twenty-four.

Repeal of secs. 2, 3, and 4 of 16 Vic. No. 24.

18. The second third and fourth sections of the Act sixteenth Victoria number twenty-four are hereby repealed but without prejudice to the past operation thereof or to any Letters Patent lawfully granted or assigned thereunder.

Short title and commencement of Act.

19. This Act may be styled and cited as the “Patents Law Amendment Act of 1887” and shall come into operation on the first day of August one thousand eight hundred and eighty-seven.

Not to prejudice the prerogative of the Crown.

20. Nothing in this Act contained shall be construed to the prejudice of the prerogative of the Crown.

N O R W A Y.

Law of the 16th of June, 1885.

WE, Oscar, by the grace of God, King of Norway and Sweden, and of the Goths and Vandals:—

Hereby make known: That there has been submitted to us a resolution dated the eighth of June in the present year of the Storting now assembled, as follows:

§ 1.

Patents shall be granted for new inventions which may be beneficial to industry.

The following are excepted:

- (a) Inventions the use of which would be contrary to law, morality, or public order;
- (b) Inventions the object of which are articles of food, nourishment, or medicine; but a patent may be granted for a process or apparatus specially designed for manufacturing such articles.

§ 2.

An invention shall not be considered new if before the date of the application for a patent it is already so far known that it can be carried out by experts. But publication in print or by public exhibition shall not for a period of six months prevent the grant of a patent.

§ 3.

The right of obtaining a patent, with the exceptions mentioned in § 4, alone belongs to the first inventor or to a person who has obtained the right from him.

Should it be impossible to ascertain with certainty which of

several independent applicants is the first inventor, then the patent shall be granted to the first to make the application.

§ 4.

The proprietor of a patent in this kingdom shall, during a period of two years from the day of his application for the said patent, have the sole right of obtaining a patent for improvements or additions to the invention already patented.

Consequently, every application for a patent for such improvements coming from any other person shall be kept under seal in the Patent Office, and shall not be decided upon until the said period has elapsed without the original patentee availing himself of his right.

§ 5.

Patents shall be granted for a term of fifteen years from the day of application.

Any one who, having obtained a patent for an invention, desires to take out a patent for additions or improvements to the said invention, shall have the option of taking an independent patent or a patent of addition expiring with the original patent.

§ 6.

On the lodging every application for a patent, the amount of thirty crowns shall be paid to the Patent Office as a fee for the consideration of the case.

For each patent granted, excepting patents of addition, an annual tax shall also be paid amounting to ten crowns for the second year, and increasing five crowns each year. This tax shall be paid before the beginning of the year for which it is due. It may, however, be paid within the next three months, but in such a case with the addition of one-fifth.

§ 7.

The effect of the patent is that no one may, without the consent of the proprietor of the patent, excepting for his own personal use, manufacture the patented article or import it from abroad, or offer for sale, or sell the same.

If the object of the patent is a process, an apparatus, a machine, a tool, or other working instrument, the patent further has the effect that no one may employ the patented

article in his business without the consent of the proprietor of the patent; provided that the patent shall be without effect as regards gear in use on foreign vessels during their stay in Norwegian ports or waters.

§ 8.

The patent shall have no effect against persons who have used the invention in the kingdom before the date of application, or have previously made the necessary preparations for the use of the same.

Should the proprietor of a patent have published the invention in the manner mentioned in the latter part of § 2 before the date of application, the effect of the patent shall date back to the day of such publication, provided that he, at the time, and in conjunction therewith, announced (in the case of a public exhibition by a notice affixed to the article exhibited), that an application for a patent would hereafter be made, and shall have given preliminary notice thereof to the Patent Office.

§ 9.

If the King so decide, a patented invention may be used for the Government service without the consent of the proprietor of the patent. A patented invention which is of essential value to any particular trade or industry may, by a similar decision, be appropriated to private use. The proprietor shall be entitled in both cases to compensation, the amount of which shall, in default of an amicable arrangement, be determined by arbitration. In the first case the payments shall be made by the Government, and in the second case by the person or persons using the invention. If the compensation be fixed at a lump sum once for all, it shall be paid before the invention is taken into use. If it be fixed at a royalty, the arbitrators shall, if so required by the proprietor of the patent, also fix the times at which the payments shall be made, and also decide the amount of security to be given to ensure due compliance. The payment awarded by the arbitrators can be enforced by distraint.

§ 10.

The examination of and decision upon applications for patents shall rest with a Patent Commission sitting at Christiania, and which shall consist of a president, who must

be qualified for the bench, and at least five members, who must be experts in technical pursuits, all of whom shall be appointed by the King for a term not exceeding five years. Deputies for the technical members shall also be appointed.

No decision upon an application for a patent shall be given unless there are present not less than four, or when there is a difference of opinion not less than five of the members of the Commission, including the president and the members who have previously dealt with the matter. When there is an equal vote, the president shall have a casting vote.

Every such decision must be accompanied by reasons, and official notice thereof shall be sent to the applicant or his attorney.

§ 11.

None of the members of the Patent Commission shall be permitted to take out for himself a patent for any invention, either personally or through others, or act as attorney for an applicant for a patent. Any member who is in such relation to an applicant for a patent, that he would be incapacitated from acting as judge shall withdraw.

§ 12.

Any person who desires to obtain a patent for an invention shall lodge with the Patent Commission—

1. A petition for the grant of a patent addressed to the Commission.
2. A description of the invention in duplicate.
3. The drawings (also in duplicate) necessary for explaining the description, and (according to circumstances) models, samples, &c.
4. A list of all documents, papers, &c., lodged.

§ 13.

If the applicant does not reside in Norway, he must appoint in his petition an attorney resident in the country to represent him in all matters relating to the patent, and who may be summoned in his place. An attested copy of the power of attorney appointing the representative and accepted by him shall be annexed to the petition.

An application which is not signed by the applicant himself must be accompanied by a proper power of attorney in favour of the person who has signed it.

§ 14.

The application, which must relate only to one principal invention with the details connected therewith, must contain the applicant's name and state his profession and residence, and give a short title for the invention in the form the applicant desires it to be designated in the patent. If the invention has not been made by the applicant himself the necessary proofs must be given that it has been lawfully transferred to him by the inventor.

The specification must be so explicit and complete that other persons skilled in the art may thereby be enabled to carry out and apply the invention. It must conclude with a definite statement of what the applicant considers to be his invention and wishes to protect by patent.

The petition and the specification must both be written in the Norwegian language.

The drawings must be distinct and be made upon a durable material, and must show all the details mentioned in the specification, these details being both in the specification and on the drawings designated with corresponding letters or numbers of reference.

§ 15.

Should the Patent Commission find that in an application lodged the conditions contained in §§ 12, 13 and 14 are not fulfilled, they shall indicate the deficiencies to the applicant or his attorney as soon as possible in writing, and fix a suitable period within which such deficiencies must be amended. If the required amendment is not effected within that term, or within a term extended according to circumstances, the application will be rejected.

§ 16.

If the invention forming the subject of the application is evidently not new, or if, according to law, a patent cannot be granted for the same, the application may be rejected at once.

§ 17.

If, on the other hand, the application, with its accompanying papers, is satisfactory and in due form, and none of the reasons mentioned in § 16 for rejecting the same are found, the Patent Commission shall, as soon as possible and at the latest within

four weeks, order a public announcement of the application stating the subject matter of the same and the name of the applicant. At the same time the application, with everything pertaining thereto, shall be laid open to public inspection in the Patent Office.

§ 18.

The announcement and exposure to public inspection ordered in the preceding section, may, if the applicant did so request in the application and did at the same time pay an additional fee of twenty crowns, be postponed for a period not exceeding four months from the day that the applicant or his attorney received official notice that the Patent Commission had not at the preliminary examination found any reason for rejecting the application.

In this case the Commission has a term of eight weeks allowed for the preliminary examination, and has also the right during this period to ask the opinion of experts, as provided for by § 20.

§ 19.

During the period of eight weeks from the date of the publication any person may lodge with the Patent Commission an opposition to the grant of the patent applied for. The opposition must be in writing, and must be accompanied by reasons which must also be given in writing.

§ 20.

Within sixteen weeks from the date of publication, the Commission shall decide upon the application. But before deciding they may ask further explanations of the parties concerned in the case; they also have the right to ask the opinion of experts or to take other measures that may be necessary to inform themselves as to the case.

§ 21.

Should the applicant be dissatisfied with the decision of the Patent Commission under §§ 16 and 20, and should he believe that he is able to give such further information or explanation as would lead to a different result, he may during six weeks lodge a remonstrance against the decision with the Commission, which shall thereupon further consider the case.

Should this not lead to a decision satisfactory to the applicant he shall be entitled on giving notice within four weeks to the Patent Commission, to demand the revision of the decision by a Superior Patent Commission consisting of seven members appointed for the occasion by the King, having regard to the nature of the case. On making such a demand the applicant shall pay a fee of one hundred and fifty crowns, which, however, shall be repaid to him if the previous decision is not confirmed.

The Superior Patent Commission shall decide the case upon the documents submitted to the Patent Commission.

§ 22.

When it has been finally decided to grant the patent, the Commission shall issue Letters Patent setting out the subject of the patent and the day from which it commences to run (see § 5).

The Commission shall as soon as possible after the Letters Patent have been issued cause the fact to be published; such publication shall contain an abstract of the specification and papers annexed to the same and also the name and address of the attorney of the patentee if there be one.

When it has been finally decided to refuse a patent, such decision shall also be published.

§ 23.

If the patentee leaves the country, or if the patent is assigned to a person not residing in Norway, the appointment of an attorney must be notified to, and such a power of attorney for the same must be lodged with, the Patent Office as is prescribed by § 13.

§ 24.

A register of all patents granted shall be kept at the Patent Office which shall show the subject and date of the patent, together with the name and address of the patentee and of his attorney if there be one. When any patent expires, becomes void, is repealed by judgment, or is adjudged to be wholly or partially invalid, this shall be noted in the register and shall be also publicly announced. The same course shall be followed with regard to an assignment of a patent, and to the appointment of an attorney or a new attorney (§§ 13 and 23) when the notification of the appointment with due legislation has been lodged with the Office; so long as this has not taken place

the assignment or appointment of representative is of no effect as regards the Government or any third party.

The Register and the specifications, drawings, models, &c., which have reference to patents granted shall be accessible to any person who may desire to make himself acquainted with the same.

§ 25.

A patent becomes void :

1. If the annuities prescribed by § 6 are not paid at the Patent Office within the time fixed in the said section.

2. If the appointed attorney no longer can or will discharge his duties, and the patentee does not register with the Patent Commission a new attorney within three months after being warned by advertisement in the Gazette designed for such publications.

§ 26.

A patent may be declared wholly or partially void by judgment of Court, if it is shown that according to the provisions of §§ 1, 2, 3, or 4, it should not have been granted at all, or for a narrower scope.

§ 27.

A patent may be repealed by judgment of Court, if the patentee has not within three years from the date of the patent either himself or through others worked the invention in the Kingdom, or put on sale the patented article; also if the working or keeping on sale has been discontinued for one year. If however this has been caused by an accidental occurrence, the last-mentioned term may, on making a petition to that effect, be extended by the Patent Commission.

In special cases the Patent Commission may on application, and as an exception, make special regulations as to what will be considered sufficient working or offering for sale in the Kingdom.

§ 28.

Any person who desires to have a patent declared void (§ 26) or repealed (§ 27) may bring an action before the Court against the patentee. Such action shall be tried before the Byret at Christiania. The summons shall give four weeks notice without regard to the defendant's residence. The usual preliminary proceedings before the Court of Reconciliation shall be dispensed

with. The Patent Commission shall be informed thereof through the president.

§ 29.

Whoever infringes the rights granted to the patentee by the patent, shall be compelled to compensate the injured party for the injury caused thereby. If the guilty party has knowingly committed such infringement he shall, provided that his proceedings do not involve a more severe punishment, pay to the Treasury a fine of from fifty to one thousand crowns, or if the offence is repeated, to two thousand crowns. Any goods illegally manufactured or offered for sale may, if the goods themselves are patented, be by judgment confiscated.

§ 30.

The Government shall not prosecute (of its own accord) the offender for the offences mentioned in § 29. The right to demand the prosecution belongs, however, not only to the patentee himself but also to every person to whom he has wholly or partially assigned his rights or who is in any other manner injured by the offence.

§ 31.

Should the defendant in an action for infringement of a patent base his defence on the plea that the patent is void (§ 26) or forfeited (§ 27), the Court if it be other than the Christiania Byret shall on request being made allow the defendant such delay as will enable him to obtain a judgment in accordance with § 28. If the case is being tried before the Christiania Byret, the defendant may in the same suit by a counter-action without application to the Reconciliation Court, take proceedings for having the patent declared invalid or for repealing the same.

§ 32.

Neither the penalties nor damages prescribed by this Law can be enforced if the action has not been commenced within two years from the time at which the infringement was committed, or if the injured party has neglected to commence proceedings within one year from the time at which he can be proved to have been aware of the infringement or if he during the same period neglects to prosecute an action already commenced.

§ 33.

Should any person who has applied for a patent for an invention in a foreign country, within a period not exceeding seven months thereafter make an application for a patent for the same invention in this country, this application shall be treated in relation to other applications as if it had been made at the same time as the application in the foreign State, provided that the State in question makes reciprocal concessions.

§ 34.

This Law shall not affect patents granted before the date on which this Law comes into force. The proprietor of any such existing patent may however within one year thereafter apply to exchange such patent into a patent under the provisions of this Law, which provisions shall be fully applied to such an application. The question of novelty (§ 2) shall be decided in such a case according to the state of affairs at the time when the former patent was applied for. The term (§ 5) of such new patent if granted shall be reckoned from the date of grant of the former patent, and the annuity (§ 6) shall be determined according to the age of such former patent.

§ 35.

Further provisions for the regulation of the affairs of the Patent Commission, the form and contents of patents and whatever else may be required for carrying out this Law shall be issued by the King.

§ 36.

This Law shall come into force on the first of January, 1886, from which day § 82 of the Law on Trades of July 15th, 1839, is repealed.

Wherefore we have ratified and confirmed and do by these presents ratify and confirm this resolution as Law under Our hand and the Seal of the Kingdom.

Given at Our Palace at Stockholm, the 16th of June, 1885.

OSCAR.

(L. S.)

ORANGE FREE STATE.

Ordinance No. 12, 1884.

Preamble.

THE Legislative Council of the Orange Free State, deeming it expedient to establish general rules respecting the granting exclusive rights to inventions and improvements in the arts and national industries, has enacted and hereby enacts:—

Art. 1.

The President of the State, with the consent and advice of the Executive Council, shall and may give and grant exclusive rights for a certain time in respect of actual inventions or real improvements in any department of the arts and national industries, and such grant shall be made by open letters under the name of Letters Patent, provided that application be made to the President in writing.

Art. 2.

These Letters Patent shall be issued without prejudice to the rights of any one, becoming void if it should appear that the invention or improvement, the subject of the Patent, shall have been exercised, used, or worked by any one within the State before the granting of the Letters Patent.

Art. 3.

Letters Patent shall be granted for a period of five, ten or fifteen years, and in return royalties of a greater or less amount

shall be paid into the Treasury according to the time for which the Patent is granted and to the value of the invention or improvement to the patentee, which royalties, however, shall never exceed £750 nor be less than £150. These royalties shall be fixed by the Executive Authority upon each application being made.

Art. 4.

Letters Patent granted for five or ten years may be extended upon the expiration of such period when there shall be very weighty reasons for such extension, under such conditions as the Executive Authority shall deem advisable, but no Letters Patent can be extended beyond fifteen years.

Art. 5.

Letters Patent on the first importation or setting up of foreign inventions or improvements which shall have been patented in such foreign country shall be granted for no longer period than that for which any exclusive privilege shall have been allowed in such foreign country, and upon the express condition that the patented objects shall be constructed or manufactured within this State.

Art. 6.

Letters Patent will entitle the owners or their assigns:—

- (a.) To be the sole and exclusive makers and vendors throughout the whole State during the defined period, provided that the same be manufactured within the State.
- (b.) To have the right of civil action against those who infringe their patents, and to proceed against them for the confiscation of the manufactured and unsold patented goods and for the price of those already sold, as also for such further compensation for damage, loss of profit or interest as they shall appear to have suffered.

Art. 7.

To the written application for any Letters Patent the applicant shall annex a minute and detailed description, signed and sealed by himself, of the matter or secret which is to be the subject of the patent, with the requisite plans, drawings, estimates, &c., which specification shall at the expiration of the period of the original or extended patent, or earlier in case any patent

shall lapse sooner for any reason hereafter mentioned, be given to the world, unless the Government shall determine for weighty reasons to postpone such publication.

Art. 8.

Letters Patent shall be deemed to have lapsed:—

- (a) When the patentee shall appear to have *malâ fide* omitted or erroneously described any part of the invention in his specification.
- (b.) Upon proof of publication through a published book prior to the granting of the Letters Patent.
- (c.) Upon non-user of the patent for two years after the granting thereof, except for weighty reasons to be approved by the Executive Authority.
- (d.) When the holder of Letters Patent shall have obtained any exclusive privilege in respect of the same article in a foreign country after the granting of the Letters Patent here.
- (e.) Upon proof that the subject of a patent is in its nature or application fraught with danger to the safety and security of the State or its inhabitants.

Art. 9.

The President of the State, with the advice and consent of the Executive Council, shall formally declare the Letters Patent to have lapsed, but only after the patentee shall have been heard against such sentence.

Art. 10.

The granting or lapse of Letters Patent shall be notified by the Secretary to the Government in the Government Gazette, and in the various newspapers in the State at the expense of the patentee, and such notification in the Gazette shall be conclusive proof in any suit or action of the matters therein stated.

Art. 11.

A proper register of patents issued shall be kept by the Secretary to the Government at the Government Offices, and all Letters Patent therein mentioned shall be signed by the President and the Secretary to the Government.

Art. 12.

No application for Letters Patent shall be entertained unless at least six weeks previous notice thereof shall have been given for the information of the public in the Government Gazette.

Art. 13.

This Act shall be in force from the promulgation thereof.

P E R U .

Article 27 of the Constitution.

USEFUL discoveries are the exclusive property of their authors, unless they voluntarily agree to sell the secret or the case of forcible expropriation arises. Those who are merely introducers of such kinds of discoveries shall enjoy the same advantages as the authors, for the limited period granted to them according to law.

*Law of the 28th January, 1869.***Art. 1.**

Every discovery or invention in whatsoever branch of industry gives to its author the exclusive right of working it for his own benefit, under the conditions and for the period fixed by this law. This right must be established by a certificate or patent granted by the Government.

Art. 2.

The following shall be considered as inventions or discoveries :—

1. New industrial products.
2. New methods or the new application of those already known for obtaining an industrial result or product.

Art. 3.

The following shall not be patentable :—

1. Pharmaceutical preparations or remedies of any kind whatsoever.
2. Schemes or combinations of credits or funds; and

3. Processes, the object of which is to establish the known means for improving an industry the practice of which is free in or out of the Republic.

Art. 4.

In the third case of the preceding article, there shall only be admitted proposals relative thereto or contracts permitted by law, and they shall be put up to auction.

Art. 5.

The duration of privileges shall not exceed ten years ; those who obtain them shall pay one hundred dollars every year, to go to the fund of Public Works of the province in which they are to be exercised or established.

Art. 6.

Those who apply for patents of invention or importation shall present themselves at the prefecture of the Department in which they wish to establish the same or at the Prefecture of the domicile of the petitioner, if such establishment is to be effected in two or more Departments.

Art. 7.

The application shall comprise :—

1. The description of the invention or thing it is proposed to introduce.
2. The plans or models which may be necessary for understanding the same.
3. A list, description or memorandum of the things produced as models.
4. A clear statement or definition of the principal object, with the details composing it and an explanation of the application thereof.
5. The term of the privilege ;—and
6. The explanation of what security is offered for the realization of the project..

Art. 8.

The application shall be carefully drawn up in Spanish, using the numbers, weights and measures known in the Republic.

If, amongst the persons signing the application, there should be a foreigner, he must explicitly renounce all diplomatic intervention in the event of any question arising relative to the privilege solicited, and must submit himself absolutely and exclusively to the laws and tribunals of the Republic. Without this requirement the application shall not be entertained.

Art. 9.

The Prefects shall ascertain the opinion of the Municipality, of the Fiscal or Fiscal Agent and of the other officials as the nature of the case requires; they shall also take the opinion of experts, if necessary. With the preliminaries and the corresponding report, they shall deliver the description, drawings, models, &c., to the proper Ministry at the cost of the interested party.

Art. 10.

The Ministry to whose branch the privilege appertains shall take the opinion of the Fiscal of the Supreme Court and of such Offices as are deemed necessary, and upon the results of these preliminaries it shall grant or refuse the privilege.

Art. 11.

Prolongations of privileges and also modifications or alterations thereof can only be granted by a legislative resolution, if solicited by the interested parties, in virtue of well founded reasons, proved facts, or sufficing documents.

Art. 12.

Only the privileged person can use the privilege during the term of its duration. Any others must have permission for that purpose given to them by agreement or by any other of the means which the laws indicate.

Art. 13.

Patents of privilege are null and have no effect:—

1. If the discovery, invention, or application is not new.
2. If it is not comprised within the terms of Art. 2.
3. If it is based upon theoretical or scientific principles, methods, systems or discoveries, the industrial application of which is not indicated.

4. If the discovery, invention, or application appears to be contrary to order, to public security or to law; without prejudice in that case to the penalties prescribed for the manufacture or sale of prohibited articles.
5. If it is found that in applying for the patent, fraud was committed to obtain by that means another object distinct from the real invention.
6. If in carrying out the invention, it turns out to be not in accordance with the description which accompanied the application.
7. If it was obtained in contravention of any of the provisions of this law.
8. If in granting the privilege there are also conceded pecuniary subventions not foreseen in the estimates of the Republic, or exemptions contrary to law. Authorizations which refer to changes, improvements or additions which are not comprised in the principal patent are equally null and of no effect.

Art. 14.

A discovery, invention or application shall not be deemed to be new, if in Peru or abroad, previous to the date of the application, it had had sufficient publicity to be put into practice.

Art. 15.

The patentee shall lose his rights:—

1. If he does not pay the annuity or quota prescribed by Art. 5.
2. If he does not work his discovery or invention within the period of two years or the period stipulated in the privilege unless he legally justifies the cause of the delay.
3. If he imports articles manufactured in a foreign country, similar to those protected by the patent; with the exception only of models of machinery, provided that their importation be authorized by the Government after investigation.

Art. 16.

Any person who in advertisements, prospectuses, placards, marks or stamps, arrogates to himself the title of possessor of a privilege, without legally possessing it or after its termination,

shall be punished with a fine of from fifty to a thousand soles (£8 to £160) according to circumstances. In case of repetition the fine shall be doubled without prejudice to the penalties attaching to the offence of fraud.

Art. 17.

Any persons who with justice consider themselves interested, are entitled to demand the nullity or cessation of a privilege. The Fiscal Ministry shall intervene in the matter and in the event of the privilege being declared null or terminated, whatever may be the cause, he shall give due notice through the proper person to the Ministry it concerns.

Art. 18.

Any infringement upon the rights of a privileged person, whether consisting in the manufacture of products or in the employment of means specified in the patent shall constitute the offence of falsification, which shall be punished according to the gravity of the circumstances with a fine in favour of the interested party and the confiscation of the falsified industry.

Art. 19.

Privileges or patents which are actually in force and which were issued in conformity with the regulations prior to this law, shall retain their effect for the whole period for which they were granted.