

des arrangements particuliers pour la protection de la Propriété Industrielle, en tant que ces arrangements ne contreviendraient point aux dispositions de la présente Convention.

Special arrangements.—Such arrangements have been made with Paraguay, Mexico, and Uruguay, see p. 411.

ARTICLE XVI.

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

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

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

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

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention.

A list of the States belonging to this International Union, with the several dates of the Orders in Council relating thereto, and the dates at which the Convention commenced its effective operation, will be found at p. 411.

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

It is obvious that, as regards any two countries subsequently joining the Convention, the date of adhesion of the country which last joined the Convention will regulate the date of commencement of the operation of the Convention between the two countries. The provisions of section 103 of Patents Act, 1883 (p. 516), were made applicable to applications under the International Convention, by Order in Council dated 26th June, 1884.

The Order in Council is printed *infra*, at p. 620, and it is to be observed that her Majesty reserved power to hereafter accede to the

Convention on behalf of the Isle of Man and the Channel Islands. The ordinary British patent covers the Isle of Man but not the Channel Islands, so that at present a patent obtained under the provisions of the International Convention and Patents Act. 1883, s. 103, is not co-extensive with the ordinary British patent, as it does not give any rights over the Isle of Man.

ARTICLE XVII.

Convention subordinate to laws of contracting countries.

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

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

It appears that the International Convention is valid in this country only in so far as its provisions are authorised by the Patents Acts, 1883—88, or any other law, whether statute or common law, affecting the subjects dealt with in the Convention.

ARTICLE XVIII.

Commencement of operation of Convention.

The present Convention shall come into operation one month after the exchange of ratifications,¹ and shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation. This denunciation shall be addressed to the Government commissioned to receive adhesions. It shall only affect the denouncing State, the Convention remaining in operation as regards the other Contracting Parties.

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

Cette dénonciation sera adressée au Gouvernement chargé de

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

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

Great Britain joined the Convention July 7th, 1884. For dates of other countries joining the Convention, see p. 411.

ARTICLE XIX.

The present convention shall be ratified,¹ and the ratifications exchanged in Paris, within one year at the latest. Ratification.

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

1 See note to preceding Article.

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

Done at Paris the 20th March, 1883.

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

Fait à Paris, le 20 Mars, 1883.

(Signed)

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

II.

FINAL PROTOCOL.

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

“Industrial property.”

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

“Patents.”

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

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

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

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

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

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

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

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

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

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

1st class	France, Italy.
2nd class	Spain.
3rd class	Belgium, Brazil, Portugal, Switzerland.
4th class	Holland.
5th class	Servia.
6th class	Guatemala, Salvador.

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

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

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

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

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

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

He will furnish an annual Report upon his adminis-

tration of the office, which shall be communicated to all the members of the Union.

The official language of the International Office will be French.

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

Final Protocol
to be read
with Conven-
tion.

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

(Signed) BEYENS.
 VILLENEUVE.
 DUC DE FERNAN-NUNEZ.
 P. CHALLEMEL-LACOUR.
 CH. HÉRISSE.
 CH. JAGERSCHMIDT.
 CRISANTO-MEDINA.
 RESSMAN.
 Baron DE ZUYLEN DE NIEVELT.
 JOSE DA SILVA MENDES LEAL.
 F. D'AZEVEDO.
 J.-M. TORRES-CAICEDO.
 SIMA M. MARINOVITCH.
 LARDY.
 J. WEIBEL.

III.

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

Accession of Her Britannic Majesty to the Convention.

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

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

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

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

Done at Paris on the 17th day of March, 1884.

(L.S.) (Signed) LYONS.

IV.

DECLARATION OF ACCEPTANCE OF ACCESSION.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, having acceded to the International Convention relative to the Protection of Industrial Property, concluded at Paris, March 20, 1883, together with a Protocol dated the same day, by the Declaration of Accession delivered by Her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic; the text of which declaration is word for word as follows:—

(Here is inserted the text of No. III. in English.)

The President of the French Republic has authorised the undersigned, President of the Council, Minister for Foreign Affairs, to formally accept the said Accession, together with the reserves which are contained in it concerning the Isle of Man, the Channel Islands, and all other possessions of Her Britannic Majesty, engaging as well in his own name as in that of the other High Contracting Parties to assist in the accomplishment of the obligations stipulated in the Convention and the Protocol thereto annexed, which may concern the United Kingdom of Great Britain and Ireland.

Accession of Her Britannic Majesty, with its reservations accepted.

In witness whereof the undersigned, duly authorised, has drawn up the present Declaration of Acceptance and has affixed thereto his seal.

Done at Paris, the 2nd April, 1884.

(L.S.) (Signed) JULES FERRY.

ORDER IN COUNCIL APPLYING SECTION 103 OF THE ACT OF 1883 TO THE SIGNATORIES TO THE INTERNATIONAL CONVENTION (a).

*At the Court at Windsor, the 26th day of June, 1884:
Present—The Queen's most Excellent Majesty in Council.*

WHEREAS by the provisions of the Patents, Designs and Trade Marks Act, 1883, it is among other things provided:—

Recital of Act of 1883, s. 103.

That if her Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark, in any such State, shall, subject to the conditions further provided and set forth in the said Act, be entitled to a patent for his invention, or to registration of his design or trade mark (as the case may be) under the said Act in priority to other applicants, and such patent or registration shall have the same date as the date of the protection obtained in such foreign State.

Recital of accession of Great Britain to International Convention.

And whereas it has pleased her Majesty to make an arrangement of the nature contemplated by the said Act, by and in virtue of a declaration signed and sealed by her Majesty's Ambassador at Paris on the 17th March, 1884, duly conveying the accession of Great Britain to the International Convention and Protocol for the protection of Industrial Property, signed by the representatives of certain powers on the 20th day of March, 1883, and duly ratified on the 6th day of June, 1884, power being reserved to her Majesty to hereafter accede to the provisions of the said Convention and Protocol on behalf

(a) Published in *London Gazette* of July 1, 1884. For the other Orders in Council which have been made, see Table at p. 411.

of the Isle of Man, the Channel Islands, and any of her Majesty's possessions, which declaration or accession was duly accepted by the French Government on behalf of the Signatory Powers, by and in virtue of a declaration dated the 2nd of April, 1884.

Now, therefore, her Majesty, by and with the advice and consent of her Privy Council, and by virtue of the authority committed to her by the said Act, doth declare, and it is hereby declared, that the provisions of the said Act hereinbefore specified shall apply to the following countries, viz. :—

Section 103
applied.

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

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

Order, when
order takes
effect.

C. L. PEEL.

APPENDIX OF STATUTES.

18 HEN. 6, c. 1.

[A.D. 1439.]

For regulating Grants by the King.

[*This statute is impliedly repealed, so far as patents for inventions are concerned, by Act of 1883. See also Act of 1852, s. 23.*] 18 Hen. 6,
c. 1.

“Whereas by suit made to the King by divers persons, it hath been desired by their petitions to have offices, farms, and other things of the gift and grant of the King by his gracious letters patent thereof to them to be made, desiring by the same petitions the same letters patent of the King, to bear date at a certain day limited in the same, the which day is often long before the King’s grant to them made of their said petitions, whereby the King’s letters patent to them thereupon made have borne the same date, by reason whereof divers of the King’s liege people having such offices, farms, and other things of the gift or grant of the King by his gracious letters patent thereof to them long time before duly made, by such subtle imagination of such ante-dates desired by such petitions of such offices, farms, and other things often have been put out, removed, and expelled, against right, good conscience, and reason.” Our said Lord the King, willing to put out such imaginations, by the advice and assent of the Lords spiritual and temporal aforesaid, and at the special request of the said Commons, hath ordained, by authority of the same parliament, that of every warrant hereafter sent by the same our Lord the King, or his heirs, to the Chancellor of England for the time being, the day of the delivery of the same to the Chancellor shall be entered of record in the Chancery. And that the Chancellor do cause letters patent to be made upon the same warrant, bearing date the day of the said delivery in the Chancery, and not before in anywise. And if any letters patent be from henceforth made to the contrary, they shall be void, frustrate, and holden for none (a). Date of letters
patent.

(a) This is the earliest statute bearing any relation directly to letters patent for inventions; there are several earlier statutes relating chiefly to the regula-

tion of trade, and the grants of lands and offices. See 9 H. 3; 9, 14, 25, 27 Ed. 3; 2, 5, 11 R. 2; 1, 2, 4, 6 H. 4; Webs. Letts. Pat. p. 33, n. (a).

6 HEN. 8, c. 15.

[A.D. 1514-1515.]

6 Hen. 8,
c. 15.*An Act avoiding Second Letters Patent granted by the King.*

[*This statute is superseded, so far as letters patent for inventions are concerned, by Statute of Monopolies, s. 6.*]

“The King’s highness, of his goodness, calling to his remembrance, that where his grace hath granted to divers of his servants (for their service to his grace done), lands, tenements, fees, offices, and other things, to have to them during his pleasure; and after other persons, by their sundry suits, have obtained of his highness other letters patent of the same, not advertising his grace of his former grants, whereby the said former patentees have been avoided, and put from the advantage of their said former grants and patents, contrary to the intent and grant of our said sovereign lord.”

What shall be expressed in the King’s letters patent, in the case of duplicate grants of the same boon.

Wherefore be it ordained, established, and enacted by our said Sovereign Lord, the Lords spiritual and temporal, and the Commons in this present parliament assembled, and by authority of the same, that if any person or persons from henceforth do make suit to the King’s highness for any lands, tenements, offices, or any other things so by his grace granted, or hereafter to be granted to any person or persons during his pleasure, the said first patentee then being in life; that he do express in his said bill of petition or patent, the tenor of the said former patent, and that the King then hath determined his pleasure against the first said patentee; or also the second letters patent of any of the premises to any person hereafter to be granted, to be void and of none effect (*b*).

2. This Act to commence and take effect from the fourth day of April next coming, and not before.

27 HEN. 8, c. 11.

[A.D. 1535-1536.]

27 Hen. 8,
c. 11.*An Act concerning Clerks of the Signet and Privy Seal (c).*

[*Repealed by 47 & 48 Vict. c. 30, s. 5.*]

“Whereas the King’s clerks of his grace’s signet and privy seal, giving their daily attendance for the passing and writing of his Majesty’s great and weighty affairs, and the causes of this his realm, having for their entertainment and their clerks no fees nor wages certain for those offices, other than such fees as cometh and groweth of the said signet and privy seal; to the in-

(*b*) Letters patent for inventions are not during the King’s pleasure, but only for fourteen years; and a grant of second letters patent for the same subject-matter would be void under 21 Jac. 1, c. 3, and at common law, as well as by this statute: *Webs. ubi sup.* 34, n. (*b*).

(*c*) These offices were regulated by 57 G. 3, c. 63, and abolished under 2 W. 4, c. 49; *Webs. ubi sup.* n. (*c*).

This statute regulates the course of proceedings for passing letters patent. According to the preamble of the statute, it would appear to have been passed for the purpose of insuring fees to certain clerks; but Sir E. Coke speaks of it in the following terms:—“Such was the wisdom of prudent antiquity, that what-

soever should pass the Great Seal should come through so many hands, to the end that nothing should pass the Great Seal, that is so highly esteemed and accounted of in law, that was against law or inconvenient; or that any thing should pass from the King any ways which he intended not, by undue and surreptitious means” 2 Inst. 556. Its object has also been stated to ensure that the grants should be carefully inspected by the officers of the crown; but this is obviously futile as regards letters patent for inventions, the grant being at the peril of the grantee; and now, since the practice has been introduced of enrolling a specification, the patentee is judged on his own deed.

tent that from henceforth they should not by any manner of means be defeated of any part or portion of the same their fees:" be it therefore ordained, established, and enacted, by the consent and assent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by authority of the same, that all and every gift, grant, and other writing, which shall be made or given in writing by the King's highness, or any of his most noble posterity, to any person or persons, signed with his grace's sign, or the sign or signs manual of any of them, to be passed under any his grace's great seals of England, Ireland, Duchy of Lancaster, or any of his highness's counties palatines, or principality of Wales, or by other process out of the Exchequer, after the fifteenth day of April, in the twenty-seventh year of his most noble reign, and that all and every gifts, grants, and other writings, of what name or names, quality or qualities soever the same be, or hereafter shall be named, deemed, or called, which the master of the King's wards, or general surveyors of the King's lands, for the time being, or any other officer or officers that now be, or hereafter shall be made, shall, by virtue of an Act of Parliament, or any the King's grants to them or any of them made, or hereafter to be made in that behalf, give, grant, or make, after the aforesaid fifteenth day of April, to any person or persons in the King's name, to be passed under any of his Majesty's seals, be in anywise first, and before the same grant, or any of them, be passed under any the King's said seals, or other process made of the same, brought and delivered to the King's principal secretary, or to one of the King's clerks of his grace's signet for the time being, to be at the said office of the signet passed accordingly (*d*).

The King's grants shall be brought to the secretary or to a clerk of the signet.

2. And be it also ordained and enacted by the authority aforesaid, that one of the clerks of the signet, to whom any of the said writings, signed with the King's most gracious hand, or the hand of any other aforesaid, or any of them fortune to be delivered, may and shall by warrant of the same bills, and every of them, within the space of eight days next after he shall have received the same, unless he have knowledge by the said secretary, or otherwise, of the King's pleasure to the contrary, make or cause to be made in the King's name, letters of warrant, subscribed with the hand of the same clerk, and sealed with the King's signet, to the lord keeper of the King's privy seal, for the further process to be had in that behalf; and that one of the King's clerks of the said privy seal, upon due examination had by the said lord keeper of the said privy seal, of the said warrant to him addressed from the office of the said signet as afore, may and shall within the space of eight days next after he shall have received the same, unless the lord keeper of the privy seal do give them commandment to the contrary, make or cause to be made, by warrant of the aforesaid warrant to the said lord keeper of the privy seal, address from the office of the signet aforesaid, other letters of like warranty, subscribed with the name of the same clerk of the privy seal, to the lord chancellor of England, lord keeper of the great seal, chancellor of the duchy of Lancaster, chancellor of the King's land of Ireland, treasurer and chamberlains of the exchequer, and chamberlains of any of his counties palatines, or principality of Wales, or other officer, and to every of them, for the writing and ensembling with such seals, as remain in their custody, of letters patent or closed, or other process making, due and requisite to be had or made upon any the said grants, according to the tenor of the warrant to them or any of them directed from the officer of the privy seal, as is afore specified (*e*).

A warrant by the clerk of the signet to the lord keeper of the privy seal.

A warrant from the privy seal to the great seal.

(*d*) This section provides, that every grant in writing, after signature by the King, and before any seal has been affixed, which in the case of letters patent would be, the bill should be brought to be passed at the Signet Office. The Queen's Bill on being passed at the

Signet Office, is termed the Signet Bill. Webs. *ubi sup.* 35, n. (*d*).

(*e*) By the first clause of this section, the clerk is directed to prepare letters of warrant under his hand and the Signet Seal, to the keeper of the Privy Seal; and by the second clause, the clerk of

The penalty for altering of the course aforesaid.

3. And also be it enacted, by the authority aforesaid, that no manner of clerk or clerks, or other person or persons, do write or make any manner of writing, warrant or warrants, upon any manner of gift or grant, made by the King's highness, or by any other his grace's officers as aforesaid, or procure the same or any of the same to be passed under the seals aforesaid, after any other sort, manner or fashion, or by any other warrant or warrants, than as before specified and delivered, upon pain to forfeit for every bill, warrant or writing, passed contrary to the order before limited and prescribed, the sum of 10*l.*; the one-half thereof to be to our Sovereign Lord the King, and the other half to him that shall first sue for the same by action of debt, writ, bill, plaint, or information in any of the King's Courts; in which action or suit, no essoin, protection, privilege, nor wager of law, shall be admitted; any manner, act, statute, provision, proclamation, or other ordinance heretofore had or made, contrary to this present Act, or any article of the same, in anywise notwithstanding.

Fees for writings which pass by immediate warrant.

4. And nevertheless be it also enacted, that every of the said clerks, or other person, which shall pass in writing, or procure to be passed in writing, any grant or grants by immediate warrant, wherefore fees be paid at the great seal, shall of the parties receive for the offices of the said signet and privy seal, as well as such fees as in this Act is taxed for writing of any such grant or other writings, as also the fees for the seal of the same; which fees, and every part and portion thereof, the same clerk or clerks, by whom any grant shall pass in writing by immediate warrant, shall upon a bill of the hand of one of the said clerks of the said signet or privy seal, deliver unto one of the same clerks of the signet or privy seal, within the space of three months next and immediately ensuing after the passing and sealing of any of the said grant or grants by immediate warrant, upon pain of 10*l.* to be by every such of the said clerks or other person as shall offend, forfeited, to be levied in form aforesaid, as often as he or they shall offend contrary to the meaning of this Act.

This Act shall not prejudice the lord treasurer for directing the warrants to the great seal.

5. Provided also, that this Act, or any thing contained in the same, be not in anywise prejudicial to the lord treasurer of England for the time being, concerning such warrants or precepts as he by virtue of his office shall and may direct immediately to the Lord Chancellor of England, or to any other person or persons for making out of the King's grants or letters patent, to any person or persons, of any offices, farms, or lands, or tenements, or of any other thing belonging to his nomination or disposition; but that as well he may direct his said warrants or precepts for the causes abovesaid, as also his clerk, or clerks, or other person, may procure the same to be sealed under any of the seals aforesaid, without any warrant to be before or after sued or obtained under the King's signet or privy seal for the same, in as large and ample a manner, and after such sort or fashion as he or they might have done at any time before the making of this Act; any thing in the same Act mentioned to the contrary notwithstanding.

6. [This clause refers to leases of the duchy lands of Lancaster, which may pass under the seal of the same duchy, see 4 Inst. 210.]

7. [This relates to the grant of a small office in the duchy.]

8. [This section treats of certain trifling fees to the clerk of the signet for writing warrants for tales or reward, gift of offices, pensions, &c.]

The Lord Chancellor may pass instruments without fees.

9. Provided also, that the Lord Chancellor of England for the time being, shall and may at all times use his discretion in passing and speeding any thing by the great seal, and delivering the same without paying any fees for the great seal, signet, and privy seal, as the case of necessity shall

the Privy Seal is directed to prepare other letters of warrant to the Lord Chancellor. The law takes notice of three seals; the Great Seal, the Privy, and the Signet. 2 Inst. 504.

The Great Seal is in the custody of

the Chancellor; the Privy Seal in the custody of the clerk or Lord Keeper of the Privy Seal, and the Signet Seal in the custody of the principal secretary of the Signet. Webs. *ubi sup.* 36, n. (e).

require, and as hath been accustomed; and that the clerks for writing or procuring such writings and patents by his commandment shall be discharged of all penalties expressed before in this Act, for not receiving and paying fees to the signet and privy seal; any thing in this Act contained to the contrary hereof notwithstanding.

10, 11, 12. [The first of these clauses refers to the officers and clerks of the Court of augmentations. The second to the sealing of instruments in the King's private affairs, &c. The last respects grants or leases of farms under the yearly rent of 6*l.* 13*s.* 4*d.*

3 & 4 EDW. 6, c. 4.

[A.D. 1549.]

An Act concerning Grants and Gifts made by Patentees out of Letters Patent (f). 3 & 4 Edw. 6, c. 4, explained by

13 ELIZ. C. 6 (g).

[A.D. 1570.]

An Act that the exemplification or constat of Letters Patent shall be as good and available as the Letters Patent themselves (h). 13 Eliz. c. 6.

“For the avoiding of all such doubts, questions, and ambiguities, as heretofore have risen and been moved, and of such as hereafter might rise and be moved, in and upon the statute made in the parliament begun and holden at Westminster, the fourth day of November, in the third year of the reign of our late sovereign lord King Edward the Sixth, intituled, “An Act concerning grants and gifts made by patentees out of letters patent, and for a due and full supply of all such wants as may be thought to be therein.”

A supply of the statute of 3 & 4 Ed. 6, c. 4.

2. Be it enacted and declared, by the authority of this present parliament, that all and every patentee or patentees, their heirs, successors, executors, and assigns, and all and every other person and persons having by or from them, or any of them, or under their title, any estate or interest of, in, or to any lands, tenements, or hereditaments, or any other thing whatsoever, to such patentee or patentees, heretofore granted by any letters patents, either of the most famous princes, King Henry the Eighth, King Edward the Sixth, Queen Mary, King Philip and Queen Mary, or by any of them, or by the Queen's most excellent Majesty that now is, at any time sithence the fourth day of February, in the twenty-seventy year of the reign of the said late King Henry the Eighth, or else by the Queen's Majesty that now is, her heirs or successors, at any time hereafter to be granted, shall and may, at all times hereafter, in any of the Queen's highness's Courts, her heirs and successors, or elsewhere, by the authority of this present Act, make and

An exemplification of letters patent shall be of the same force as the letters patent themselves.

(f) Some doubt being entertained whether this statute applied to patentees themselves, as well as to those claiming under them, it was explained and amended by 13 Eliz. c. 6. *Webs. ubi sup.* 38, n. (f).

(g) This is now obsolete so far as patents for inventions are concerned. Special provisions for duplicate copies of patents for inventions are contained in Act of 1883.

(h) These words, exemplification and constat, are used indifferently in the statute; and they differ only in the formal parts of their commencements

and conclusions. An exemplification is the same with the *inspeximus*, so called because immediately after the King's style that word follows. It is called exemplification *a re ipsa*, because the record is thereby exemplified, as appears by the end of it, *duximus exemplificand per presentes*. The *constat* is so called, because of that word immediately after the King's style. Nothing is exemplified by either of them but the tenor of the record. Also a constat requires an affidavit, but an exemplification none. 5 Co. Rep. 54.

convey, or be allowed and suffered to make and convey, to and for him, them, and every of themselves, such claim or title, by way of declaration, plaint, avowry, bar, replication, or other pleading whatsoever, as well against the Queen's highness, her heirs and successors, and every of them, as against all and every other person and persons whatsoever, for or concerning the lands, tenements, hereditaments, or other things whatsoever, specified or contained in any such letters patent, or of, for, or concerning any part or parcel thereof, by showing forth an exemplification or constat, under the great seal of England, of the enrolment of the same letters patent, or of so much thereof as shall and may serve to or for such title, claim or matter, the same letters patent then being and remaining in force, not lawfully surrendered nor cancelled, for or concerning so much and such part and parcel of such lands, tenements, hereditaments, or other thing, whereunto such title or claim shall be made, as if the same letters patent self were pleaded and showed forth; any law, usage, or other thing to the contrary notwithstanding (i).

31 ELIZ. c. 5, s. 5.

[A.D. 1589.]

31 Eliz. c. 5, s. 5. Limiting time within which penal actions may be commenced (j).

21 JAC. 1, c. 3.

[A.D. 1623 (k).]

21 Jac. 1, c. 3. *An Act concerning Monopolies and Dispensations with Penal Laws, and the Forfeitures thereof.*

All monopolies, &c, shall be void.

“Forasmuch as your most excellent Majesty, in your royal judgment, and of your blessed disposition to the weal and quiet of your subjects, did, in the year of our Lord God one thousand six hundred and ten, publish (l) in print to the whole realm, and to

(i) At common law no grant of the King is available or pleadable, unless under the Great Seal. 2 Co. Rep. 166.

Hence the letters patent themselves, with the Great Seal, must have been produced. But by 3 & 4 Ed. VI. c. 4, explained by this statute, patentees and persons claiming under them, may make title in pleading, by showing forth an exemplification of the enrolment of the letters patent, as if the letters patent themselves were pleaded and shown forth. And now they are to be given in evidence in the same manner as if they were pleaded. *Olive v. Gwyn*, Hardr. 119.

By these statutes, an exemplification of the part only which is material, is necessary. But such an extract as would be a surprise upon the party, or deprive him of any benefit he might derive if the whole were produced, is

not sufficient. *Att.-Gen. v. Taylor*, Prec. in Chan. 59. Webst. Letters Patent, 40, n. (h).

(j) Repealed in part by 11 & 12 Vict. c. 43, s. 36, and 42 & 43 Vict. c. 59.

(k) The Statute of Monopolies was passed on 25th May, 22 Jac. I. 1624. Previous to 33 Geo. III. c. 13, every Act of Parliament was considered as passed upon, and related back to, the first day of the session, unless the terms of the Act provided to the contrary (4 Inst. 25). This must be borne in mind, otherwise *Mansell's Patent*, excepted by sect. 13, *infra*, will appear to bear date subsequent to the date of the Act (1 Web. P. C. 29, n. (g)). See *ante*, Chap. III., p. 9.

(l) This publication was entitled “A Declaration of His Majesty's Pleasure,” &c. It was published, A.D. 1610, out of the King's zeal to law and justice, and

all posterity, that all grants of monopolies (*m*), and of the benefit of any penal laws (*n*), or of power to dispense with the law (*o*), or to compound for the forfeiture (*p*), are contrary to your Majesty's laws, which your Majesty's declaration is truly consonant and agreeable to the ancient and fundamental laws of this realm (*q*): And whereas your Majesty was further graciously pleased expressly to command that no suitor should presume to move your Majesty for matters of that nature; yet nevertheless upon misinformations and untrue pretences of public good, many such grants have been unduly obtained, and unlawfully put in execution, to the great grievance and inconvenience of your Majesty's subjects, contrary to the laws of this your realm, and contrary to your Majesty's most royal and blessed intention so published as aforesaid." For avoiding whereof, and preventing the like in time to come, may it please your excellent Majesty, at the humble suit of the Lords spiritual and temporal, and the Commons, in this present parliament assembled, that it may be declared (*q*) and enacted, and be it declared and enacted, by authority of this present parliament, that all monopolies and all commissions, grants, licenses, charters, and letters patent heretofore made or granted, or hereafter to be made or granted, to any person or persons, bodies politic or corporate whatsoever, of or for the sole (*r*) buying, selling, making, working, or using of any thing

states that monopolies are things against the laws of this realm, and therefore expressly commands that no suitor move the King to grant any of them (Co. 11 R. 88 b). The judgment in *Darcy v. Allin*, the case of monopolies (1 Web. P. C. 1), was the principal motive for publishing this book, and that book was a great motive of obtaining the royal assent to the statute. 3 Inst. 182.

(*m*) A monopoly is an institution or allowance by the King, by his grant, commission, or otherwise, to any person or persons, bodies politic or corporate, of or for the sole buying, selling, making, working, or using of anything whereby any person or persons, bodies politic or corporate, are sought to be restrained of any freedom or liberty that they had before, or hindered in their lawful trade (Co. 3 Inst. 181, c. 85; and 1 Web. P. C. 5). It is material to attend to the latter part of the definition, since upon it rest the following incidents of a monopoly: 1. That it raises the price of a commodity. 2. That it diminishes its quality. 3. That it impoverishes artificers. 11 R. 26, 86 b.; and Webs. L. P. 40, n. (*n*).

(*n*) It had been the practice to grant to particular persons all the penalties which the Crown should become entitled to under penal statutes. Webs. L. P. 41, n. (*o*).

(*o*) As to the dispensing power, see 7 Rep. 36 b. By the Bill of Rights it was declared "that from and after this present Parliament, no dispensation by *non obstante* of or to any statute or any part thereof be allowed, but that the same shall be held void and of none effect, except a dispensation be allowed in such a statute."

(*p*) The compounding for forfeitures was a relic of the same practice as the exercise of the dispensing power, and was abolished with it. Webs. L. P. 41, n. (*e*).

(*q*) The Statute of Monopolies was simply declaratory of the common law.

(*r*) The word *sole* is here applied to five several things, whereof four are special, and the fifth, *sole using*, is so general that no monopoly can be raised but will be within the reach of this statute; and yet for more caution the words "or of any other monopolies" are added; and by reason of these words,

within this realm or the dominion of Wales, or of any other monopolies, or of power, liberty, or faculty to dispense with any others, or to give license or toleration to do, use, or exercise any thing against the tenor or purport of any law or statute, or to give or make any warrant for any such dispensation, license, or toleration to be had or made; or to agree or compound with any others for any penalty or forfeitures limited by any statute (e); or of any grant or promise (f) of the benefit, profit, or commodity of any forfeiture, penalty, or sum of money, that is or shall be due by any statute, before judgment thereupon had; and all proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things whatsoever any way tending to the instituting, erecting, strengthening, furthering, or countenancing of the same, or any of them, are altogether contrary to the laws of this realm, and so are and shall be utterly void and of none effect, and in nowise to be put in ure or execution.

Monopolies, &c., shall be tried by the common laws of this realm.

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

All persons disabled to use monopolies, &c.

3. And be it further enacted by the authority aforesaid, that all person and persons, bodies politic and corporate whatsoever, which

sole using, divers provisions are made by this Act. The words, also, "of any thing," are of so large an extent as to cause some exceptions in the subsequent clauses. 3 Inst. 187.

(s) The great inconvenience of the practice here abrogated appeared in the proceedings of *Empson* and *Dudley* in the reign of Henry VII., who had the office of Masters of the Forfeiture, and by colour of their commission and office did most intolerably and unlawfully oppress the subjects. 3 Inst. 187.

(t) Not only is the grant declared void as contrary to the common law of the realm, but the promise also; for such promise maketh the more violent and undue proceedings against the subject, to the scandal of justice and offence of many. 7 Rep. 36 b.

(u) This Act having in the preceding section declared all monopolies, &c. to be void by the common law, has provided

by this that they shall be examined, heard, tried and determined in the Courts of Common Law, according to the common law, and not at the Council Table, Star Chamber, Chancery, Exchequer Chamber, or any other Court of like nature, but only according to the common laws of the realm, and not otherwise. For such boldness the monopolists took, that often at the Council Table, Star Chamber, Chancery and Exchequer Chambers, petitions, informations and bills were preferred, pretending a contempt for not obeying the commandments and clauses of the said grant of monopolies, and of the proclamations concerning the same. (3 Inst. 182, 183.) The Court of Star Chamber punished all infringements of patents and royal grants, and on that principle supported any patent the Crown thought fit to grant. Webs. L. P. 42, n. (y).

now are or hereafter shall be, shall stand and be disabled and incapable to have (*x*), use, exercise, or put in use any monopoly, or any such commission, grant, license, charter, letters patent, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, or any liberty, power or faculty, grounded or pretended to be grounded upon them or any of them.

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

The party grieved by pretext of a monopoly, &c., shall recover treble damages and double costs.

He that delayeth an action grounded upon this

(*x*) *I. e.*, take. 3 Inst. 183.

statute incurs
a præmunire.

upon this statute, to be stayed or delayed before judgment, by colour or means of any order, warrant, power or authority, save only of the Court wherein such actions as aforesaid shall be brought and depending, or after judgment had upon such action, shall cause or procure the execution of or upon any such judgment to be stayed or delayed by colour or means of any such order, warrant, power, or authority, save only by writ of error or attain; that then the said person and persons so offending, shall incur and sustain the pains, penalties, and forfeitures ordained and provided by the statute of provision and præmunire made in the sixteenth year of the reign of King Richard the Second (*y*).

Letters patent
heretofore
granted for
twenty-one
years for new
manufactures,
saved.

[*Repealed by
Stat. Law Rev.
Act, 1863.*]

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

Letters patent
hereafter to
be granted for
fourteen
years, for
new manu-
factures,
saved.

6. Provided also, and be it declared and enacted, that any declaration before-mentioned shall not extend to any letters patent and grants of privilege for the term of fourteen years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within this realm to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patent and grant shall not use, so as also they be not contrary to the law nor mischievous to the state.

(*y*) The remedy under this section, by action on the statute, to parties grieved by pretext of monopoly, is practically superseded. Many of the terms and proceedings, as aid-prayer, order of restraint, wager of law, are either unknown in modern practice, or abolished by statute. *Webs. L. P.* 44, n. (*a*).

The imparlance, which meant extension of time to plead till next term, was abolished by 2 Will. IV. c. 39, s. 1.

The concluding clause of this section extends to the judges of the Courts, and is more general than the one immediately preceding, which extended to the Courts

generally, but, as was resolved by a Committee of the House of Commons, did not extend to the judge. 3 Inst. 183.

(*z*) Letters patent for inventions depend on the exceptions in this and the following section. The words of the two sections are the same, except that one relates to grants in existence at the time of passing the statute, the other to grants to be made afterwards.

See an instructive commentary on these sections, by Sir E. Coke, 3 Inst. 181.

See also *supra*, at pp. 9—14.

by raising prices of commodities at home, or hurt of trade, or generally inconvenient: The said fourteen years to be accomplished from the date of the first letters patent or grants of such privilege hereafter to be made, but that the same shall be of such force as they should be if this Act had never been made, and of none other (a).

7. Provided also, and it is hereby further intended, declared, and enacted by authority aforesaid, that this Act, or any thing therein contained, shall not in any wise extend or be prejudicial to any grant, or privilege, power, or authority whatsoever, heretofore made, granted, allowed and confirmed by any Act of Parliament now in force, so long as the same shall continue in force.

This Act not to extend to grants sanctioned by Parliament.

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

Warrants granted to justices, saved.

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

Charters granted to corporations, saved.

10. Provided also, and be it enacted, that this Act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before-mentioned, shall not extend to any letters patent of grants of privilege hereto-

Letters patent that concern printing, salt-petre, gun-

(a) This proviso is very fully dealt with in Chapter IV., on the Subject-Matter of Patents, p. 15.

powder, great ordnance, shot, or offices, saved.

[*Repealed by Act of 1883, s. 113.*]

This Act shall not extend to commissions for alum-mines.

[*Repealed by Act of 1883, s. 113.*]

Nor to the liberties of Newcastle-upon-Tyne, nor to licenses of keeping taverns.

[*Repealed by Act of 1883, s. 113.*]

Nor to letters patent for glass making.

fore made, or hereafter to be made, of, for, or concerning the digging, making, or compounding of saltpetre, or gunpowder, or the casting or making of ordnance, or shot for ordnance, nor to any grant or letters patent heretofore made, or hereafter to be made, of any office or offices heretofore erected, made, or ordained now in being, and put in execution, other than such offices as have been decreed by any his Majesty's proclamation or proclamations: but that all and every the same grants, commissions, and letters patent, and all other matters and things tending to the maintaining, strengthening, and furtherance of the same, or any of them, shall be and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this Act had never been had nor made, and not otherwise (a).

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

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

13. Provided also, and be it enacted, that this Act, or any declaration, provision, penalty, forfeiture, or other thing before-mentioned, shall not extend or be prejudicial to a grant or privilege, for or concerning the making of glass, by

(a) These sections excepted from the prohibition contained in sect. 1 of the Statute of Monopolies:—(a) letters patent concerning printing; digging for and making saltpetre or gunpowder; or casting or making of ordnance, or shot for ordnance; or grants of offices (sect. 10); (b) letters patent for digging and making alum, and for alum mines (sect. 11); (c) all privileges enjoyed by the hoast-men of the town of Newcastle-upon-Tyne for selling, carrying, and shipping any pit coals out of the river Tyne, also concerning the licensing of any taverns (sect. 12). The last two sections of the

statute contained similar exceptions for letters patent for glass making, to Sir Robert Mansell, Vice-Admiral of England, for the exportation of calves' skins to James Maxwell (sect 13), for Baker's smalt patent, and Lord Dudley's patent for the making of iron ore (sect. 14). These clauses were rendered necessary by the generality of the words "of any thing" in sect. 1 of the Statute of Monopolies.

Sect. 10 was annulled, so far as exclusive privileges in the gunpowder and saltpetre trades were concerned, by an Act passed in 1640—16 Chas. I. c. 21.

his Majesty's letters patent under the Great Seal of England, bearing date the two-and-twentieth day of May, in the one-and-twentieth year of his Majesty's reign of England, made and granted to Sir Robert Mansell, Knight (b), Vice-Admiral of England: nor to a grant or letters patent, bearing date the twelfth of June, in the thirteenth year of his Majesty's reign of England, made to James Maxwell, Esquire, concerning the transportation of calves' skins: but that the said several letters patent, last-mentioned, shall be and remain of the like force and effect, and as free from the declarations, provisions, penalties, and forfeitures before-mentioned, as if this Act had never been had nor made, and not otherwise.

[Repealed by Stat. Law Rev. Act, 1863.]

Or exportation of calves' skins.

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

Nor to grants for making smalt.

[Repealed by Stat. Law Rev. Act, 1863.]

Or melting iron ore.

(b) These letters patent were not within the 5th section. The grantee, Mansell, was not the true and first inventor of the manufacture which was the subject of the grant—viz., the making of glass with coal instead of wood, the letters patent themselves showing (1 Web. P. C. 18), that Percival was the true and first inventor; also that the manufacture was not new at the time of the grant, others having practised the invention before. But for this exception the term of the letters patent would have been reduced to twenty-one years, which, as Mansell had interest at Court, would have endangered the passing of the bill. 1 Web. P. C. 32, n. (g).

(c) See the smalt patents set forth at length, 1 Web. P. C. 9—13. Baker's patent was not within sect. 5. The first smalt patent (*ubi sup.* p. 9), shows that other persons were associated with Baker in the introduction of the invention: nor was the manufacture new within the realm at the time of the grant of the excepted patent. On these grounds, therefore, the letters patent would have been void unless specially excepted. 1 Web. P. C. 32, n. (r).

(d) These letters patent (see 1 Web. P. C. 14—16, where a sketch is given of the history of the subject-matter of this grant: viz., the manufacture of iron with pit coal), for all that appears on the face of them, are within section 5, and would consequently have been preserved

to the grantee without this special exception. But independently of the importance to the patentee of such an exception, as a sort of judgment of parliament in favour of a grant, at a time when, from the abuse of the royal prerogative, all patents were looked upon with the greatest suspicion and as grievances, it is very doubtful whether this patent would have been saved under that section, since it appears that Lord Dudley, the son of the grantee, was the true and first inventor. 1 Web. P. C. 33, n. (r).

(e) The conclusion of this and the preceding section, when taken in connection with the preamble of the Act, suggests the two following considerations: first, that there were certain grants which, though partaking in some measure of the character of monopolies, were not really grants of monopolies within the meaning of the use of that term in the preamble; and, secondly, that the conditions of validity under the statute and at common law are different. At common law the introducer, as well as the inventor, could be the grantee, and the term was frequently more than fourteen years; whereas by the statute the true and first inventor alone can be the grantee (1 Web. P. C. 33, n. (s).) The importer of an invention *from abroad* is, however, its true and first inventor. See *supra*, p. 69.

5 & 6 WILL. 4, c. 62.

An Act, &c. for the Abolition of unnecessary Oaths.

[9th September, 1835.]

Declaration substituted for oaths and affidavits heretofore required on taking out a patent.

[*Repealed by Act of 1883, s. 113.*]

Declaration to be in the form prescribed in the schedule.

Person making a false declaration guilty of a misdemeanour.

Commencement of Act.

Form of declaration.

11. And be it enacted, That whenever any person or persons shall seek to obtain any patent under the Great Seal for any discovery or invention, such person or persons shall, in lieu of any oath, affirmation or affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such patent, make and subscribe in the presence of the person before whom he might, but for the passing of this Act, be required to take or make such oath, affirmation, or affidavit, a declaration to the same effect as such oath, affirmation, or affidavit, and such declaration, when duly made and subscribed, shall be to all intents and purposes as valid and effectual as the oath, affirmation, or affidavit, in lieu whereof it shall have been so made and subscribed (*f*).

20. And be it further enacted, That in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

21. And be it further enacted, That in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorized to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanour.

22. And be it enacted, That this Act shall commence and take effect from and after the first day of October in this present year, the year of our Lord one thousand eight hundred and thirty-five.

Schedule referred to by the foregoing Act.

“I, *A. B.*, do solemnly and sincerely declare that and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and

(*f*) This section substituted a declaration for the oath, affirmation, or affidavit which had previously been required from the applicant for letters patent. The

only other section in this statute having any reference to letters patent for inventions was the 21st, which made a false declaration a misdemeanour.

passed in the _____ year of the reign of his present Majesty, intituled 'An Act,' " (*here insert the title of this Act*).

5 & 6 WILL. 4, c. 83 (g).

An Act to amend the Law touching Letters Patent for Inventions (h). 5 & 6 Will. 4,
[10th September, 1835.] c. 83.

[*Repealed by Act of 1883, s. 113.*]

Whereas, it is expedient to make certain additions to, and alterations in, the present law touching letters patent for inventions, as well for the better protecting of patentees in the rights intended to be secured by such letters patent, as for the more ample benefit of the public from the same; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that any person who, as grantee, assignee, or otherwise, hath obtained, or who shall hereafter obtain, letters patent, for the sole making, exercising, vending, or using of any invention, may, if he think fit, enter with the clerk of the patents of England, Scotland, or Ireland, respectively, as the case may be, having first obtained the leave of his Majesty's Attorney-General or Solicitor-General, in case of an English patent, of the Lord Advocate or Solicitor-General of Scotland in the case of a Scotch patent, or of his Majesty's Attorney-General or Solicitor-General for Ireland in the case of an Irish patent, certified by his fiat and signature, a disclaimer of any part of either the title of the invention, or of the specification, stating the reason for such disclaimer, or may, with such leave as aforesaid, enter a memorandum of any alteration in the said title or specification, not being such disclaimer or such alteration as shall extend the exclusive right granted by the said letters patent; and such disclaimer or memorandum of alteration, being filed by the said clerk of the patents, and enrolled with the specification, shall be deemed and taken to be part of such letters patent, or such specification, in all Courts whatever: Provided always, that any person may enter a caveat, in like manner as caveats are now used to be entered, against such disclaimer or alteration; which caveat, being so entered, shall give the party entering the same a right

Any person having obtained letters patent for any invention, may enter a disclaimer of any part of his specification, or a memorandum of any alteration therein, which, when filed, to be deemed part of such specification.

Caveat may be entered as heretofore.

(g) The Statute of Monopolies, says Webster (Letters Patent, p. 11), which enacted no new law, but was only, both in form and substance, declaratory of the existing law, and the rigorous spirit in which patent rights were legislated on by the Courts, protected the public from unjust monopolies at the expense of the patentee. The letters patent and specification were unalterable, clerical errors only excepted, and any defect or flaw which either of these instruments contained was irremediable, and interpreted most rigorously against the patentee. The common law declared letters patent wholly void for any defect in part, and the patentee was deprived of the whole of his invention from the failure of some condition, as want of novelty in a very small part.

This Act was passed to amend this

state of the law, and it provided that a patentee might, with the consent of the proper law officers of the Crown, amend his title and specification; it enabled him to obtain confirmation of a patent which would otherwise have been void for want of novelty, and to have his patent extended in certain cases on the recommendation of the Privy Council. Patent rights were also more effectually secured by giving a patentee treble costs on obtaining a second verdict, by compelling a defendant in an action to deliver notice of objections, and by a penalty for the unauthorized use of his name.

(h) Rules were made by the Judicial Committee for proceedings for confirmation and prolongation, which are still in force, see p. 594.

Disclaimer not to affect actions pending at the time.

Attorney-General may require the party to advertise his disclaimer.

Mode of proceeding where patentee is proved not to be the real inventor, though he believed himself to be so.

If in any action or suit a verdict or decree shall pass for the patentee, the judge may grant a certificate, which being given in evidence in any other suit, shall entitle the patentee, upon a verdict in his favour, to receive treble costs.

Mode of proceeding in case of application for the

to have notice of the application being heard by the Attorney-General, or Solicitor-General, or Lord Advocate respectively: Provided also, that no such disclaimer or alteration shall be receivable in evidence in any action or suit (save and except in any proceeding by *scire facias*), pending at the time when such disclaimer or alteration was enrolled, but in every such action or suit the original title and specification alone shall be given in evidence, and deemed and taken to be the title and specification of the invention, for which the letters patent have been, or shall have been granted: Provided also, that it shall be lawful for the Attorney-General, or Solicitor-General, or Lord Advocate, before granting such fiat, to require the party applying for the same to advertise his disclaimer or alteration in such manner as to such Attorney-General, or Solicitor-General, or Lord Advocate, shall seem right, and shall, if he so require such advertisement, certify in his fiat that the same has been duly made.

2. And be it enacted, that if in any suit or action it shall be proved, or specially found by the verdict of a jury, that any person who shall have obtained letters patent for any invention, or supposed invention, was not the first inventor thereof, or of some part thereof, by reason of some other person or persons having invented or used the same, or some part thereof, before the date of such letters patent, or if such patentee or his assigns shall discover that some other person had, unknown to such patentee, invented or used the same, or some part thereof, before the date of such letters patent, it shall and may be lawful for such patentee, or his assigns, to petition his Majesty in council to confirm the said letters patent, or to grant new letters patent, the matter of which petition shall be heard before the judicial committee of the privy council; and such committee, upon examining the said matter, and being satisfied that such patentee believed himself to be the first and original inventor, and being satisfied that such invention, or part thereof, had not been publicly and generally used before the date of such first letters patent, may report to his Majesty their opinion that the prayer of such petition ought to be complied with, whereupon his Majesty may, if he think fit, grant such prayer; and the said letters patent shall be available in law and equity to give to such petitioner the sole right of using, making, and vending such invention as against all persons whatsoever, any law, usage, or custom to the contrary thereof notwithstanding: Provided, that any person opposing such petition shall be entitled to be heard before the said judicial committee: Provided also, that any person, party to any former suit or action touching such first letters patent, shall be entitled to have notice of such petition before presenting the same.

3. And be it enacted, that if any action at law or any suit in equity for an account shall be brought in respect of any alleged infringement of such letters patent heretofore or hereafter granted, or any *scire facias* to repeal such letters patent, and if a verdict shall pass for the patentee or his assigns, or if a final decree or decretal order shall be made for him or them, upon the merits of the suit, it shall be lawful for the judge before whom such action shall be tried to certify on the record, or the judge who shall make such decree or order, to give a certificate under his hand, that the validity of the patent came in question before him, which record or certificate being given in evidence in any other suit or action whatever touching such patent, if a verdict shall pass, or decree or decretal order be made, in favour of such patentee or his assigns, he or they shall receive treble costs in such suit or action, to be taxed at three times the taxed costs, unless the judge making such second or other decree or order, or trying such second or other action, shall certify that he ought not to have such treble costs.

4. And be it further enacted, that if any person who now hath or shall hereafter obtain any letters patent as aforesaid shall advertise in the London Gazette three times, and in three London papers, and three times in some country paper published in the town where or near to which he carried on any manufacture of any thing made according to his specification, or near to or in which he resides in case he carried on no such manufacture, or pub-

lished in the county where he carries on such manufacture, or where he lives in case there shall not be any paper published in such town, that he intends to apply to his Majesty in council for a prolongation of his term of sole using and vending his invention, and shall petition his Majesty in council to that effect, it shall be lawful for any person to enter a caveat at the council office; and if his Majesty shall refer the consideration of such petition to the judicial committee of the privy council, and notice shall first be by him given to any person or persons who shall have entered such caveats, the petitioner shall be heard by his counsel and witnesses to prove his case, and the persons entering caveats shall likewise be heard by their counsel and witnesses; whereupon, and upon hearing and inquiring of the whole matter, the judicial committee may report to his Majesty that a further extension of the term in the said letters patent should be granted, not exceeding *seven years* (i), and his Majesty is hereby authorized and empowered, if he shall think fit, to grant new letters patent for the said invention for a term not exceeding seven years after the expiration of the first term, any law, custom, or usage to the contrary in anywise notwithstanding: *Provided that no such extension shall be granted if the application by petition shall not be made and prosecuted with effect before the expiration of the term originally granted in such letters patent* (k).

prolongation
of the term of
a patent.

Repealed by
2 & 3 Vict.
c. 67.

5. And be it enacted, that in any action brought against any person for infringing any letters patent, the defendant on pleading thereto shall give to the plaintiff, and in any *scire facias* to repeal such letters patent, the plaintiff shall file with his declaration a notice of any objections on which he means to rely at the trial of such action, and no objection shall be allowed to be made in behalf of such defendant or plaintiff respectively at such trial unless he prove the objections stated in such notice: Provided always, that it shall and may be lawful for any judge at chambers, on summons served by such defendant or plaintiff on such plaintiff or defendant respectively, to show cause why he should not be allowed to offer other objections, whereof notice shall not have been given as aforesaid, to give leave to offer such objections, on such terms as to such judge shall seem fit.

In case of
action, &c.
notice of ob-
jections to be
given.

6. And be it enacted, that in any action brought for infringing the right granted by any letters patent, in taxing the costs thereof regard shall be had to the part of such case which has been proved at the trial, which shall be certified by the judge before the same shall be had, and the costs of each part of the case shall be given according as either party has succeeded or failed therein, regard being had to the notice of objections, as well as the counts in the declaration, and without regard to the general result of the trial.

As to costs in
actions for
infringing
letters patent.

7. And be it enacted, that if any person shall write, paint, or print, or mould, cast, or carve, or engrave or stamp, upon any thing made, used, or sold by him, for the sole making or selling of which he hath not or shall not have obtained letters patent, the name or any imitation of the name of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without leave in writing of such patentee or his assigns, or if any person shall upon such thing, not having been purchased from the patentee or some person who purchased it from or under such patentee, or not having had the license or consent in writing of such patentee or his assigns, write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark the word "patent," the words "letters patent," or the words "by the King's patent," or any words of the like kind, meaning, or import, with a view of imitating or counterfeiting the stamp, mark, or other device of the patentee, or shall in any other manner imitate or counterfeit the stamp or mark or other device of the patentee, he shall for every such offence be liable to a penalty of fifty pounds, to be recovered by action of debt, bill, plaint, process, or information in any of his Majesty's courts of

Penalty for
using, un-
authorized,
the name of a
patentee, &c.

(i) Fourteen. 7 & 8 Vict. c. 69, s. 2,
post, p. 642.

(k) Proviso repealed by 2 & 3 Vict.
c. 67, s. 1, *post*, p. 642.

record at Westminster or in Ireland, or in the court of session in Scotland, one half to his Majesty, his heirs and successors, and the other to any person who shall sue for the same: Provided always, that nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping or in any way marking the word "patent" upon any thing made, for the sole making or vending of which a patent before obtained shall have expired.

2 & 3 VICT. c. 67 (1).

2 & 3 Vict.
c. 67. *An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to amend the law touching Letters Patent for Inventions."* [24th August, 1839.]

[Repealed by Act of 1883, s. 113.]

5 & 6 Will. 4,
c. 83. "Whereas by an Act passed in the fifth and sixth years of the reign of his Majesty King William the Fourth, intituled 'an Act to amend the law touching letters patent for inventions,' it is amongst other things enacted [*reciting sect. 4*]: and whereas it has happened since the passing of the said Act, and may again happen, that parties desirous of obtaining an extension of the term granted in letters patent of which they are possessed, and who may have presented a petition for such purposes in manner by the said recited Act directed, before the expiration of the said term, may nevertheless be prevented by causes over which they have no control from prosecuting with effect their application before the judicial committee of the privy council; and it is expedient therefore that the said judicial committee should have power, when under the circumstances of the case they shall see fit, to entertain such application, and to report thereon, according to the provisions of the said recited Act, notwithstanding that before the hearing of the case before them the terms of the letters patent sought to be renewed or extended may have expired": Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that so much of the said recited Act as provides that no extension of the term of letters patent shall be granted as therein mentioned if the application by petition for such extension be not prosecuted with effect before

Repealing provision requiring the application by petition to be prosecuted with effect

(1) 5 & 6 Will. 4, c. 83, s. 4—dealing with the prolongation of letters patent—provided "that no such extension shall be granted if the application by petition shall not be made, and prosecuted with effect, before the expiration of the term originally granted in such letters patent." The import of the phrase "prosecuted with effect," came before the Privy Council in *Re Bodmer's Patent* (1 Web. P. C. 740). An application was made in May, 1838, for an extension of the term of Bodmer's patent for cotton spinning machinery. Caveats were entered in July. The case came on before the Privy Council on 17 August, when, according to the rules of practice, the opposing party was entitled to four weeks' notice of the hearing, for the purpose of preparing evidence. Before the expiration of that month, the Privy

Council would have closed its sittings. The case was opened and then adjourned to 29th November. In the meantime the opposition was withdrawn, but the patent had also expired. It was held that the words "prosecuted with effect" meant that something must have been effected, and some conclusion arrived at, by the Council, before the expiration of the patent, and that no conclusion having been arrived at, the law did not empower the Council to proceed further, or the Crown to grant new letters patent for an invention open to the public. 2 & 3 Vict. c. 67 repealed the proviso in Lord Brougham's Act, and Bodmer's patent was afterwards extended under the new statute. (Webster's Lett. Pat. pp. 58, n. (s), and 61, n. (x).) See extension of patents, Chapter XVIII. p. 373, and notes to sect. 25, *supra*.

the expiration of the term originally granted in such letters patent, shall be and the same is hereby repealed.

2. And be it further enacted, that it shall be lawful for the judicial committee of the privy council, in all cases where it shall appear to them that any application for an extension of the term granted by any letters patent, the petition for which extension shall have been referred to them for their consideration, has not been prosecuted with effect before the expiration of the said term from any other causes than the neglect or default of the petitioner, to entertain such application, and to report thereon as by the said recited Act provided, notwithstanding the term originally granted in such letters patent may have expired before the hearing of such application; and it shall be lawful for her Majesty, if she shall think fit, on the report of the said judicial committee recommending an extension of the term of such letters patent, to grant such extension, or to grant new letters patent for the invention or inventions specified in such original letters patent, for a term not exceeding seven years^(m) after the expiration of the term mentioned in the said original letters patent: Provided always, that no such extension or new letters patent shall be granted if a petition for the same shall not have been presented as by the said recited Act directed, before the expiration of the term sought to be extended, nor in case of petitions presented after the thirtieth day of November, one thousand eight hundred and thirty-nine, unless such petition shall be presented six calendar months at the least before the expiration of such term, nor in any case unless sufficient reason shall be shown to the satisfaction of the said judicial committee for the omission to prosecute with effect the said application by petition before the expiration of the said term.

3. And be it further enacted, that this Act may be altered, amended, or repealed by any Act to be passed in the present session.

before the expiration of the term of the patent. Term of patent right may be extended in certain cases, though the application for such extension not prosecuted with effect before the expiration thereof.

Act may be amended this session.

7 & 8 VICT. C. 69.

An Act for amending an Act passed in the Fourth Year of the Reign of his late Majesty, intituled "An Act for the better Administration of Justice in his Majesty's Privy Council," and to extend its Jurisdiction and Powers.

[6th August, 1844.]

"Whereas the Act passed in the fourth year of the reign of his late Majesty, intituled 'An Act for the better Administration of Justice in his Majesty's Privy Council,' hath been found beneficial to the due administration of justice: And whereas another Act passed in the sixth year of the said reign, intituled 'An Act to amend the Law touching Letters Patent for Inventions' hath been also found advantageous to inventors and to the public: And whereas the Judicial Committee, acting under the authority of the said Acts, hath been found to answer well the purposes for which it was so established by Parliament, but it is found necessary to improve its proceedings in some respects for the better dispatch of business, and expedient also to extend its jurisdiction and powers: And whereas by the laws now in force in certain of her Majesty's colonies and possessions abroad, no appeals can be brought to her Majesty in Council for the reversal of the judgments, sentences, decrees and orders of any Courts of Justice within such colonies, save only of the Courts of Error or Courts of Appeal within the same, and it is expedient that her Majesty in Council should be authorized to provide for the admission of appeals from other Courts of Justice within such colonies or possessions:" Be it therefore enacted, &c.

^(m) See 7 & 8 Vict. c. 69, s. 2, empowering Her Majesty in Council to

extend the term by fourteen years in certain cases.

[The first section does not relate to the subject of this work.]

If extension of a patent term may be granted for fourteen years in certain cases.

[Repealed by Act of 1883, s. 113.]

Less term than prayed may be granted.

[Repealed by Act of 1883, s. 113.]

Extensions of patent terms may be granted to assignees.

[Repealed by Act of 1883, s. 113.]

Disclaimers and memorandums of alteration under 5 & 6 Will. 4, c. 83, s. 1, may be entered by assignees.

[Repealed by Act of 1883, s. 113.]

Disclaimers and memorandums of alteration by assignees before passing

2. "And whereas it is expedient for the further encouragement of inventions in the useful arts to enable the time of monopoly in patents to be extended in cases in which it can be satisfactorily shown that the expense of the invention hath been greater than the time now limited by law will suffice to reimburse:" be it enacted, That if any person having obtained a patent for any invention, shall before the expiration thereof present a petition to her Majesty in Council, setting forth that he has been unable to obtain a due remuneration for his expense and labour in perfecting such invention, and that an exclusive right of using and vending the same for the further period of seven years in addition to the term in such patent mentioned will not suffice for his reimbursement and remuneration, then if the matter of such petition shall be by her Majesty referred to the Judicial Committee of the Privy Council, the said committee shall proceed to consider the same after the manner and in the usual course of its proceedings touching patents, and if the said committee shall be of opinion and shall so report to her Majesty that a further period greater than seven years' extension of the said patent term ought to be granted to the petitioner, it shall be lawful for her Majesty, if she shall so think fit, to grant an extension thereof for any time not exceeding fourteen years, in like manner, and subject to the same rules as the extension, for a term not exceeding seven years is now granted under the powers of the said Act of the sixth year of the reign of his late Majesty (*n*).

3. Provided always, and be it enacted, That nothing herein contained shall prevent the said Judicial Committee from reporting that an extension for any period not exceeding seven years should be granted, or prevent her Majesty from granting an extension for such lesser term than the petition shall have prayed.

4. "And whereas doubts have arisen touching the power given by the said recited Act of the sixth year of the reign of his late Majesty in cases where the patentees have wholly or in part assigned their right:" be it enacted, That it shall be lawful for her Majesty, on the report of the Judicial Committee, to grant such extension as is authorized by the said Act and by this Act, either to an assignee or assignees, or to the original patentee or patentees, or to an assignee or assignees, and original patentee or patentees conjointly.

5. And be it enacted, That in case the original patentee or patentees hath or have departed with his or their whole, or any part of his or their interest by assignment to any other person or persons, it shall be lawful for such patentee, together with such assignee or assignees, if part only hath been assigned, and for the assignee or assignees, if the whole hath been assigned, to enter a disclaimer and memorandum of alteration, under the powers of the said recited Act, and such disclaimer and memorandum of such alteration having been so entered and filed as in the said recited Act mentioned shall be valid and effectual in favour of any person or persons in whom the rights under the said letters patent may then be or thereafter become legally vested; and no objection shall be made in any proceeding whatsoever, on the ground that the party making such disclaimer or memorandum of such alteration had not sufficient authority in that behalf (*n*).

6. And be it enacted, That any disclaimer or memorandum of alteration before the passing of this Act, or by virtue of the said recited Act by such patentee with such assignee, or by such assignee as aforesaid, shall be valid and effectual to bind any person or persons in whom the said letters patent

(*n*) Sect. 2 of this Act enabled the Judicial Committee to extend the term of a patent for fourteen years instead of merely for seven years—the limit fixed by 3 & 4 Will. IV. c. 41, s. 4. This provision was not, however, to prevent the Judicial Committee from reporting in favour of an extension for a lesser

term than that prayed for. (Sect. 3.) Extension might be granted (sect. 4), and a disclaimer and memorandum of alteration might be made (sect. 5), although a patentee had wholly or in part assigned his rights. See *supra*, pp. 195, 492.

might then be or have since become vested: and no objection shall be made in any proceeding whatsoever that the party making such disclaimer or memorandum of alteration had not authority in that behalf.

7. And be it enacted, That any new letters patent which before the passing of this Act may have been granted, under the provisions of the above-recited Act of the sixth year of the reign of his late Majesty to an assignee or assignees, shall be as valid and effectual as if the said letters patent had been made after the passing of this Act, and the title of any party to such new letters patent shall not be invalidated by reason of the same having been granted to an assignee or assignees: Provided always, that nothing herein contained shall give any validity or effect to any letters patent heretofore granted to any assignee or assignees where any action or proceeding in scire facias, or suit in equity, shall have been commenced at any time before the passing of this Act, wherein the validity of such letters patent shall have been or may be questioned.

[The remainder of this statute is not directly applicable to the subject of the present work.]

14 VICT. C. 8.

An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibitions of the Works of Industry of all Nations in one thousand eight hundred and fifty-one.
[11th April, 1851.]

[Repealed by Stat. Law Rev. Act, 1875 (c).]

Whereas it is expedient that such protection as hereinafter mentioned should be afforded to persons desirous of exhibiting new inventions in the Exhibition of the Works of Industry of all Nations in one thousand eight hundred and fifty-one: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

1. Any new invention for which letters patent might lawfully be granted may at any time during the year one thousand eight hundred and fifty-one, but not afterwards, be publicly exhibited in any place previously certified by the Lords of the Committee of Privy Council for Trade and Foreign Plantations to be a place of exhibition within the meaning of the Designs Act, 1850, without prejudice to any letters patent to be thereafter during the term of the provisional registration hereinafter mentioned, granted for such invention to the true and first inventor thereof: Provided always, that such invention have, previously to such public exhibition thereof, been provisionally registered in manner hereinafter mentioned; and provided also that the same be not otherwise publicly exhibited or used by or with the consent of the inventor prior to the granting of any such letters patent as aforesaid, except as hereinafter mentioned: Provided also, that no sale or transfer, or contract for sale or transfer, of the right to or benefit of any invention so provisionally registered, or of the rights acquired under this Act or to be acquired under any letters patent to be granted for such invention, shall be deemed a use of such invention, and the publication of any account or description of such invention in any catalogue, paper, newspaper, periodical or otherwise, shall not affect the validity of any letters patent to be during such term granted as aforesaid.

2. The public trial or exhibition of any such invention as aforesaid (being an invention for purposes of agriculture or horticulture) which shall be

of Act to be valid.

[Repealed by Stat. Law Rev. (No. 2) Act, 1874.]

New patents granted under 5 & 6 Vict. c. 83, s. 4, to assignees before passing of Act to be valid.

Not to affect existing scire facias, or suit in equity.

[Repealed by Stat. Law Rev. (No. 2) Act, 1874.]

Proprietors of new inventions to be allowed to exhibit them without prejudice to letters patent to be thereafter granted.

Inventions to be provisionally registered, and not to be used before granting of the letters patent.

Public trial of agricultural or horticultural

(c) See notes to sect. 39 of the Act of 1863, *supra*.

tural imple-
ments under
the direction
of the Com-
missioners,
not to preju-
dice letters
patent.

Certificate of
invention to
be granted for
provisional
registration.

Certificate of
invention to
be registered.

Description to
be preserved,
and invention
to be marked
with the
words "Pro-
visionally re-
gistered."

Provisional
registration
to confer same
benefits as
under the
Designs Act,
1850.

Letters patent
thereafter
granted to be
as valid as if
inventions

certified by the Lords of the said Committee to have taken place under the direction of the Commissioners for the Exhibition of 1851, for purposes connected with the exhibition thereof in such place of public exhibition as aforesaid, whether such trial or exhibition take place before or after the passing of this Act, shall not prevent the provisional registration of such invention under this Act, nor prejudice or affect the validity of any letters patent to be granted for such invention during such term as aforesaid.

3. Her Majesty's Attorney-General, or such person or persons as he may from time to time appoint to issue certificates under this Act, on being furnished with a description in writing, signed by or on behalf of the person claiming to be the true and first inventor within this realm of any new invention intended to be exhibited in such place of public exhibition as aforesaid, and on being satisfied that such invention is proper to be so exhibited, and that the description in writing so furnished describes the nature of the said invention so intended to be exhibited, and in what manner the same is to be performed, shall give a certificate in writing under the hand or hands of such Attorney-General, or the person or persons appointed as aforesaid for the provisional registration of such invention.

4. The Registrar of Designs, acting under the Designs Act, 1850, upon receiving such certificate, and being furnished with the name and place of address of the person by or on whose behalf the registration is desired, shall register such certificate, name and place of address, and the invention to which any certificate so registered relates shall be deemed to be provisionally registered, and the registration thereof shall continue in force for the term of one year from the time of the same being so registered; and the registrar shall certify under his hand and seal that such invention has been provisionally registered, and the date of such registration and the name and place of address of the person by or on whose behalf the registration was effected: Provided always, that if any invention so provisionally registered be not actually exhibited in such place of public exhibition as aforesaid, or if the same invention be in use by others at the time of the said registration, or if the person by or on whose behalf the said registration has been effected be not the first and true inventor thereof, such registration shall be absolutely void.

5. The description in writing of any invention so provisionally registered shall be preserved in such manner and subject to such regulations as the Attorney-General shall direct, and any invention so provisionally registered and exhibited at such place of public exhibition as aforesaid shall have the words "Provisionally registered" marked thereon or attached thereto, with the date of the said registration.

6. Such provisional registration as aforesaid shall during the term thereof confer on the inventor of such invention, with respect thereto, all the protection against piracy and other benefits which, by the Designs Act, 1850, are conferred upon the proprietors of designs provisionally registered thereunder, with respect to such designs; and so long as such provisional registration continues in force, the penalties and provisions of the Designs Act, 1842, for preventing the piracy of designs, shall extend to the acts, matters and things next hereinafter mentioned as fully and effectually as if those penalties and provisions had been re-enacted in this Act and expressly extended to such acts, matters, and things; that is to say, to the making, using, exercising, or vending the invention so provisionally registered, to the practising the same or any part thereof, to the counterfeiting, imitating, or resembling the same, to the making additions thereto or subtraction from the same, without the consent in writing of the person by or on whose behalf the said invention was so provisionally registered.

7. All letters patent to be during the term of any such provisional registration granted in respect of any invention so provisionally registered, shall, notwithstanding the registration thereof, and notwithstanding the exhibition thereof in such place of public exhibition or otherwise as aforesaid, be of the same validity as if such invention had not been

so registered or exhibited; and it shall be lawful for the Lord High Chancellor, if he think fit, on the grant of any letters patent to any inventor in respect of any invention provisionally registered under this Act, to cause such letters patent to be sealed as of the day of such provisional registration, and to bear date as of the day of such provisional registration, the Act of the eighteenth year of King Henry the Sixth or any other Act notwithstanding.

8. Notwithstanding anything contained in the Designs Act, 1850, and the two Acts therein referred to and called the Designs Act, 1842, and the Designs Act, 1843, the protection intended to be by those Acts extended to the proprietors of new and original designs shall be extended to the proprietors of all new and original designs which shall be provisionally registered and exhibited in such place of public exhibition as aforesaid, notwithstanding that such designs may have been previously published or applied elsewhere than in the United Kingdom of Great Britain and Ireland: Provided that such design, or any article to which the same has been applied, have not been publicly sold or exposed for sale previously to such exhibition thereof as aforesaid.

9. All the provisions of the Designs Act, 1850, and the provisions incorporated therewith relating or applicable to the designs to be provisionally registered thereunder, or to the proprietors of such designs, except the provision for extending the term of any such provisional registration, shall, so far as the same are not repugnant to or inconsistent with the provisions of this Act, apply to the inventions to be provisionally registered under this Act, and to the inventors thereof; and the said Designs Act and this Act, shall be construed together as one Act.

were not registered or exhibited.

Proprietors of new and original designs exhibited to be entitled to benefits of Designs Acts, although designs have been previously published elsewhere than in the U. K., if not publicly sold or used.

The Designs Act, 1850, and this Act, to be construed as one Act.

Short title.

10. This Act may be cited as "The Protection of Inventions Act, 1851."

14 & 15 VICT. c 82.

An Act to simplify the Forms of Appointment to certain Offices, and the manner of passing Grants under the Great Seal. [7th August, 1851.]

[Repealed by 47 & 48 Vict. c. 30, s. 5.]

[Sect. 1 repeals so much of 27 Hen. VIII. c. 11, as relates to warrants for passing grants, &c., under the Great Seal.

Sect. 2 dispenses with Signet and Privy Seal bills as authorities for passing grants under the Great Seal.

Sect. 3 abolishes the offices of clerks to the Signet and Privy Seal.

Sect. 5 transfers the duties of the Signet Office not superseded by this Act to the office of Secretary of State.]

7. It shall be lawful for the Lord High Chancellor or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom from time to time after the passing of this Act to frame and establish such further rules and regulations to be observed on the passing of letters patent under the Great Seal of the United Kingdom as shall seem to them expedient.

10. This Act shall, save where herein otherwise provided, commence from and after the thirty-first day of December, one thousand eight hundred and fifty-one.

Lord Chancellor and Secretary of State may make rules concerning the passing of letters patent. Commencement of Act.

15 VICT. c. 6.

An Act for extending the Term of the Provisional Registration of Inventions under "The Protection of Inventions Act, 1851" (o). [20th April, 1852.]

[Repealed by Stat. Law Rev. Act, 1875.]

14 Vict. c. 8.

Whereas by "The Protection of Inventions Act, 1851," it was provided that the provisional registration of any new invention registered thereunder should continue in force for the term of one year from the time of the same being so registered: and whereas it is expedient that the same should be extended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional registration under the recited Act to continue in force till 1st February, 1853.

1. The registration of every invention provisionally registered under the said Act shall continue until the first day of February, one thousand eight hundred and fifty-three, in like manner and with the like effect and consequences as if every such registration had been continued in force till that day by the said Act instead of for the term of one year from the time of the invention being registered as therein mentioned.

15 & 16 VICT. c. 83 (p).

An Act for amending the Law for granting Patents for Inventions.

[1st July, 1852.]

[Repealed by Patents, &c., Act, 1883, s. 113.]

Whereas it is expedient to amend the law concerning letters patent for inventions; Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Certain persons constituted Commissioners of Patents for Inventions, three of whom may act, the Chancellor or Master of the Rolls being one.

1. The Lord Chancellor, the Master of the Rolls, Her Majesty's Attorney-General for England, her Majesty's Solicitor-General for England, the Lord Advocate, her Majesty's Solicitor-General for Scotland, her Majesty's Attorney-General for Ireland, and her Majesty's Solicitor-General for Ireland, for the time being respectively, together with such other person or persons as may be from time to time appointed by her Majesty, as hereinafter mentioned, shall be Commissioners of Patents for inventions; and it shall be lawful for her Majesty from time to time, by warrant under her royal Sign Manual, to appoint such other person or persons as she may think fit to be a commissioner or commissioners as aforesaid; and every person so appointed shall continue such commissioner during her Majesty's pleasure; and all the powers hereby vested in the commissioners may be exercised by any three or more of them, the Lord Chancellor or Master of the Rolls being one (q).

(o) See notes to sect. 39 of the Act of 1883, *supra*, p. 494. Cp. also 28 Vict. c. 3, and 33 & 34 Vict. c. 27, *infra*, pp. 676, 677.

(p) The Patent Law Amendment Act, 1852, was founded upon three Bills, which were considered by a Select Committee of the House of Lords in 1851—(1) Lord Granville's Patent Law Amendment Bill; (2) Lord Brougham's Patent Law

Amendment Bill; and (3) these two Bills consolidated by Mr. Thomas Webster, by request of the Select Committee.

(q) Under Lord Granville's Bill, the "Secretaries of State" were included in the commission, but it was suggested that the number should be as small as possible, and confined to those who had actually to deal with the granting of patents. The functions of the commis-

2. It shall be lawful for the commissioners to cause a seal * to be made for the purposes of this Act, and from time to time to vary such seal, and to cause to be sealed therewith all the warrants for letters patent under this Act, and all instruments and copies proceeding from the office of the commissioners, and all Courts, judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence, in like manner as impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof or production of the originals, all copies or extracts, certified under the seal of the said office, of or from documents deposited in such office (r).

Seal of the Commissioners.

3. It shall be lawful for the commissioners from time to time to make such rules and regulations (not inconsistent with the provisions of this Act), respecting the business of their office, and all matters and things which under the provisions herein contained are to be under their control and direction, as may appear to them necessary and expedient for the purposes of this Act: and all such rules shall be laid before both Houses of Parliament within † fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting of Parliament; and the commissioners shall cause a report to be laid annually before Parliament of all the proceedings under and in pursuance of this Act (s).

Power to Commissioners to make rules and regulations, which shall be laid before Parliament.

Commissioners to report annually to Parliament.

4. It shall be lawful for the commissioners of her Majesty's Treasury to provide and appoint from time to time proper places or buildings for an office or offices for the purposes of this Act (r). ‡

Treasury to provide offices.

5. It shall be lawful for the commissioners, with the consent of the Commissioners of the Treasury, from time to time to appoint for the purposes of this Act such clerks and officers as the commissioners may think proper; and it shall be lawful for the commissioners from time to time to remove any of the clerks and officers so appointed. §

Commissioners, with consent of the Treasury, to appoint clerks, &c.

6. Every petition for the grant of letters patent for an invention, and the declaration required to accompany such petition, shall be left at the office of the commissioners, and there shall be left therewith a statement in writing. ||

Petition and declaration to

sioners under this Act were to make rules of practice, and to regulate the proceedings connected with the granting of patents.

(r) It was proposed in Mr. Webster's consolidated Bill that the petition, the declaration, and the provisional specification, should be left at the Great Seal Patent Office; and that all the intermediate proceedings, viz. the advertisement and the consulting of indexes and documents by the public, and everything of a public nature, should be at the Commissioners' Office. The present Act, however, follows Lord Granville's Bill in requiring the commissioners to regulate all proceedings from the commencement to the last step which was taken at the Great Seal Patent Office.

(s) This section is an amalgamation of the 2nd and 3rd sections as they originally stood in Lord Granville's Bill. Instructions were given to let the rules be expressed in the Act of Parliament

as much as possible, and not to leave such extensive and indefinite powers to the commissioners as were given in Lord Granville's Bill: hence the enumeration of the subjects respecting which the commissioners were empowered to make rules. The provision for an annual report to Parliament appeared for the first time in Mr. Webster's consolidated Bill. This report was published annually, under the title of "The Report of the Commissioners of Patents for Inventions," the first report being made in 1854 for the period between 1st October, 1852, when the Act came into operation, and the 31st December, 1853. The last report under this Act was the report for 1883. Since the coming into operation of the Act of 1883, upon the 1st January, 1884, an annual report has been made pursuant to sect. 102, under the title of the "Report of the Comptroller-General of Patents, Designs, and Trade Marks."

* Compare Patents Act, 1883, s. 84.

† *Ibid.* s. 102.

‡ *Ibid.* s. 82.

§ *Ibid.* s. 83.

|| *Ibid.* s. 5, sub-s. 2.

be accom-
panied with a
provisional
specification.

Every appli-
cation to be
referred to
one of the law
officers.

The provi-

hereinafter called the provisional specification, signed by or on behalf of (*u*) the applicant for letters patent, describing the nature of the said invention; and the day of the delivery of every such petition, declaration, and provisional specification shall be recorded at the said office, and indorsed on such petition, declaration, and provisional specification, and a certificate thereof given to such applicant or his agent; and all such petitions, declarations, and provisional specifications shall be preserved in such manner as the commissioners may direct, and a registry thereof and of all proceedings thereon kept at the office of the commissioners (*v*).

7. Every application for letters patent made under this Act shall be referred by the commissioners, according to such regulations as they may think fit to make, to one of the law officers.

8. The provisional specification shall be referred to the law officer, who

(*u*) It was formerly necessary that the specification should be acknowledged by the applicant himself before enrolment.

(*v*) The defects in the early English Patent Law, which the introduction of the provisional specification was intended to remove, were these—(1) Applications were made for letters patent by persons who had only vague ideas in their minds at the time of applying. (2) The sole information given by the applicant to the law officer was a *title*, so worded as not to call the attention of rival inventors, or enable them to discover the subject-matter, and at the same time not to incur the danger that a Court of justice might afterwards rule it to be an imperfect definition of the invention described in the specification. The evils to which the procedure here described lent itself are obvious. Speculators or patent jobbers found out that a person of talent was occupied with an invention, applied for a patent, with a title sufficiently general to cover the invention; and, having thus got the start of the inventor, made his invention their own, if they could get at it before the time of specifying. Again, the public had no means of becoming acquainted with the fact that an application for letters patent for a particular invention had been made, except through the imperfect system of caveats, *i. e.*, individuals who had previously lodged caveats were entitled to notice of any applications that might be made for patents, in terms corresponding, in the opinion of the Attorney-General's clerk, to those of their caveats. In judging of the correspondence between the title and the caveat, the law officer's clerk was very liable to be mistaken; and, besides, as caveats were open to public inspection, nothing was easier than for an ingenious inventor to prepare what was called a *blind* title, evading the term of

particular caveats. (3) Between the date of his application and the sealing of his patent, the applicant had no security for his invention. He was unable to mature it by experiments, because, even if disclosure to workmen did not amount to publication—a point which seems at one time to have been doubtful—he had no protection against the treacherous discovery of his invention by workmen to third parties. The result was that the patentee, not being able to pursue his experiments and construct his machine before the enrolment of his specification, often found out at the last that he was deficient in parts, and was obliged to go through the whole process of obtaining patents for the three kingdoms again. To draw a title honestly under such circumstances, was as difficult as to prepare a general index to a work of which none of the chapters were yet completely written. Another inconvenience, arising from the absence of provisional protection, was the inability of the inventor to go to a capitalist for assistance in maturing his invention. (4) The time for specifying might be extended at the discretion of the Attorney-General, and in some cases was extended to fifteen or eighteen months in all. The result was that a person applying for a patent under a vague title might preclude other persons from taking out patents for anything of the same sort till he put in his specification. A case of this description is given in the evidence of Mr. Samuel Clegg before the Committee of 1829 (pp. 92, 93): “Upon the occasion,” said the witness, “of the last patent I took out for certain improvements in the construction of a steam engine, I had to wait six months, because a person had just previously taken out a patent for certain improvements in the steam engine, and I could not tell what those certain improvements were.”

shall be at liberty to call to his aid such scientific * or other person as he may think fit, and to cause to be paid to such person by the applicant such remuneration as the law officer shall appoint; and if such law officer be satisfied that the provisional specification describes the nature of the invention, he shall allow the same, and give a certificate of his allowance, and such certificate shall be filed in the office of the commissioners, and thereupon the invention therein referred to may, during the term of six months from the date of the application for letters patent for the said invention, be used and published without prejudice to any letters patent to be granted for the same, and such protection from the consequences of use and publication is hereinafter referred to as provisional protection: Provided always, that in case the title of the invention or the provisional specification be too large or insufficient, it shall be lawful for the law officer (y) to whom the same is referred to allow or require the same to be amended.

9. The applicant for letters patent for an invention, instead of leaving with the petition and declaration a provisional specification as aforesaid, may, if he think fit, file with the said petition and declaration an instrument in writing under his hand and seal (hereinafter called a complete specification), † particularly describing and ascertaining the nature of the said invention, and in what manner the same is to be performed, which complete specification shall be mentioned in such declaration, and the day of the delivery of every such petition, declaration, and complete specification shall be recorded at the office of the commissioners, and indorsed on such petition, declaration and specification, and a certificate thereof given to such applicant or his agent, and thereupon, subject and without prejudice to the provisions hereinafter contained, the invention shall be protected under this Act for the term of six months from the date of the application, and the applicant shall have during such term of six months the like powers, rights and privileges as might have been conferred upon him by letters patent for such invention, ‡ issued under this Act, and duly sealed as of the day of the date of such application; and during the continuance of such powers, rights and privileges under this provision, such invention may be used and published without prejudice to any letters patent to be granted for the same; and where letters patent are granted in respect of such invention, then in lieu of a condition for making void such letters patent in case such invention be not described and ascer-

sional specification to be referred to the law officer who, if satisfied, may give a certificate of his allowance, which shall be filed.

Inventor may deposit, in lieu of a provisional specification, a complete specification, such deposit to confer for a limited time the like rights as letters patent.

(y) The object of this section was to secure, in accordance with the general recommendation of the majority of the witnesses examined before the Select Committee of 1851, some kind of preliminary investigation into the sufficiency of the provisional specification. Mr. Webster's consolidated Bill proposed a reference to some person other than the law officer, but here, as in the case of opposition, provided (sect. 8) that everything done by the referee should be subject to the approval of the law officer, and might be varied or corrected by him, according to circumstances. The present section makes the law officer himself the referee, and enables him to call in the aid, and to fix the remuneration, of a scientific assessor. It appears to have been the practice of the law officers to obtain scientific assistance, before the present Act; thus Sir Thomas

Plumer and Sir A. E. Cockburn are stated to have done it; but there was some doubt as to the power of fixing remuneration, provided for by this section.

The provisional protection here conferred could not be extended beyond six months. This is a departure both from Lord Granville's Bill, which gave a power of extension for six, and from Mr. Webster's Bill, which gave a similar power for three, months.

Provisional protection is simply the ability to use and publish the invention from the date of the certificate without prejudice to letters patent subsequently granted. It seems to have been suggested by similar systems prevailing in France and the United States of America.

As to the title under the present law, see p. 89, and sect. 5, sub-s. 5.

As to the sufficiency of specification, see p. 103.

* Compare Patents Act, 1883, s. 11, sub-s. 4.

† *Ibid.* s. 5, sub-ss. 2, 4.

‡ *Ibid.* s. 15.

tained by a subsequent specification, such letters patent shall be conditioned to become void if such complete specification, filed as aforesaid, does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed; and a copy of every such complete specification shall be open to the inspection of the public, as hereinafter provided, from the time of depositing the same, subject to such regulation as the commissioners may make (z).*

Letters patent granted to the first inventor not to be invalidated by protection obtained in fraud of the first inventor.

Commissioners to cause protections to be advertised.
Application

10. In case of any application for letters patent for any invention, and the obtaining upon such application of provisional protection for such invention, or of protection for the same, by reason of the deposit of a complete specification as aforesaid in fraud of the true and first inventor, any letters patent granted to the true and first inventor of such invention shall not be invalidated by reason of such application, or of such provisional or other protection as aforesaid, or of any use or publication of the invention subsequent to such application, and before the expiration of the term of such provisional or other protection.†

11. Where any invention is provisionally protected under this Act, or protected by reason of the deposit of such complete specification as aforesaid, the commissioners shall cause such provisional protection or such other protection as aforesaid to be advertised in such manner as they may see fit (a).‡

12. (b) The applicant for letters patent, so soon as he may think fit after the

(z) This section was introduced at the suggestion of the Master of the Rolls, Sir John Romilly, made in the evidence before the Select Committee of 1851 (pp. 378 *et seq.*), and was not contained in any of the three bills on which the Patent Law Amendment Act, 1852, was founded. It was intended to meet the case of an inventor who was ready in the first instance to make his complete and final specification, and who, it was felt, ought not to be compelled to pay all the fees, and go through the necessary proceedings, as was proposed in the bills before the committee for taking out a patent upon a provisional specification.

(a) These sections provide for advertisements, and notices of objections, and were contained in the consolidated bill. It was agreed at a meeting which took place at the Board of Trade between Mr. Webster and the law officers, that a system of advertisements should be substituted for the system of caveats, which was imperfect and liable to be abused. Under that system, only those individuals who had lodged caveats received notice of applications. Even their chance of notice depended on whether the Attorney-General's clerk was struck by the resemblance between a caveat and the title of a proposed patent, and it was easy to evade the terms of a caveat in preparing the title.

The notice of objections was an application to oppositions to the grant of

letters patent of the procedure in applications for extension, under Lord Brougham's Act, 5 & 6 Will. IV. c. 83. As to opposition under present law, see *supra*, p. 167.

(b) This and the following three sections relate to the procedure on oppositions. It will be convenient here to trace shortly the history of opposition to the grant of letters patent (1) before the Patent Law Amendment Act, 1852, and (2) before the Patents, &c. Act, 1883. See an account of the early practice on obtaining letters patent, in Hindmarch, pp. 503 *et seq.*, and Webster's Letters Patent for Inventions, pp. 13 *et seq.*, and p. 69.

(1.) Opposition took the form of *entering a caveat*, general or specific, against the grant of letters patent for an invention described therein. A *general caveat* was lodged at the chambers of the Attorney and the Solicitor-General by, or on behalf of, an applicant for letters patent, and its effect was to secure that the person lodging it should receive *notice* (*R. v. Cutler*, 1847, 3 C. & K. 215) of any *petition* for the grant of letters patent for the same, or a similar, invention, referred for the *report* of the law officer. Having received such notice, the person entering the *caveat* was entitled to appear in support of his opposition before the law officer. A *general caveat* remained in force for a year, but might be renewed from year to year by entering a *general caveat*.

* Compare Patents Act, 1883, s. 13.

† *Ibid.* s. 35.

‡ *Ibid.* s. 10.

invention shall have been provisionally protected under this Act, or where a complete specification has been deposited with his petition and declaration, then so soon as he may think fit after such deposit, may give notice at the office of the commissioners of his intention of proceeding with his application for letters patent for the said invention, and thereupon the said commissioners shall cause his said application to be advertised in such manner as they may see fit; and any persons having an interest in opposing the grant of letters patent for the said invention shall be at liberty to leave particulars in writing of their objections to the said application at such place and within such time and subject to such regulations as the commissioners may direct (c).

13. So soon as the time for the delivery of such objections shall have expired, the provisional specification or complete specification (as the case

for letters patent to be advertised, and also oppositions to the same.

Specification and objections

An inventor was enabled to debar any person who had, by fraud or breach of confidence, obtained a knowledge of his invention from patenting it, but could not hinder such a party from publishing it to the world, and thereby rendering his own petition worthless. A *specific caveat* may be defined as opposition to the grant of letters patent for a particular invention offered (a) at the Patent Bill Office to the preparation of the *Queen's Bill*, (b) at the Signet Office to the preparation of the *Signet Bill*, (c) at the Privy Seal Office to the preparation of the *Privy Seal Bill*, and (d) at the Patent Office to the *sealing* of letters patent.

(2.) The Patent Law Amendment Act, 1852 (15 & 16 Vict. c. 83, s. 12). After this statute the practice of entering caveats was discontinued unless special leave had first been obtained: *In re Heathorn's Patent*, 1864 (10 L. T. N. S. 802; 10 Jur. N. S. 810), substituted for the caveat against the grant of a patent, a new procedure, by which any person having an interest in opposing a grant might deliver particulars of objections within twenty-one days after the Commissioners of Patents had, as required by the statute, advertised the petitioner's notice to proceed. The Act reserved, however, the Lord Chancellor's former jurisdiction (15 & 16 Vict. c. 83, s. 15), and notice of opposition at Great Seal was still competent.

The Lord Chancellor's jurisdiction is now impliedly taken away, letters patent being sealed (sect. 12, sub-s. (1)) at the Patent Office. The grant of a patent can now be opposed only upon the grounds enumerated in this sub-section. Former grounds of opposition were (1) prior public user (*In re Samuda*; *In re Griffiths*, 1846, cited Hindmarch, p. 534); (2) want of utility (*In re Cutler*, 1839, 1 Web. P. C. 426): this is not a strong authority for the proposition, and Lord Cottenham appears to have doubted whether the sealing of a patent ought to be stopped on the ground of want of utility alone. See, however, Webster.

ubi sup. p. 427, n. (b); (3) that the invention was not proper subject-matter for a patent (*Re Spence's Patent*, 1859, 7 W. R. 157; 3 De G. & J. 523).

As most of the old cases turn upon opposition at the Great Seal, which it was a matter of discretion with the Lord Chancellor to allow, whereas under the Patents, &c. Act, 1883, there is an express right of appeal from the comptroller to the law officer, it may suffice to state generally the principles by which successive Lord Chancellors were guided. These were:—Had the objection raised at the Great Seal Office been taken before the law officer? (*Ex parte Henson*, 1832, 1 Web. P. C. 432; *In re McKean*, 1859, 1 L. T. N. S. 1; 1 De G. F. & J. 2; *In re Mitchell's Patent*, 1867, L. R. 2 Ch. 343.) If not, could it have been, and ought it to have been so taken? Were there any special circumstances, such as fraud, surprise, or the discovery of new material facts, which tended to weaken the law officer's decision (if given)? (*In re Vincent's Patent*, 1867, L. R. 2 Ch. 341; *Ex parte Sheffield*, 1872, L. R. 8 Ch. 237.) Was the patent clearly bad? (*In re Tolson's Patent*, 1856, 4 W. R. 518; 6 De G. M. & G. 422; *In re Russell's Patent*, 1857, 30 L. T. 178; 2 De G. & J. 130.)

The importance of considering these questions carefully, and answering them correctly, arose from the fact that the Lord Chancellor's refusal to seal patents, if erroneous, was irremediable, whereas the sealing of a bad patent left every one at liberty to dispute it. (*In re Spence's Patent*, 1859, 3 De G. & J. 523. Cp. language of Sir Henry James, A.-G., in *Cumming's Patent*, 1884, Griffin, P. C. at p. 278; and of Sir Richard Webster, A.-G., in *Edmunds' Patent*, 1886, Griffin, P. C. at p. 282. Cp. also *Brandies Patent*, 1853, 1 Eq. R. 121; *Ashenhurst's Patent*, 1853, 2 W. R. 3; *Cobley's Patent*, 1862, 31 L. J. Ch. 333; *Daines' Patent*, 1856, 26 L. J. Ch. 298; *Marshall v. Ross*, 1869, L. R. 8 Eq. 651; *Hersee & Smyth*, *In re*, 1866, L. R. 1 Ch. 518.)

(c) See note (a), p. 650.

to be referred to law officer.

Power to law officer to order by or to whom costs shall be paid.

Power to law officer to cause a warrant to be made for sealing of letters patent.

Chancellor to have same powers in respect to warrant, &c., as he now has.

Writ of *scire facias*.

may be) and particulars of objection (if any) shall be referred to the law officer to whom the application has been referred (*b*).*

14. It shall be lawful for the law officer to whom any application for such letters patent is referred, if he see fit, by certificate under his hand, to order by or to whom the costs of any hearing or inquiry upon any objection, or otherwise in relation to the grant of such letters patent, or in relation to the provisional (or other) protection acquired by the applicant under this Act,† shall be paid, and in what manner and by whom such costs are to be ascertained; and if any costs so ordered to be paid be not paid within four days after the amount thereof shall be so ascertained, it shall be lawful for such law officer to make an order for the payment of the same, and every such order may be made a rule of one of her Majesty's superior Courts at Westminster or Dublin, and may be recorded in the Books of Council and Session in Scotland to the effect that execution may pass thereupon in common form (*c*).

15. It shall be lawful for such law officer, after such hearing, if any, as he may think fit, to cause a warrant to be made for the sealing of letters patent for the said invention, and such warrant shall be sealed with the seal of the commissioners, and shall set forth the tenor and effect of the letters patent thereby authorized to be granted, and such law officer shall direct the insertion in such letters patent of all such restrictions, conditions and provisions as he may deem usual and expedient in such grants, or necessary in pursuance of the provisions of this Act; and the said warrant shall be the warrant for the making and sealing of letters patent under this Act according to the tenor of the said warrant: Provided always, that the Lord Chancellor shall and may have and exercise such powers, authority and discretion in respect to the said warrant, and the letters patent therein directed to be made under this Act, as he now has and might now exercise with respect to the warrant for the issue under the Great Seal of letters patent for any invention, and with respect to the making and issuing of such letters patent; and the writ of *scire facias* shall lie for the repeal of any letters patent issued under this Act, in the like cases as the same would lie for the repeal of letters patent, which may now be issued under the Great Seal (*d*).‡

(*b*) This section is a departure from the 7th clause of the consolidated bill, which anticipated the modern system of examiners. That clause provides for the reference of the provisional specification and notice of objections, if any, to an examiner or examiners, who were to report to the law officers upon the novelty of the invention, or any other grounds, such as the sufficiency of title, which in their opinion might affect the granting of the patent; so that the functions of the law officers, instead of being partly ministerial and partly judicial, might be made as strictly judicial as possible. The notion was that the commissioners would appoint six or eight persons skilled in particular departments, including two or three engineers and two or three chemists, one or more of whom might be chosen to report on any particular subject, and

that they should not sit as a Board except for convenience.

(*c*) This section corresponds to the 8th clause of the consolidated bill, which gave the law officers the power of awarding costs; the notion being that their fee in unopposed cases might be a small sum, but that in opposed cases they should be paid according to the work done, and should have the power of making the applicant or the opponent, as the case might be, pay the costs. Such fees were extra to the costs in the Schedule, which relates to unopposed cases.

(*d*) Under Lord Granville's Bill and Lord Brougham's Bill, the sign manual gave the warrant for sealing the patent. The consolidated bill substituted the law officer's warrant for the sign manual (sect. 9); and that provision is here reproduced.

* Compare Patents Act, 1883, s. 11.

† *Ibid.* s. 38.

‡ *Ibid.* s. 26, sub-s. 1.

16. Provided also, That nothing herein contained shall extend to abridge or affect the prerogative of the Crown in relation to the granting or withholding the grant of any letters patent; and it shall be lawful for her Majesty, by warrant under her royal Sign Manual, to direct such law officer to withhold such warrant as aforesaid, or that any letters patent for the issuing whereof he may have issued a warrant as aforesaid shall not issue, or to direct the insertion in any letters patent to be issued in manner herein provided of any restrictions, conditions or provisoes which her Majesty may think fit, in addition to or in substitution for any restrictions, conditions or provisoes which would otherwise be inserted therein under this Act;* and it shall also be lawful for her Majesty, by like warrant, to direct any complete specification which may have been filed under the provision hereinbefore contained, and in respect of the invention described, in which no letters patent may have been granted, to be cancelled, and thereupon the protection obtained by the filing of such complete specification shall cease.

Nothing to affect the prerogative of the Crown in granting or withholding grant of letters patent.

17. All letters patent for inventions granted under the provisions hereinbefore contained shall be made subject to the condition that the same shall be void, and that the powers and privileges thereby granted shall cease and determine, at the expiration of three years and seven years respectively from the date thereof, unless there be paid, before the expiration of the said three and seven years respectively, the sum or sums of money and stamp duties in the schedule to this Act annexed; and the payment of the said sums of money and stamp duties respectively shall be indorsed on the warrant for the said letters patent; and such officer of the commissioners as may be appointed for this purpose shall issue, under the seal of the commissioners,† a certificate of such payment, and shall indorse a receipt for the same on any letters patent issued under the authority of the said warrant; and such certificate, duly stamped, shall be evidence of the payment of the several sums respectively (e).

Letters patent to be made subject to avoidance on non-fulfilment of certain conditions.

18. The commissioners, so soon after the sealing of the said warrant as required by the applicant for the letters patent, shall cause to be prepared letters patent for the invention according to the tenor of the said warrant and it shall be lawful for the Lord Chancellor to cause such letters patent to be sealed with the Great Seal of the United Kingdom, and such letters patent so sealed shall extend to the whole of the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man; and in case such warrant so direct, such letters patent shall be made applicable to her Majesty's colonies and plantations abroad, or such of them as may be mentioned in such warrant;‡ and such letters patent shall be valid and effectual as to the whole of such United Kingdom, and the said islands and isle, and the said colonies or plantations, or such of them as aforesaid, and shall confer the like powers, rights and privileges as might, in case this Act had not been passed, have been conferred by several letters patent of the like purport and effect passed under the Great Seal of the United Kingdom, under the seal appointed to be used instead of the Great Seal of Scotland, and under the Great Seal of Ireland respectively, and made applicable to England, the dominion of Wales, the town of Berwick-upon-Tweed, the Channel Islands, and Isle of Man, and the said colonies and plantations, or such of them as aforesaid, to Scotland, and to Ireland respectively, save as herein otherwise provided: Provided always, that nothing in this Act contained shall be deemed or taken to give any effect or operation to any letters patent to be granted under the authority of this Act in any colony in which such or the like letters patent would be invalid by the law in force in the same colony

Letters patent issued under the Great Seal to be valid for the whole of the United Kingdom, the Channel Islands, and the Isle of Man.

Nothing to give effect to any letters patent granted in any colony.

(e) These provisions as to payments were anticipated in each of the three bills before the Select Committee of 1851.

* Compare Patents Act, 1883, ss. 27, 116.

† *Ibid.* s. 17, sub-s. 2.

‡ *Ibid.* s. 16.

for the time being: Provided always, that a transcript of such letters shall, so soon after the sealing of the same and in such manner as the commissioners shall direct, be transmitted to the Director of Chancery in Scotland, and be recorded in the records of Chancery in Scotland, upon payment of such fees as the commissioners shall appoint, in the same manner and to the same effect in all respects as letters patent passing under the Seal appointed by the Treaty of Union to be used in place of the Great Seal of Scotland have heretofore been recorded,* and extracts from the said records shall be furnished to all parties requiring the same, on payment of such fees as the commissioners shall direct, and shall be received in evidence in all courts in Scotland to the like effect as the letters patent themselves (f).

No letters patent to be issued after three months from date of warrant.

No letters patent (except in lieu of those lost, &c.) to be issued after expiration of protection given by this Act.

Letters patent may be granted to personal representatives of the applicant during the term of protection, or within three months after applicant's decease.

If letters patent be destroyed or

19. Provided always, that no letters patent, save as hereinafter mentioned in the case of letters patent destroyed or lost, shall issue on any warrant granted as aforesaid, unless application be made to seal such letters patent within three months after the date of the said warrant.

20. Provided also, that no letters patent (save letters patent issued in lieu of others destroyed or lost) shall be issued or be of any force or effect unless the same be granted during the continuance of the provisional protection under this Act, or, † where a complete specification has been deposited under this Act, then unless such letters patent be granted during the continuance of the protection conferred under this Act ‡ by reason of such deposit, save that where the application to seal such letters patent has been made during the continuance of such provisional or other protection as aforesaid, and the sealing of such letters patent has been delayed by reason of a caveat or an application to the Lord Chancellor against or in relation to the sealing of such letters patent, then such letters patent may be sealed at such time as the Lord Chancellor shall direct.

21. Provided also, that where the applicant for such letters patent dies during the continuance of the provisional protection, or the protection by reason of the deposit of a complete specification (as the case may be), such letters patent may be granted to the executors or administrators of such applicant during the continuance of such provisional or other protection, § or at any time within three months after the death of such applicant, notwithstanding the expiration of the term of such provisional or other protection, and the letters patent so granted shall be of the like force and effect as if they had been granted to such applicant during the continuance of such provisional or other protection.

22. Provided also, that in case any such letters patent shall be destroyed or lost, other letters patent of the like tenor and effect, and sealed and dated as of the same day, may, subject to such regulations as the commissioners;

(f) Under Lord Granville's and Lord Brougham's Bills, there was to be but one patent, in point of form, under the Great Seal of the United Kingdom. In pursuance, however, of the instructions of Lord Granville and the law officers, Mr. Webster inserted in his Consolidated Bill a provision that while there should be but one warrant for the whole kingdom, three transcripts should be made of the letters patent in the same form in every respect, the only difference being in the name of the country; that these should be signed by the clerk of the patents, and sealed with the Great Seal,

the Seal of Scotland; and of Ireland respectively; so that there would be, as far as the inventor was concerned, but one patent, because all the proceedings would be the same up to the warrant. The warrant would be the authority for the three, but there would be the convenience of three patents for the purposes of title, and for the purpose of record at Edinburgh and Dublin.

The present section is an adaptation, with modifications, of these provisions.

As to patents for the colonies, see *supra*, p. 542.

* Compare Patents Act, 1883, s. 100.

† *Ibid.* s. 12. Cp. *Re Johnson's Patent, Re Somerset and Walker's Patent*, 1879,

L. R. 13 Ch. D. 397, 398, n.

‡ *Ibid.* s. 37.

§ *Ibid.* s. 34.

may direct, be issued under the authority of the warrant in pursuance of which the original letters patent were issued.

23. It shall be lawful (the Act of the eighteenth year of King Henry the Sixth, chapter one, or any other Act, to the contrary notwithstanding) to cause any letters patent to be issued in pursuance of this Act to be sealed and bear date as of the day of the application for the same, and in case of such letters patent for any invention provisionally registered under the "Protection of Inventions Act, 1851," as of the day of such provisional registration, or, where the law officer to whom the application was referred, or the Lord Chancellor, thinks fit and directs, any such letters patent as aforesaid may be sealed and bear date as of the day of the sealing of such letters patent, or of any other day between the day of such application or provisional registration and the day of such sealing.*

24. Any letters patent issued under this Act, sealed and bearing date as of any day prior to the day of the actual sealing thereof, shall be of the same force and validity as if they had been sealed on the day as of which the same are expressed to be sealed and bear date: Provided always, that save where such letters patent are granted for any invention, in respect whereof a complete specification has been deposited upon the application for the same under this Act,* no proceeding at law or in equity shall be had upon such letters patent in respect of any infringement committed before the same were actually granted.

25. Where, upon any application made after the passing of this Act, letters patent are granted in the United Kingdom for or in respect of any invention first invented in any foreign country or by the subject of any foreign power or State, and a patent or like privilege for the monopoly or exclusive use or exercise of such invention in any foreign country is there obtained before the grant of such letters patent in the United Kingdom, all rights and privileges under such letters patents shall (notwithstanding any term in such letters patent limited) cease and be void immediately upon the expiration or other determination of the term during which the patent or like privilege obtained in such foreign country shall continue in force, or where more than one such patent or like privilege is obtained abroad, immediately upon the expiration or determination of the term which shall first expire or be determined of such several patents or like privileges: Provided always, that no letters patent for or in respect of any invention for which any such patent or like privilege as aforesaid shall have been obtained in any foreign country, and which shall be granted in the said United Kingdom after the expiration of the term for which such patent or privilege was granted or was in force, shall be of any validity (g).

(g) The section seems to have been framed with a view to prevent, in some degree, manufacturers in this country paying patent dues from which their foreign competitors were exempt. The logical conclusion would be, however, that no patent should be valid in the United Kingdom, unless the invention be also patented in every other country in the world.

This section was not re-enacted in form or substance in the Act of 1883.

It exposed foreign inventors to a special disability, and also English inventors who make their invention abroad and patented it in some foreign country before taking out the British patent.

The section has been very widely adopted in substance by various other countries of the world, and consequently it was desirable to telegraph all over the world that the patents might bear the same date, by applying everywhere on the same day. This necessity has been considerably lessened by the International Convention, whereby patents may be ante-dated to the date of the country where patents first obtained, provided that country be one of the signatories to the Convention.

The general effect of the section and of the similar enactments of other countries, was to discourage English inventors from taking out foreign

lost, other letters patent may be issued.

Letters patent may be dated as of the day of the application.

Letters patent where ante-dated to be of the same validity as if sealed on the day of the date.

Letters patent obtained in United Kingdom for patented foreign inventions not to continue in force after the expiration of the foreign patent.

* Compare Patents Act, 1883, s. 13.

Letters patent not to prevent the use of inventions in foreign ships resorting to British ports; except ships of foreign states in whose ports British ships are prevented from using foreign inventions.

Specifications to be filed instead of being enrolled.

Specifications, &c., to be filed in such office as Lord Chancellor shall direct.

As to filing extra copies of drawings.

Copies of specifications to be open to inspection at office of Commissioners, and at Edinburgh and Dublin.

26. No letters patent for any invention (granted after the passing of this Act) shall extend to prevent the use of such invention in any foreign ship or vessel, or for the navigation of any foreign ship or vessel, which may be in any port of her Majesty's dominions, or in any of the waters within the jurisdiction of any of Her Majesty's Courts, where such invention is not so used for the manufacture of any goods or commodities to be vended within or exported from Her Majesty's dominions: Provided always, that this enactment shall not extend to the ships or vessels of any foreign State of which the laws authorize subjects of such foreign State, having patents or like privileges for the exclusive use or exercise of inventions* within its territories, to prevent or interfere with the use of such inventions in British ships or vessels, or in or about the navigation of British ships or vessels, while in the ports of such foreign state, or in the waters within the jurisdiction of its Courts, where such inventions are not so used for the manufacture of goods or commodities to be vended within or exported from the territories of such foreign state.

27. All letters patent to be granted under this Act (save only letters patent granted after the filing of a complete specification) shall require the specification thereunder to be filed in the High Court of Chancery, instead of requiring the same to be enrolled, and no enrolment shall be requisite.

28. Every specification to be filed in pursuance of the condition of any letters patent shall be filed in such office of the Court of Chancery as the Lord Chancellor shall from time to time appoint, and every provisional specification and complete specification left or filed at the office of the commissioners on the application for any letters patent shall forthwith after the grant of the letters patent, or if no letters patent be granted then immediately on the expiration of six months from the time of such application, be transferred to and kept in the said office appointed for filing specifications in Chancery: [and in case reference is made to drawings in any specification deposited or filed under this Act, an extra copy of such drawings shall be left with such specification (g)].

29. The commissioners shall cause true copies of all specifications (other than provisional specifications), disclaimers and memoranda of alterations filed under or in pursuance of this Act, and of all provisional specifications after the term of the provisional protection of the invention has expired, to be open to the inspection of the public at the office of the commissioners, and at an office in Edinburgh and Dublin respectively, at all reasonable times, subject to such regulations as the commissioners may direct: and the commissioners shall cause a transcript of the said letters patent to be transmitted for enrolment in the Court of Chancery, Dublin, and shall cause the same to be enrolled therein, and the transcript or exemplification thereof shall have the like effect to all intents and purposes as if the original letters patent had been enrolled in the Court of Chancery in Dublin, and all parties shall have all their remedies by scire facias or otherwise, as if the letters patent had been granted to extend to Ireland only (h).

patents: so that the apparent wish of the Legislature to protect English manufacturers against paying patent dues from which foreign manufacturers were free, was curiously falsified.

For an interesting paper, by Mr. W. Carpmael, and discussion on this subject and the meaning of the words "expiration or sooner determination," see *Trans. Inst. P. A.* Vol. 1, pp. 57 *et seq.* Cp. also *Hobbs v. Robertson*, 1876, L. R. 4 Ch. D. 9; 46 L. J. Ch. 1.

(g) Repealed by 16 & 17 Vict. c. 115, s. 1.

(h) The evil which this section was intended to remedy was the imperfect means, enjoyed by the public, of inspecting specifications. It seems that there was no legal right, enforceable by action, to obtain such inspection; and although the practice was to permit it upon payment of a fee, the public were not, prior to 1838, allowed to make copies or abstracts; a patentee was not even permitted to make an extract from his own specification. The statute 1 & 2 Vict. c. 94, s. 12, however, which

* Compare Patents Act, 1883, s. 43.

30. The commissioners shall cause to be printed,* published and sold, at such prices and in such manner as they may think fit, all specifications, disclaimers and memoranda of alterations deposited or filed under this Act, and such specifications (not being provisional specifications), disclaimers and memoranda respectively shall be so printed and published as soon as conveniently may be after the filing thereof respectively, and all such provisional specifications shall be so printed and published as soon as conveniently may be after the expiration of the provisional protection obtained in respect thereof; and it shall be lawful for the commissioners to present copies† of all such publications to such public libraries and museums as they may think fit, and to allow the person depositing or filing any such specification, disclaimer or memorandum of alteration to have such number, not exceeding twenty-five, of the copies thereof so printed and published, without any payment for the same, as they may think fit (i).

Specifications and other documents to be printed and published.

As to presenting copies of publications to public libraries, &c.

31. It shall be lawful for the Lord Chancellor and the Master of the Rolls to direct the enrolment of specifications, disclaimers and memoranda of alterations heretofore or hereafter enrolled or deposited at the Rolls Chapel Office, or at the Petty Bag Office, or at the Enrolment Office of the Court of Chancery, or in the custody of the Master of the Rolls as keeper of the public records, to be transferred to and kept in the office appointed for filing specifications in Chancery under this Act (j).

Enrolments, &c. may be removed to the office for specifications.

received the royal assent on 14th August, 1838, enabled the Master of the Rolls, or Deputy Keeper of the Records, to allow copies to be made of any records in his custody, at the request and cost of any person desirous of procuring the same. Under this provision Lord Langdale, M. R., opened the Rolls Chapel and allowed the public to consult the specifications on payment of one shilling, and to take extracts in pencil. Although this was, so far as it went, a most beneficial arrangement for the public, the moment it was made parties interested in increasing the expense in requiring office copies to be made, in making drawings for those office copies, and in the extensive ramification of such interests, had such an influence with the patentees, and control over the specifications, that three-fourths of the specifications ceased to be enrolled at the Rolls Chapel, where the public would have the benefit of consulting and copying them, and were taken to the Enrolment Office and to the Petty Bag Office, at neither of which persons could copy them or make a single extract in writing. Another difficulty arose from the fact that at the Rolls Chapel and the Petty Bag Office, specifications were enrolled along with surrenders, deeds, and other instruments. All specifications, however, enrolled since the 1st January, 1849, were, owing to an alteration introduced by Lord Langdale, M. R., enrolled in

the Enrolment Office.

(i) Under this section, which appeared in substance in each of the three Patent Law Amendment Bills, the commissioners were required to cause all specifications, i. e., the old specifications, to be printed as soon as they were able; all subsequent specifications were to be printed forthwith; and the patentee was to have twenty-five copies of his printed specification gratis; this proviso appeared only in Mr. Webster's Bill, and the object was to give the patentee some consideration for the 5*l.* which he paid on filing his specification, the printing of which was assumed to cost about 3*l.*

(j) The enrolment of specifications dates no further back than about the year 1712, when it became the custom to insert a proviso into all patents, obliging the patentee to execute a complete specification of the invention for which the patent was granted, and also to enrol the same in the Court of Chancery, within a specified time after the date of the patent. The authority by which this clause was introduced does not appear, and was not, at least, parliamentary. Specifications afterwards came to be, and before 1st January, 1849, were, enrolled at the option of the patentee in any one of the three offices mentioned in the present section; and a person desirous of finding out a particular specification had no means of knowing to which office he ought to go.

* Compare Patents Act, 1853, s. 40.

† *Ibid.* - 101, sub-s. 1 (f).

Commissioners to cause indexes to be made to old specifications, &c.; such specifications, &c. may be printed and published.

Copies of specifications, &c. as printed by Queen's printers to be evidence.

Register of patents to be kept.

A register of proprietors to be kept at the office for filing specifications.

32. The commissioners shall cause indexes* to all specifications, disclaimers and memoranda of alterations heretofore or to be hereafter enrolled or deposited as last aforesaid to be prepared in such form as they may think fit, and such indexes shall be open to the inspection of the public at such place or places as the commissioners shall appoint, and subject to the regulations to be made by the commissioners, and the commissioners may cause all or any of such indexes, specifications, disclaimers and memoranda of alterations to be printed, published and sold in such manner and at such prices as the commissioners may think fit (*h*).

33. [*Copies, printed by the printers to the Queen's Majesty, of specifications, disclaimers and memoranda of alterations shall be admissible in evidence, and deemed and taken to be prima facie evidence of the existence and contents of the documents to which they purport to relate in all Courts and in all proceedings relating to letters patent (l).*]

34. There shall be kept at the office appointed for filing specifications in Chancery under this Act a book or books, to be called "The Register of Patents," wherein shall be entered and recorded in chronological order all letters patent granted under this Act, the deposit or filing of specifications, disclaimers and memoranda of alterations filed in respect of such letters patent,† all amendments in such letters patents and specifications, all confirmations and extensions of such letters patent, the expiry, vacating or cancelling such letters patent, with the dates thereof respectively, and all other matters and things affecting the validity of such letters patent as the commissioners may direct, and such register, or a copy thereof, shall be open at all convenient times to the inspection of the public, subject to such regulations as the commissioners may make.

35. There shall be kept at the office appointed for filing specifications in Chancery under this Act a book or books, entitled "the Register of Proprietors," wherein shall be entered, in such manner as the commissioners shall direct, the assignment of any letters patent, or any share or interest therein, any licence under letters patent, and the district to which such licence relates, with the name or names of any person having any share or interest in such letters patent or licence, the date of his or their acquiring such letters patent, share and interest, and any other matter or thing relating to or affecting the proprietorship in such letters patent or licence; and a copy† of any entry in such book, certified under such seal as may have been ap-

(*h*) Prior to this Act, the only indices of specifications were those published in the Repertory of Arts—the history and character of which are sketched by Mr. Wyatt, its editor and proprietor, in his evidence before the Select Committee of 1829 (p. 163)—and other journals, and in the three offices mentioned in sect. 31. The publication of specifications by private individuals was irregular and incomplete, and it was alleged that influence was sometimes brought to bear upon such persons by patentees to prevent the publication of their specifications. The official indices were incomplete and ill-arranged.

(*l*) Repealed by 16 & 17 Vict. c. 115, s. 1. The old law was that the original specification, which was returned to the patentee after enrolment, was not admissible in evidence; and as the Masters

of the Rolls, after the time of Sir John Leach, refused to allow the original rolls of Court to be taken out for production, an office copy of the specification, compared with the record, was necessary, and the expense of the examined office copy was sometimes very serious. It was also necessary that the copyer, or some official from the office when the specification was enrolled, should attend as a witness to prove its authenticity. If the enrolment, however, was in the Rolls Chapel, which was a branch of the public Record Office, established by 1 & 2 Vict. c. 94, then under sect. 13 of that statute, a copy certified by the Deputy Keeper of the Records, or one of the assistant Record Keepers, and purporting to be sealed or stamped with the seal of the Record Office, was made evidence without further or other proof.

* Compare Patents Act, 1883, s. 40.

† *Ibid.* ss. 23, 87.

pointed or as may be directed by the Lord Chancellor to be used in the said office, shall be given to any person requiring the same, on payment of the fees hereinafter provided; and such copies so certified shall be received in evidence in all Courts and in all proceedings, and shall be *prima facie* proof of the assignment of such letters patent, or share or interest therein, or of the licence or proprietorship, as therein expressed: provided always, that until such entry shall have been made the grantee or grantees of the letters patent shall be deemed and taken to be the sole and exclusive proprietor or proprietors of such letters patent, and of all the licences and privileges thereby given and granted; that certified duplicates of all entries made in the said register of proprietors shall forthwith be transmitted to the office of the commissioners in Edinburgh and Dublin, where the same shall also be open to the inspection of the public; and any writ of *scire facias* to repeal such letters patent may be issued to the sheriff of the county or counties in which the grantee or grantees resided at the time when the said letters patent were granted; and in case such grantee or grantees do not reside in the United Kingdom it shall be sufficient to file such writ in the Petty Bag Office, and serve notice thereof in writing at the last known residence or place of business of such grantee or grantees; and such register or a copy shall be open to the inspection of the public at the office of the commissioners, subject to such regulations as the commissioners may make; provided always, that, in any proceeding in Scotland to repeal any letters patent, service of all writs and summonses shall be made according to the existing forms and practice; provided also, that the grantee or grantees of letters patent to be hereafter granted may assign the letters patent for England, Scotland or Ireland respectively as effectually as if the letters patent had been originally granted to extend to England or Scotland or Ireland only, and the assignee or assignees shall have the same rights of action and remedies, and shall be subject to the like actions and suits as he or they should and would have had and been subject to upon the assignment of letters patent granted to England, Ireland or Scotland before the passing of this Act (*m*).

36. Notwithstanding any proviso that may exist in former letters patent, it shall be lawful for a larger number than twelve persons hereafter to have a legal and beneficial interest in such letters patent (*n*).

37. If any person shall wilfully make or cause to be made any false entry in the said register of proprietors, or shall wilfully make or forge, or cause to be made or forged, any writing falsely purporting to be a copy of any entry in the said book, or shall produce or tender, or cause to be produced or tendered, in evidence any such writing, knowing the same to be false or forged, he shall be guilty of a misdemeanor, and shall be punished by fine and imprisonment accordingly.

Power for more than twelve persons to have a legal interest in letters patent.

Falsification or forgery of entries a misdemeanor.

(*m*) This section corresponds to clause 19 of the Consolidated Bill. No evidence was taken before the Select Committee of 1851 upon the subject; but the difficulty of knowing in whom patents were vested in the event of proceedings by *scire facias* was felt by patentees generally.

(*n*) Soon after the Statute of Monopolies was passed, a limitation was inserted in letters patent of the number of persons who might be interested in a patent, to five; afterwards the number was increased to twelve. It was supposed that a large and powerful body would take

advantage of having the monopoly of an invention to refuse to grant licences to any other manufacturer, and so obtain the whole monopoly of the manufacture in which they were engaged for the term of years during which the protection lasted. This argument, however, belonged to the notions of political economy prevalent in the reign of James I., and for some time afterwards, and was disregarded by the Legislature itself, private Acts being frequently passed to allow joint stock companies to purchase patents, notwithstanding the clause of limitation.

* Compare Patents Act, 1883, s. 93.

Entries may be expunged.

38. If any person should deem himself aggrieved by any entry made under colour of this Act in the said register of proprietors, it shall be lawful for such person to apply, by motion, to the Master of the Rolls or to any of the Courts of Common Law at Westminster in term time, or by summons to a judge of any of the said Courts in vacation, for an order that such entry may be expunged, vacated or varied; and upon any such application the Master of the Rolls, or such Court or judge respectively, may make such order for expunging, vacating or varying such entry, and as to the costs of such application, as to the said Master of the Rolls or to such Court or judge may seem fit; and the officer having the care and custody of such register, on the production to him of any such order for expunging, vacating or varying any such entry, shall expunge, vacate or vary the same, according to the requisitions of such order (o).

Provisions of 5 & 6 Will. 4, c. 83, and of 7 & 8 Vict. c. 69, as to disclaimers and memoranda of alterations to apply to patents under this Act.

Applications for disclaimers and caveats to be at office of Commissioners.

39. All the provisions of the Acts of the session holden in the fifth and sixth years of King William the Fourth, chapter eighty-three, and of the session holden in the seventh and eighth years of her Majesty, chapter sixty-nine, respectively, relating to disclaimers and memoranda of alterations in letters patent and specifications, except as hereinafter provided, shall be applicable and apply to any letters patent granted, and to any specification filed under the provisions of this Act: provided always, that all applications for leave to enter a disclaimer or memorandum of alteration shall be made, and all caveats relating thereto shall be lodged at the office of the commissioners (p),† and shall be referred to the respective law officers in the said first-recited Act mentioned: provided also, that every such disclaimer or memorandum of alteration shall be filed in the office appointed for filing specifications in Chancery under this Act, with the specification to which the same relates, in lieu of being entered or filed and enrolled as required by the said first-recited Act, or by the Act of the session holden in the twelfth and thirteenth years of her Majesty, chapter one hundred and nine, and the said Acts shall be construed accordingly: provided also, that such filing of any disclaimer or memorandum of alteration in pursuance of the leave of the law officer in the first-recited Act mentioned, certified as therein mentioned, shall, except in cases of fraud, be conclusive as to the right of the party to enter such disclaimer or memorandum of alteration under the said Acts and this Act; and no objection shall be allowed to be made in any proceeding upon or touching such letters patent, specification, disclaimer or memorandum of alteration, on the ground that the party entering such disclaimer or memorandum of alteration had not sufficient authority in that behalf: provided also, that no action shall be brought upon any letters patent in which or on the specification of which any disclaimer or memorandum of alteration shall have been filed in respect of any infringement committed prior to the filing of such disclaimer or memorandum of alteration, unless the law officer shall certify in his fiat that any such action may be brought, notwithstanding the entry or filing of such disclaimer or memorandum of alteration.

(o) These sections correspond to clauses 20 and 21 of the Consolidated Bill, and were framed on the analogy of the Copyright Acts.

(p) This clause corresponds to a clause in sect. 22 of the Consolidated Bill. It provides for caveats being entered at one office, instead of, as before, at six offices.

The clause goes on to provide that the filing of any disclaimer should be deemed to be an enrolling, and that the fiat of

the law officer should be conclusive upon the right of the party to enter the disclaimer, except in cases of fraud. Many questions had arisen where it appeared that parties were interested in a patent all of whom had not concurred in the petition or signed the disclaimer. It was therefore deemed important that the fiat of the Attorney-General should be conclusive upon all questions of form of that kind.

* Compare Patents Act, 1883, ss. 90, 91.

† *Ibid.* ss. 18—20.

40. All the provisions of the said Act of the fifth and sixth years of King William the Fourth, for the confirmation of any letters patent, and the grant of new letters patent, and all the provisions of the said Act, and of the Acts of the session holden in the second and third years of her Majesty, chapter sixty-seven, and of the session holden in the seventh and eighth years of her Majesty, chapter sixty-nine, respectively, relating to the prolongation of the term of letters patent, and to the grant of new letters patent for a further term, shall extend and apply to any letters patent granted under the provisions of this Act, and it shall be lawful for her Majesty to grant any new letters patent, as in the said Acts mentioned; and in the granting of any such new letters patent, her Majesty's Order in Council shall be a sufficient warrant and authority for the sealing of any new letters patent, and for the insertion in such new letters patent of any restrictions, conditions and provisions in the said order mentioned; and the Lord Chancellor, on the receipt of the said Order in Council, shall cause letters patent,* according to the tenor and effect of such order, to be made and sealed in the manner herein directed for letters patent issued under the warrant of the law officer: provided always, that such new letters patent shall extend to and be available in and for such places as the original letters patent extended to and were available in: provided also, that such new letters patent shall be sealed and bear date as of the day after the expiration of the term of the original letters patent which may first expire (q).

Provisions of 5 & 6 Will. 4, c. 83, 2 & 3 Vict. c. 67, and 7 & 8 Vict. c. 69, as to confirmation and prolongation, to apply to patents under this Act.

41. In any action in any of her Majesty's Superior Courts of Record at Westminster or in Dublin for the infringement of letters patent, the plaintiff shall deliver with his declaration particulars of the breaches complained of in the said action, and the defendant, on pleading thereto, shall deliver with his pleas, and the prosecutor in any proceedings by scire facias to repeal † letters patent shall deliver with his declaration, particulars of any objections on which he means to rely at the trial in support of the pleas in the said action or of the suggestions of the said declaration in the proceedings by scire facias respectively; and at the trial of such action or proceeding by scire facias no evidence shall be allowed to be given in support of any alleged infringement or of any objection impeaching the validity of such letters patent which shall not be contained in the particulars delivered as aforesaid: provided always, that the place or places at or in which and in what manner the invention is alleged to have been used or published prior to the date of the letters patent shall be stated in such particulars: provided also, that it shall and may be lawful for any judge at chambers to allow such plaintiff or defendant or prosecutor respectively to amend the particulars delivered as aforesaid, upon such terms as to such judge shall seem fit: provided also, that at the trial of any proceeding by scire facias to repeal letters patent the defendant shall be entitled to begin and to give evidence in support of such letters patent, and in case evidence shall be adduced on the part of the prosecutor impeaching the validity of such letters patent, the defendant shall be entitled to the reply (r).

In actions for infringement of letters patent, particulars to be delivered, and no evidence allowed not mentioned therein.

(q) This section corresponds to clause 23 of the Consolidated Bill. Previously, if the Privy Council recommended the extension of a patent, all the fees had to be paid over again. It was provided, therefore, that the Order in Council for the extension of a patent should be a sufficient warrant for the sealing of a new grant, so that no fee was payable upon it, except the last fee of 5*l.* for sealing the letters patent.

(r) This section reproduces the 24th clause of the Consolidated Bill, and was inserted in that measure in consequence of a suggestion by Lord Cranworth. It introduced a new principle that the plaintiff should be required to give particulars of breaches. The declarations were in a general form; and it often happened that great expense was thrown on the defendants, owing to their not having some information as to the grounds of complaint.

* Compare Patents Act, 1883, s. 25.

† *Ibid.* s. 29.

Courts of common law may grant injunction in case of infringement.

Particulars to be regarded in taxation of costs.

42. In any action in any of her Majesty's Superior Courts of Record at Westminster and in Dublin for the infringement of letters patent, it shall be lawful for the Court in which such action is pending, if the Court be then sitting, or if the Court be not sitting then for a judge of such Court,* on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection or account, and to give such direction respecting such action, injunction, inspection and account, and the proceedings therein respectively, as to such Court or judge may seem fit.

43. In taxing the costs in any action in any of her Majesty's Superior Courts at Westminster or in Dublin, commenced after the passing of this Act for infringing letters patent, regard shall be had to the particulars delivered in such action, and the plaintiff and defendant respectively shall not be allowed any costs in respect of any particulars unless certified by the judge before whom the trial was had to have been proved by such plaintiff or defendant respectively, without regard to the general costs of the cause; and it shall be lawful for the judge before whom any such action shall be tried to certify on the record that the validity of the letters patent in the declaration mentioned came in question; and the record, with such certificate, being given in evidence in any suit or action for infringing the said letters† patent, or in any proceeding by scire facias to repeal the letters patent, shall entitle the plaintiff in any such suit or action, or the defendant in such proceeding by scire facias on obtaining a decree, decretal order or final judgment, to his full costs, charges and expenses, taxed as between attorney and client, unless the judge making such decree or order, or the judge trying such action or proceeding, shall certify that the plaintiff or defendant respectively ought not to have such full costs: provided always, that nothing herein contained shall affect the jurisdiction and forms of process of the Courts in Scotland in any action for the infringement of letters patent or in any action or proceeding respecting letters patent hitherto competent to the said Courts: provided also, that when any proceedings shall require to be taken in Scotland to repeal any letters patent, such proceedings shall be taken in the form of an action of reduction at the instance of her Majesty's Advocate, or at the instance of any other party having interest with concurrence of her Majesty's Advocate, which concurrence her Majesty's Advocate is authorized and empowered to give upon just cause shown only (s).

Payments and stamp duties on letters patent to be as in schedule.

44 (t). [*There shall be paid in respect of letters patent applied for or issued as herein mentioned, the filing of specifications and disclaimers, certificates, entries and searches, and other matters and things mentioned in the Schedule to this Act, such fees as are mentioned in the said Schedule; ‡ and there shall be paid unto and for the use of her Majesty, her heirs and successors, for or in respect of the warrants and certificates mentioned in the said Schedule, or the vellum, parchment or paper on which the same respectively are written, the stamp duties mentioned in the said Schedule; and no other stamp duties shall be levied, or fees, except as hereinafter mentioned, taken in respect of such letters patent and specifications, and the matters and things in such Schedule mentioned.*]

Duties to be under management of Commissioners of Inland Revenue.

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

All monies received to be paid to the consolidated fund.

46. [*The fees to be paid as aforesaid shall from time to time be paid into the receipt of the Exchequer, and be carried to and made part of the consolidated fund of the United Kingdom.*]

(s) This section reproduces the 25th clause of the Consolidated Bill.

(t) This and the two following sections were repealed by 16 & 17 Vict. c. 5.

* Compare Patents Act, 1883, s. 30.

† *Ibid.* s. 29, sub-s. (6).

‡ *Ibid.* s. 24.

§ *Ibid.*

47. Provided always, that nothing herein contained shall prevent the payment as heretofore to the law officers in cases of opposition to the granting of letters patent, and in cases of disclaimers and memoranda of alterations, of such fees as may be appointed by the Lord Chancellor and Master of the Rolls as the fee to be paid on the hearing of such oppositions, and in the case of disclaimers and memoranda of alterations respectively, or of such reasonable sums for office or other copies of documents in the office of the commissioners, as the commissioners may from time to time appoint to be paid for such copies, and the Lord Chancellor and Master of the Rolls, and the commissioners, are hereby respectively authorized and empowered to appoint the fees to be so paid in respect of such oppositions, disclaimers and memoranda of alterations respectively, and for such office or other copies.

Not to prevent payment of fees to law officers in cases of opposition, &c.

48. It shall be lawful for the Commissioners of Her Majesty's Treasury from time to time to allow such fees to the law officers and their clerks (for duties under this Act in respect of which fees may not be payable to them under the provisions lastly hereinbefore contained) as the Lord Chancellor and Master of the Rolls may from time to time appoint,* and to allow such salaries and payments to any clerks and officers to be appointed under this Act, and such additional salaries and payments to any other clerks and officers in respect of any additional duties imposed on them by this Act, as the said commissioners of the Treasury may think fit.

Fees and salaries of officers.

49. It shall be lawful for the Commissioners of Her Majesty's Treasury to allow from time to time the necessary sums for providing offices under this Act, and for the fees, salaries, and payments allowed by them as aforesaid, and for defraying the current and incidental expenses of such office or offices;† and the sums to be so allowed shall be paid out of such monies as may be provided by Parliament for that purpose.

Sums for defraying salaries and expenses under this Act to be paid out of monies to be provided by Parliament.

50. And whereas divers persons by virtue of their offices or appointments are entitled to fees or charges payable in respect of letters patent as heretofore granted within the United Kingdom of Great Britain and Ireland, or have and derive in respect of such letters patent, or the procedure for the granting thereof, fees or other emoluments or advantages :

Power to Treasury to grant compensation to persons affected by this Act.

It shall be lawful for the said Commissioners of the Treasury to grant to any such persons who may sustain any loss of fees, emoluments or advantages by reason of the passing of this Act, such compensation as, having regard to the tenure and nature of their respective offices and appointments, such commissioners deem just and proper to be awarded ; and all such compensations shall be paid out of such monies as may be provided by Parliament for that purpose : provided always, that in case any person to whom any yearly sum by way of compensation shall be awarded and paid shall, after the passing of this Act, be appointed to any office or place of emolument under the provisions of this Act, or in the public service, then and in every such case the amount of such yearly sum shall in every year be diminished by so much as the emoluments of such person for such year from such office or place shall amount to, and provision in that behalf shall be made in the award to him of such yearly sum.

51. An account of all salaries, fees, allowances, sums and compensations to be appointed, allowed, or granted under this Act shall, within fourteen days next after the same shall be so appointed, allowed, or granted respectively,‡ be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within fourteen days after the next meeting of Parliament.

Account of salaries, fees and compensation allowances to be laid before Parliament.

52. Letters patent may be granted in respect of applications made before the commencement of this Act, in like manner and subject to the same provisions as if this Act had not been passed.

Not to extend to patents applied for before commencement of Act.

* Compare Patents Act, 1883, s. 83, sub-s. 1.

† *Ibid.* s. 83, sub-s. 2.

‡ *Ibid.* s. 102.

As to letters patent granted before commencement of this Act in England, Scotland or Ireland.

53. [*Where letters patent for England or Scotland or Ireland have been granted before the commencement of this Act, or are in respect of any application made before the commencement of this Act hereafter granted for any invention, letters patent for England or Scotland or Ireland, may be granted for such invention in like manner as if this Act had not been passed: provided always, that in lieu of all the fees or payments and stamp duties now payable in respect of such letters patent, or in or about obtaining a grant thereof, there shall be paid in respect of such letters patent for England or Scotland or Ireland on the sealing of such respective letters patent a sum equal to one-third part of the fees and stamp duties which would be payable according to the Schedule to this Act in respect of letters patent issued for the United Kingdom under this Act, on or previously to the sealing of such letters patent; and at or before the expiration of the third year and the seventh year respectively of the term granted by such letters patent for England or Scotland or Ireland, sums equal to one-third part of the fees and stamp duties payable at the expiration of the third year and the seventh year respectively of the term granted by letters patent issued for the United Kingdom under this Act; and the condition of such letters patent for England or Scotland or Ireland shall be varied accordingly; and such fees shall be paid to such persons as the commissioners of her Majesty's Treasury shall appoint, and shall be carried to and form part of the said consolidated fund (u).]*

Forms in schedule may be used.

54. The several forms in the Schedule to this Act may be used for and in respect of the several matters therein mentioned, and the commissioners may, where they think fit, vary such forms as occasion may require, and cause to be printed and circulated such other forms as they may think fit to be used for the purposes of this Act.

Interpretation of terms.

55. In the construction of this Act the following expressions shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context; (that is to say),

The expression "Lord Chancellor" shall mean the Lord Chancellor, or Lord Keeper of the Great Seal, or Lords Commissioners of the Great Seal:

The expression "the Commissioners" shall mean the commissioners for the time being acting in execution of this Act:

The expression "Law Officer" shall mean her Majesty's Attorney-General or Solicitor-General for the time being for England, or the Lord Advocate, or her Majesty's Solicitor-General for the time being for Scotland, or her Majesty's Attorney-General or Solicitor-General for the time being for Ireland: *

The expression "invention" shall mean any manner of new manufacture the subject of letters patent and grant of privilege within the meaning of the Act of the twenty-first year of the reign of King James the First, chapter three:

The expressions "Petition," "Declaration," "Provisional Specification," "Warrant," and "Letters patent" respectively, shall mean instruments in the form and to the effect in the Schedule hereto annexed, subject to such alterations as may from time to time be made therein under the powers and provisions of this Act (x).

Short title.

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

Commencement of Act.

57. This Act shall commence and take effect from the first day of October, one thousand eight hundred and fifty-two.

(u) Repealed by 16 & 17 Vict. c. 5. This section corresponds to clause 12 of the Consolidated Bill, introduced to meet a suggestion made by Mr. John Duncan, Solicitor, in evidence before

the Select Committee of 1851 (p. 131).

(x) This clause was inserted at the suggestion of Mr. Webster, in order that the Act might prescribe the forms of the proceedings as well as the practice.

The SCHEDULE to which this Act refers.

FEEES TO BE PAID.

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

STAMP DUTIES TO BE PAID.

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

FORMS.

PETITION.

To the Queen's most excellent Majesty.

The humble petition of [*here insert name and address of petitioner*] for, &c.
Showeth,

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

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

And your petitioner will ever pray, &c.

No.

DECLARATION.

I of in the county of do solemnly and sincerely declare, that I am in possession of an invention for, &c. [*the title as in petition*], which invention I believe will be of great public utility; that I am the true and first inventor thereof; and that the same is not in use by any other person or persons, to the best of my knowledge and belief [*where a complete specification is to be filed with the petition and declaration, insert these words:—*“and

according to the statute in that case made and provided, if her Majesty shall be graciously pleased so to do, to the tenor and effect following [*see next Form*].

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

(SEAL.)

LETTERS PATENT.

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

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

[And whereas the said hath particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed, by an instrument in writing under his hand and seal, and has caused the same to be duly filed in :]

And we, being willing to give encouragement to all arts and inventions which may be for the public good, are graciously pleased to condescend to the petitioner's request: know ye, therefore, that we of our especial grace, certain knowledge, and mere motion have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said , his executors, administrators, and assigns, our especial licence, full power, sole privilege, and authority, that he, the said , his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he, the said , his executors, administrators, or assigns, shall at any time agree with, and no others, from time to time and at all times hereafter Concession of prayer.

during the term of years herein expressed, shall and lawfully may make, use, exercise, and vend his said invention within our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, in such manner as to him, the said , his executors, administrators, and assigns, or any of them, shall in his or their discretion seem meet; and that he, the said , his executors, administrators, and assigns, shall and lawfully may have and enjoy the whole profit, benefit, commodity and advantage from time to time coming, growing, accruing, and arising by reason of the said invention, for and during the term of years herein mentioned: to have, hold, exercise, and enjoy the said licences, powers, privileges, and advantages hereinbefore granted or mentioned to be granted unto the said , his executors, administrators, and assigns, for and during and unto the full end and term of fourteen years from the day of , A.D. , next and immediately ensuing, according to the statute in such case made and provided; and to the end that he, the said , his executors, administrators, and assigns, and every of them, may have and enjoy the full benefit and the sole use and exercise of the said invention, according to our gracious intention hereinbefore declared, we do by these presents, for us, our heirs and successors, require and strictly command all and every person and persons, bodies politic and corporate, and all other our subjects whatsoever, of what estate, quality, degree, name, or condition soever they be, within our Words of grant.

Extent of grant.

Form of grant.

Prohibitory words.

Proviso for
revocation.

Condition as
to specifica-
tion.

On non-pay-
ment of stamp
duty.

United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man [*colonies to be mentioned, if any*], that neither they nor any of them, at any time during the continuance of the said term of fourteen years hereby granted, either directly or indirectly do make, use, or put in practice the said invention, or any part of the same, so attained unto by the said _____ as aforesaid, nor in anywise counterfeit, imitate, or resemble the same, nor shall make or cause to be made any addition thereunto or subtraction from the same, whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the consent, licence, or agreement of the said _____, his executors, administrators, or assigns, in writing under his or their hands and seals first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted on such offenders for their contempt of this our royal command, and further to be answerable to the said _____, his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned: And moreover we do by these presents, for us, our heirs and successors, will and command all and singular the justices of the peace, mayors, sheriffs, bailiffs, constables, headboroughs, and all other officers and ministers whatsoever of us, our heirs and successors, for the time being, that they or any of them do not nor shall at any time during the said term hereby granted, in anywise molest, trouble, or hinder the said _____, his executors, administrators, or assigns, or any of them, or his or their deputies, servants, or agents, in or about the due and lawful use or exercise of the aforesaid invention, or anything relating thereto: provided always, and these our letters patent are and shall be upon this condition, that if at any time during the said term hereby granted, it shall be made appear to us, our heirs or successors, or any six or more of our or their Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, or that the said _____ is not the true and first inventor thereof within this realm as aforesaid, these our letters patent shall forthwith cease, determine, and be utterly void to all intents and purposes, anything hereinbefore contained to the contrary thereof in anywise notwithstanding: provided also, that these our letters patent, or anything herein contained, shall not extend or be construed to extend to give privilege unto the said _____, his executors, administrators, or assigns, or any of them, to use or imitate any invention or work whatsoever which hath heretofore been found out or invented by any other of our subjects whatsoever, and publicly used or exercised, unto whom our like letters patent or privileges have been already granted for the sole use, exercise, and benefit thereof: it being our will and pleasure that the said _____, his executors, administrators, and assigns, and all and every other person and persons to whom like letters patent or privileges have been already granted as aforesaid, shall distinctly use and practise their several inventions by them invented and found out, according to the true intent and meaning of the said respective letters patent and of these presents: provided likewise nevertheless, and these our letters patent are upon this express condition [that if the said _____ shall not particularly describe and ascertain the nature of his said invention, and in what manner the same is to be performed, by an instrument in writing under his hand and seal, and cause the same to be filed in _____ within _____ calendar months next and immediately after the date of these our letters patent: [and also if the said instrument in writing filed as aforesaid does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed]; and also if the said _____, his executors, administrators, or assigns, shall not pay or cause to be paid at the office of our commissioners of patents for inventions the sums following, that is to say, the sum of _____ pounds, on or before the _____ day of _____, A.D. _____, and the stamp duty payable in respect of the certificate of such payment, and the sum of _____ pounds on or before the _____ day of _____, A.D. _____, and the stamp duty payable in respect of the certificate of such payment; and also if the said _____, his executors, administrators, or assigns,

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

Condition as to supplying articles for Her Majesty's service.
Power to grant licenses.

—
SPECIFICATION.

To all to whom these presents shall come:

I, _____, of _____, send greeting:

Whereas her most excellent Majesty Queen Victoria, by her letters patent bearing date the _____ day of _____, A.D. _____, in the _____ year of her reign, did for herself, her heirs and successors, give and grant unto me, the said _____, her special licence that I, the said _____, my executors, administrators, and assigns, or such others as I, the said _____, my executors, administrators, and assigns, should at any time agree with, and no others, from time to time and at all times thereafter during the term therein expressed, should and lawfully might make, use, exercise, and vend, within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man [*colonies to be mentioned, if any*], an invention for [*insert title as in letters patent*] upon the condition (amongst others) that I, the said _____, by an instrument in writing under my hand and seal, should particularly describe and ascertain the nature of the said invention, and in what manner the same was to be performed, and cause the same to be filed in _____, within _____ calendar months next and immediately after the date of the said letters patent: Now know ye that I, the said _____, do hereby declare the nature of my said invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement; (that is to say) [*describe the invention*].

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

A. B.

16 Vict. c. 5 (y).

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

[Repealed by Patents Act, 1883, s. 113.]

15 & 16 Vict.
c. 83.

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

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

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

As to pay-
ment of stamp
duties on
letters patent
for England,
Scotland or
Ireland re-
spectively.

Whereas it is expedient that the fees payable in respect of letters patent for inventions under the Patent Law Amendment Act, 1852, and mentioned in the schedule to such Act, be converted into stamp duties: be it enacted, therefore, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Sections seventeen, forty-four, forty-five, forty-six and fifty-three of the said Patent Law Amendment Act, 1852, and so much of the schedule to the said Act as relates to fees and stamp duties to be paid under the said Act, shall be repealed.

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

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

4. Where letters patent for England or Scotland or Ireland have been granted before the commencement of the said Patent Law Amendment Act, 1852, or have been, since the commencement of the said Act, or hereafter may be granted for any invention, in respect of any application made before the commencement of the said Act, letters patent for England or Scotland or Ireland may be granted for such invention in like manner as if the said Act had not been passed: provided always, that in lieu of all fees or payments and stamp duties which were at the time of the passing of the said Act payable in respect of such letters patent as last aforesaid, or in or about

(y) This Act substituted stamp duties for fees on passing letters patent for inventions (secs. 1-7), and enabled the commissioners to purchase the indices of

specifications prepared by Mr. Bennett Woodcroft. (Sec. 8.) See his evidence before the Select Committee of 1851, p. 220.

obtaining a grant thereof, and in lieu of all other stamp duties whatsoever, there shall be paid in respect of such letters patent as last aforesaid on the sealing thereof stamp duties equal to one third part of the stamp duties which would be payable under this Act in respect of letters patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, on or previously to the sealing of such letters patent as last aforesaid, and before the expiration of the third year and the seventh year respectively of the term granted by such letters patent for England, Scotland or Ireland, stamp duties equal to one third part of the stamp duties payable under this Act before the expiration of the third year and the seventh year respectively of the term granted by letters patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, and the condition of such letters patent for England or Scotland or Ireland shall be varied accordingly.

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

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

7. The condition contained in any letters patent granted under the said Patent Law Amendment Act, 1852, and before the passing of this Act, for making such letters patent void at the expiration of three years and seven years respectively from the date thereof, unless there be paid, before the expiration of the said three years and seven years respectively, the sums of money and stamp duties by the said Patent Law Amendment Act, 1852, required in this behalf, shall be deemed to be satisfied and complied with by payment of the like stamp duties as would have been required if such letters patent had been granted after the passing of this Act, and had been made subject to the condition required by this Act in lieu of the said condition therein contained; and the provision hereinbefore contained concerning the endorsement on the letters patent or duplicate, and on the warrant for the same letters patent, of a certificate of the production of the letters patent or duplicate properly stamped, shall be applicable in the case of such letters patent granted before the passing of this Act.

8. And whereas by the said Patent Law Amendment Act, 1852, the commissioners are directed to cause indexes to all specifications heretofore or hereafter to be enrolled or deposited to be prepared in such form as they may think fit, which indexes are to be open to the inspection of the public; and whereas the existing specifications so directed to be indexed as aforesaid are in number fifteen thousand and upwards, and it would require some years to make indexes thereof on a proper arrangement and classification; and whereas Mr. Bennett Woodcroft has already made complete indexes of such specifications, which the commissioners have examined and approved of, and it is expedient that such indexes be purchased for the use of the public:

It shall be lawful for the commissioners, with the consent of the commissioners of her Majesty's Treasury, to purchase the said indexes of the said Bennett Woodcroft for a sum not exceeding one thousand pounds, and to pay the purchase-money for the same out of the monies in their hands which

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

who are to provide the proper stamps for the purpose.

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

Power to commissioners to purchase the indexes of existing specifications prepared by Mr. Woodcroft.

have arisen from fees received in respect of letters patent under the said Patent Law Amendment Act, 1852, and directed by the said Act to be paid into the receipt of the Exchequer; and after the purchase of such indexes the provisions of the said Act shall be applicable thereto as if such indexes had been prepared under the said recited enactment.

As to the word "duplicate."

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

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

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

The SCHEDULE of Stamp Duties to be paid to which this Act refers.

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

16 & 17 Vict. c. 115 (z).

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

[Repealed by Patents Act, 1883, s. 113.]

15 & 16 Vict. c. 83.

Whereas it is expedient to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of

(z) The provisions of this Act were:— (1) copies of provisional specifications were to be open to inspection at the commissioners' office (sect. 2); (2) a copy of every specification, provisional or complete, under the hand of the patentee or applicant, was to be left at the commissioners' office (sect. 3); (3) copies or extracts of letters patent, &c., certified, sealed, and filed at the commissioners' office, were to be receivable in evidence in the Courts of every country to which the patent right extended (sect. 4); (4) certified printed copies of specifications, &c., under the seal of the commissioners, were to be transmitted to the

Director of Chancery in Scotland, and to the Enrolment Office of the Court of Chancery in Ireland (sect. 5); (5) in cases of accidental delay, the Lord Chancellor might extend (by a period not exceeding one month) the time for filing the provisional specification. This section affirmed a power previously existing, and exercised by Cranworth, L. C., in *Re Simpson and Isaacs' Patent*, 1853, 21 L. T. 81; (6) sect. 40 of 15 & 16 Vict. c. 83, was declared to apply to the making and sealing of new letters patent for a further term (sect. 7). See now Act of 1883, s. 100.

letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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

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

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

4. Printed or manuscript copies or extracts, certified and sealed with the seal of the commissioners, of letters patent, specifications, disclaimers, memoranda of alterations, and all other documents recorded and filed in the Commissioners' Office, or in the office of the Court of Chancery appointed for the filing of specifications, shall be received in evidence in all proceedings relating to letters patent for inventions in all Courts whatsoever within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, and her Majesty's colonies and plantations abroad, without further proof or production of the originals.

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

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

Sect. 33 and part of sect. 28 of recited Act repealed.

Copies of provisional specifications to be open to inspection at the commissioners' office.

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

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

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

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

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

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

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

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

22 VICT. c. 13 (a).

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

[5th of April, 1859.]

[Repealed by Patents Act, 1883, sect. 113.]

Whereas in some cases of inventions for improvements in instruments or munitions of war it may be important to the public service that the nature of the invention should not be published, and it is therefore expedient to amend the law concerning letters patent for inventions: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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

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

(a) Under this statute, improvements in instruments or munitions of war might be assigned by the inventor to the Secretary of State for War, who might certify to the commissioners of patents that the invention should be kept secret. The petition for letters

patent, and the specification, and all documents relating to the invention were left with the clerk of patents under the seal of the Secretary of State, to whom, at the end of the term, the letters patent were to be delivered up. See Act of 1883, s. 44, *supra*.

be enforced and proceeded upon by the said Secretary of State for the time being accordingly, and all actions, suits, and proceedings in relation thereto may be instituted and conducted by such Secretary of State for the time being, who shall have all such rights, privileges, and prerogatives in relation thereto as by law provided in the case of actions, suits, and proceedings concerning property under his care, control, and disposition.

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

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

4. Where the said Secretary of State certifies as aforesaid, the petition for letters patent for the invention, the declaration accompanying such petition, and the provisional specification or complete specification (as the case may be), filed or left therewith, and any specification to be filed in pursuance of the condition of any letters patent for such invention, and all disclaimers and memoranda of alterations to be filed in relation to such letters patent, and any drawings accompanying any of the documents aforesaid, and any copies of any such documents or drawings, or where the said Secretary of State so certifies after the said petition has been filed, such of the said documents and drawings as may be filed after his so certifying, and the copies thereof, shall, in lieu of being filed or left in the ordinary manner in the office of the commissioners, or in the office appointed for that purpose under "the Patent Law Amendment Act, 1854," be delivered to the clerk of the patents in a packet sealed with the seal of the said Secretary of State.

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

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

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

8. Where the said Secretary of State certifies as aforesaid after the filing of the petition, and before the publication of the provisional specification (if any), such petition and the declaration accompanying such petition and the

Foregoing enactment to extend to assignments already made.

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

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

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

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

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

Where Secretary of State

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

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

No scire facias to be brought.

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

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

Construction of "Secretary of State."

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

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

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

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

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

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

INDUSTRIAL EXHIBITIONS ACT, 1865.

28 VICT. c. 3 (b).

An Act for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom. [27th March, 1865.]

Whereas exhibitions of objects of art and industry manufactured or contributed wholly or in part by members of the industrious classes of Her Majesty's subjects have lately been held, and may be from time to time hereafter held, in divers parts of the United Kingdom; and it is expedient to encourage such exhibitions by granting to persons desirous of exhibiting at the same new inventions or new designs such protection as is hereinafter mentioned: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Industrial Exhibitions Act, 1865."

(b) By this statute it was provided that the Board of Trade might certify that certain *Industrial Exhibitions* should be entitled to the benefit of the Act (sect. 2), and that the exhibition of

new inventions at exhibitions so certified should not prejudice patent rights (sect. 3). See Act of 1883, ss. 39 and 40, and Act of 1886, s. 3.

2. It shall be lawful for the lords of the committee of Her Majesty's Privy Council for trade and foreign plantations, upon the application of any persons desirous of holding any such exhibition as aforesaid in any part of the United Kingdom, to certify, if they shall think fit, that the exhibition so proposed to be held is in their judgment calculated to promote British art and industry, and to prove beneficial to the industrious classes of Her Majesty's subjects, either generally or in or near the place where such exhibition is proposed to be held; and every such certificate shall mention the place at which and the time during which such exhibition is proposed to be held; and the time mentioned in any such certificate may afterwards, if the lords of the said committee shall so think fit, be enlarged and extended by a further certificate, but so that the whole time allowed and certified for the holding of the same exhibition shall in no case exceed the total period of six months; and every such exhibition so certified, if and so long as the same shall be held at the place and within the time mentioned in any such certificate, shall be deemed to be an industrial exhibition entitled to the benefit of this Act.

Power to Board of Trade to certify that certain Industrial Exhibitions are entitled to the benefit of this Act.

3. The exhibition of any new invention at any industrial exhibition entitled to the benefit of this Act shall not, nor shall the publication during the period of the holding of such exhibition of any description of such invention, nor shall the user of such invention for the purposes of such exhibition, and within the place where the same may be held, or elsewhere by any person using the same during the period of such exhibition, without the privity and consent of the true and first inventor thereof, prejudice the right of any person to register provisionally such invention, or invalidate any letters patent which may be granted for such invention.

Exhibition of new inventions not to prejudice patent rights.

4. The exhibition at any industrial exhibition entitled to the benefit of this Act of any new design capable of being registered provisionally under the "Designs Act, 1850," or of any article to which such design is applied, shall not, nor shall the publication during the period of the holding of such exhibition of any description of such design, prejudice the right of any person to register, provisionally or otherwise, such design, or invalidate any provisional or other registration which may be granted for such design.

Exhibition of designs not to prejudice right to registration.

33 & 34 VICT. C. 27(c).

An Act for the Protection of Inventions exhibited at International Exhibitions in the United Kingdom. [14th of July, 1870.]

[Repealed by Patents Act, 1883, s. 113.]

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

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

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

2. The exhibition of any new invention at any international exhibition shall not, nor shall the publication during the period of the holding of such exhibition of any description of such invention, nor shall the user of such invention for the purposes of such exhibition, and within the place where the same may be held, nor shall the user of such invention elsewhere by any

Exhibition of new inventions not to prejudice patent rights.

(c) This statute applied to *International Exhibitions* the provisions of 28 & 29 Vict. c. 3.

other person without the privity and consent of the true and first inventor thereof, prejudice the right of the exhibitor thereof, he being the true and first inventor, within six months from the time of the opening of such exhibition to leave at the office of the Commissioners of Patents a petition for the grant of letters patent for such invention, and the declaration accompanying the same, and a provisional specification or a complete specification thereof, under the Patent Law Amendment Act, 1852, and the Acts amending the same, or to obtain provisional protection or letters patent for such invention, in pursuance of those Acts, nor invalidate any letters patent which may be granted for such invention upon any such petition as aforesaid.

43 & 44 VICT. c. 10.

An Act to amend the Law respecting the Manner of passing Grants under the Great Seal, and respecting Officers connected therewith.

[2nd August, 1880.]

[*Repealed, Patents Act, 1883, s. 113.*]

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

1. This Act may be cited as "The Great Seal Act, 1880."

2. This Act shall come into operation on the first day of November, one thousand eight hundred and eighty, which day is in this Act referred to as the commencement of this Act.

5. In the case of letters patent for inventions granted before or after the passing of this Act, all instruments required to be filed in the office of the Great Seal Patent Office shall be deemed so filed if filed in the office of the Commissioners of Patents for Inventions (*d*).

REVENUE, FRIENDLY SOCIETIES AND NATIONAL DEBT
ACT, 1882.

45 & 46 VICT. c. 72 (*e*).

An Act for amending the Laws relating to Customs and Inland Revenue, and Postage and other Stamps, and for making further Provision respecting the National Debt, and Charges payable out of the Public Revenue, or by the Commissioners for the Reduction of the National Debt; and for other purposes.

[15th August, 1882.]

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

Short title.

1. This Act may be cited as "The Revenue, Friendly Societies, and National Debt Act, 1882."

(*d*) This section provided that instruments relating to letters patent for inventions formerly required to be filed in the Great Seal Patent Office, should be deemed to be sufficiently filed if filed in

the commissioners' office.

(*e*) Sect. 16 provided that the stamp duties granted in respect of letters patent for inventions should be deemed public office fees, and not stamp duties.

16. From and after the passing of this Act, the Public Offices Fees Act, 1879, shall, notwithstanding anything to the contrary therein contained, apply and be deemed to have been applicable as from the first day of April one thousand eight hundred and eighty-two, to the stamp duties granted to her Majesty, her heirs and successors, by an Act passed in the session holden in the sixteenth and seventeenth years of the reign of her Majesty, intituled, "An Act to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Purchase for the Public Use of certain Indexes of Specifications," and also to the stamp duty of five pounds on the "certificate of registration of a design" granted to her Majesty, her heirs and successors, by the Stamp Act, 1870, and the said duties shall be deemed to be, and to have been as from the said first day of April, fees payable in a public office, and not stamp duties.

The stamp duties granted in respect of letters patent for inventions and on the certificate of registration of a design, to be deemed public office fees and not stamp duties.
16 & 17 Vict. c. 58.

THE PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 TO 1888, CONSOLIDATED (*f*),

BEING,

46 & 47 VICT. c. 57.—An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks. [25th August, 1883.]

48 & 49 VICT. c. 63.—An Act to amend the Patents, Designs, and Trade Marks Act, 1883. [14th August, 1885.]

49 & 50 VICT. c. 37.—An Act to remove certain doubts respecting the construction of the Patents, Designs, and Trade Marks Act, 1883, so far as respects the drawings by which specifications are required to be accompanied, and as respects exhibitions. [25th June, 1886.]

51 & 52 VICT. c. 50.—An Act to amend the Patents, Designs, and Trade Marks Act, 1883. [24th December, 1888.]

NOTE.—The general text of the Act of 1883 is adhered to. The repealed parts are printed in italics, and the additions in heavier type. The amending Act and section are quoted in the margin.

BE it enacted by the Queen's most excellent Majesty, by and with

(*f*) The complete text of the Act is given here, with the exception of the schedules, which, so far as patents are concerned, have been already given, and as regards Trade Marks and Designs, have been replaced by the forms of the Trade Marks and the Designs Rules

of 1890.

The text of the amending Acts, 1885, 1886, and 1888, are given at length below. The text of the Act of 1883 sufficiently appears by omitting the heavier type and reading in the italics.

the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

PRELIMINARY.

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

NOTE.—By Act 1888, s. 29, the principal Act of 1883, and the Amending Acts of 1885, 1886, and 1888, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

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

Part I.—PRELIMINARY.

II.—PATENTS.

III.—DESIGNS.

IV.—TRADE MARKS.

V.—GENERAL.

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

Act, 1888, s. 28. The Act of 1888 shall, except so far as is thereby otherwise specially provided, commence and come into operation on the first day of January one thousand eight hundred and eighty-nine.

NOTE.—There is no special provision as to time of commencement of the Acts of 1885 and 1886, so that they commence from the dates of those Acts, the 14th August, 1885, and the 25th June, 1886.

PART II.

PATENTS.

Application for and Grant of Patent.

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

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

Act, 1885, s. 5. **Power to grant patents to several persons jointly.** Whereas doubts have arisen whether under the principal Act a patent may lawfully be granted to several persons jointly, some or one of whom only are or is the true and first inventors or inventor: be it therefore enacted and declared that it has been and is lawful under the principal Act to grant such a patent.

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

Application and specification.

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

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

Act 1885,
s. 2.
5 & 6 Will. 4,
c. 62.

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

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

The requirement of this sub-section as to drawings shall not be deemed to be insufficiently complied with by reason only that instead of being accompanied by drawings the complete specification refers to the drawings which accompanied the provisional specification. And no patent heretofore sealed shall be invalid by reason only that the complete specification was not accompanied by drawings, but referred to those which accompanied the provisional specification.

The same drawings may accompany both specifications.

Act 1886,
s. 2.

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

6. The comptroller shall refer every application to an examiner, who shall ascertain and report to the comptroller whether the nature of the invention has been fairly described, and the application, specification, and drawings (if any) have been prepared in the prescribed manner, and the title sufficiently indicates the subject-matter of the invention.

Reference of application to examiner.

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

Power for comptroller to refuse application or require amendment.

Repealed.
Act 1888,
 s. 2.

the comptroller may require that the application, specification, or drawings be amended before he proceeds with the application.

(2.) *Where the comptroller requires an amendment, the applicant may appeal from his decision to the law officer.*

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

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

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

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

Act 1888,
 s. 2.

Power of
 comptroller to
 refuse appli-
 cation or
 require
 amendment.

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

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

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

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

“(5.) **If, after an application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made, accompanied by a specification bearing the same or a similar title, the comptroller, if he thinks fit, on the request of the**

second applicant, or of his legal representative, may, within two months of the grant of a patent on the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon.”

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

Time for leaving complete specification.

A complete specification may be left within such extended time, not exceeding one month after the said nine months, as the comptroller may on payment of the prescribed fee allow.

Act 1885, s. 3.

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

9. (1.) Where a complete specification is left after a provisional specification, the comptroller shall refer both specifications to an examiner for the purpose of ascertaining whether the complete specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification.

Comparison of provisional and complete specification.

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

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

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

A complete specification may be accepted within such extended time, not exceeding three months after the said twelve months, as the comptroller may on payment of the prescribed fee allow.

Act 1885, s. 3.

(5.) Reports of examiners shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding [other than an appeal to the law officer under this Act], unless the Court or officer having power to order discovery in such legal proceeding shall certify that such

Repealed.
Act 1888, s. 3.

production or inspection is desirable in the interests of justice, and ought to be allowed.

Advertisement on acceptance of complete specification.

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

Opposition to grant of patent.

11. (1.) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification give notice at the Patent Office of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative, or on the ground that the invention has been patented in this country on an application of prior date [*or on the ground of an examiner having reported to the comptroller that the specification appears to him to comprise the same invention as is comprised in a specification bearing the same or a similar title, and accompanying a previous application*], or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification, but on no other ground.

Repealed.

Act 1888,
s. 4.

Act 1888,
s. 4.

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

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

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

Sealing of patent.

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

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

(3.) A patent shall be sealed as soon as may be, and not after

the expiration of fifteen months from the date of application, except in the cases hereinafter mentioned, that is to say—

- (a) Where the sealing is delayed by an appeal to the law officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the law officer may direct.
- (b) If the person making the application dies before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative and sealed at any time within twelve months after the death of the applicant.

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

Act 1885,
s. 3.

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

Date of
patent.

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

Specifica-
tions, &c., not
to be pub-
lished unless
application
accepted.

Act, 1885,
s. 4.

Provisional Protection.

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

Provisional
protection.

Protection by Complete Specification.

15. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the expiration of

Effect of
acceptance of
complete
specification.

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

Patent.

Extent of
patent.

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

Term of
patent.

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

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

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

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

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

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

Amendment of Specification.

Amendment
of specifica-
tion.

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

(2.) The request and the nature of such proposed amendment shall be advertised in the prescribed manner, and at any time

within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

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

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

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

(6.) When leave to amend is refused by the comptroller, the person making the request may appeal from his decision to the law officer.

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

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

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

(10.) [*The foregoing provisions of this section do not apply when and so long as any action for infringement or other legal proceeding in relation to a patent is pending.*] Repealed.
Act. 1888,
s. 5.

(10.) **The foregoing provisions of this section do not apply when, and so long as any action for infringement or proceeding for revocation of a patent is pending.** Act. 1888,
s. 5.

19. In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court or a judge may at any time order that the patentee shall, subject to such terms as to costs and otherwise as the Court or a judge may impose, be at liberty to apply at the Patent Office for leave to amend his specification by Power to
disclaim part
of invention
during action,
&c.

way of disclaimer, and may direct that in the meantime the trial or hearing of the action shall be postponed.

Restriction on recovery of damages.

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

Advertisement of amendment.

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

Compulsory Licenses.

Power for Board to order grant of licenses.

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

- (a) The patent is not being worked in the United Kingdom; or
- (b) The reasonable requirements of the public with respect to the invention cannot be supplied; or
- (c) Any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Board may order the patentee to grant licenses on such terms as to the amount of royalties, security for payment or otherwise, as the Board, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may be enforced by mandamus.

Register of Patents.

Register of patents.

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

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

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

Fees.

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

Fees in
schedule.

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

Extension of Term of Patent.

25. (1.) A patentee may, after advertising in manner directed by any rules made under this section his intention to do so, present a petition to her Majesty in Council, praying that his patent may be extended for a further term; but such petition must be presented at least six months before the time limited for the expiration of the patent.

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

(2.) Any person may enter a caveat, addressed to the registrar of the council at the council office, against the extension.

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

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

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

(6.) It shall be lawful for her Majesty in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions, and subject thereto such proceedings

shall be regulated according to the existing procedure and practice in patent matters of the judicial committee.

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

Revocation.

Revocation of
patent.

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

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

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

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

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

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

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

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

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

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

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

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

peaching the validity of the patent, the defendant shall be entitled to reply.

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

Crown.

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

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

Legal Proceedings.

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

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

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

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

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

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

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

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

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

Order for inspection, &c., in action.

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

Certificate of validity questioned and costs thereon.

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

Remedy in case of groundless threats of legal proceedings.

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

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

Miscellaneous.

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

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

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

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

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

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

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

39. The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period Exhibition at industrial or international exhibition not

to prejudice
patent rights.

of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely,—

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

Whereas it is expedient to provide for the extension of this section to industrial and international exhibitions held out of the United Kingdom, be it therefore enacted as follows:

Protection of
patents and
designs ex-
hibited at
international
exhibitions.
Act, 1886,
s. 3.

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

Publication of
illustrated
journal, in-
dexes, &c.

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

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

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

Patent
Museum.

41. The control and management of the existing Patent

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

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

Power to require models on payment.

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

Foreign vessels in British waters.

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

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

Assignment to Secretary for War of certain inventions.

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

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

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

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

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

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

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

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

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

part of this Act shall apply in respect of any such invention and patent as aforesaid.

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

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

Existing Patents.

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

Provisions
respecting
existing
patents.

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

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

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

Definitions.

46. In and for the purposes of this Act—

“Patent” means letters patent for an invention :

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

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled “An

Definitions
of patent,
patentee, and
invention.

Act concerning monopolies and dispensations with penal laws and the forfeiture thereof"), and includes an alleged invention.

In Scotland "injunction" means "interdict."

PART III.

DESIGNS.

Registration of Designs.

Application
for registra-
tion of
designs.

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

(2.) The application must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, the patent office in the prescribed manner.

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

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

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

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

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

Drawings,
&c., to be
furnished on
application.

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

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

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

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

Copyright in Registered Designs.

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

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

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

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

Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered. Act, 1888,
s. 6.

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

Information
as to existence
of copyright.

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

Cesser of
copyright in
certain
events.

54. If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

Register of Designs.

Register of
designs.

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

(2.) The Register of Designs shall be *primâ facie* evidence of any matters by this Act directed or authorized to be entered therein.

Fees.

Fees on regis-
tration, &c.

56. There shall be paid in respect of applications and registration and other matters under this part of this Act such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of her Majesty's exchequer in such manner as the Treasury shall from time to time direct.

Industrial and International Exhibitions.

Exhibition at
industrial or
international
exhibition not
to prevent or
invalidate
registration.

57. The exhibition at an industrial or international exhibition certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, provided that both the following conditions are complied with; namely,—

(a) The exhibitor must, before exhibiting the design or article,

or publishing a description of the design, give the comptroller the prescribed notice of his intention to do so ; and

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

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

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

Protection of patents and designs exhibited at international exhibitions.

Act, 1886, s. 3.

Legal Proceedings.

58. During the existence of copyright in any design—

- (a) It shall not be lawful for any person without the licence or written consent of the registered proprietor to apply or cause to be applied such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any substance artificial or natural or partly artificial and partly natural ; and
- (b) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Penalty on piracy of registered design.

Act, 1888, s. 7.

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

Act, 1888, s. 7.

Action for
damages.

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

Definitions.

Definition of
"design,"
"copyright."

60. In and for the purposes of this Act—

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

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

Definition of
"proprietor."

61. The author of any new and original design shall be considered the "proprietor" thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

PART IV.

TRADE MARKS.

Registration of Trade Marks.

62. (1.) The comptroller may, on application by or on behalf of any person claiming to be the proprietor of a trade mark, register the trade mark. Application for registration.

(2.) The application must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to [*the Patent Office in the prescribed manner*] such place and in such manner as may be prescribed. Act, 1888, s. 8.

(3.) The application must be accompanied by the prescribed number of representations of the trade mark, and must state the particular goods or classes of goods in connexion with which the applicant desires the trade mark to be registered.

(4.) The comptroller may, if he thinks fit, refuse to register a trade mark, but any such refusal shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(5.) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court; and in that event the Court shall have jurisdiction to hear and determine the appeal and may make such order as aforesaid.

(6.) Where an applicant for the registration of a trade mark otherwise than under an international convention is out of the United Kingdom at the time of making the application he shall give the comptroller an address for service in the United Kingdom, and if he fails to do so the application shall not be proceeded with until the address has been given. Act, 1888, s. 8.

63. Where registration of a trade mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant [*the application shall be deemed to be abandoned*], the comptroller shall give notice of the non-completion to the agent employed on behalf of the applicant, and, if at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant, and if at the expiration of the latter fourteen days, or such further time as the comptroller may in special cases permit, the Limit of time for proceeding with application.
Act, 1888, s. 9.

registration is not completed, the application shall be deemed to be abandoned.

Conditions of
registration of
trade mark.

Repealed.

Act, 1888,
s. 10.

64. [(1.) *For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars :*

- (a) *A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or*
- (b) *A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark ; or*
- (c) *A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.*

(2.) *There may be added to any one or more of these particulars any letters words or figures, or combination of letters words or figures, or of any of them.*

(3.) *Provided that any special and distinctive word or words letter, figure, or combination of letters or figures or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five may be registered as a trade mark under this part of this Act.]*

Conditions of
registration of
trade mark.

Act, 1888,
s. 10.

64. (1.) **For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars :**

- (a) **A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or**
- (b) **A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark ; or**
- (c) **A distinctive device, mark, brand, heading, label, or ticket ; or**
- (d) **An invented word or invented words ; or**
- (e) **A word or words having no reference to the character or quality of the goods, and not being a geographical name.**

(2.) **There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.**

(3.) **Provided as follows :**

- (i) **A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no**

entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof:

- (ii) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act.

65. A trade mark must be registered for particular goods or classes of goods. Connection of trade mark with goods.

66. When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately. Registration of a series of marks.

67. A trade mark may be registered in any colour or colours, and such registration shall (subject to the provisions of this Act) confer on the registered owner the exclusive right to use the same in that or any other colour or colours. Trade marks may be registered in any colour.
Act, 1888, s. 11.

68. Every application for registration of a trade mark under this part of this Act shall as soon as may be after its receipt be advertised by the comptroller, unless the comptroller refuse to entertain the application. Advertisement of application.
Act, 1888, s. 12.

69. (1.) Any person may within [*two months*] one month or such further time, not exceeding three months, as the comptroller may allow, of the [*first*] advertisement of the application, give notice in duplicate at the Patent Office of opposition to registration of the trade mark, and the comptroller shall send one copy of such notice to the applicant. Opposition to registration.
Act, 1888, s. 13, sub-ss. 1, 2.

(2.) Within [*two months*] one month after receipt of such notice or such further time as the comptroller may allow, the applicant may send to the comptroller a counter statement in duplicate of the grounds on which he relies for his application, and if he does not do so, shall be deemed to have abandoned his application. Act, 1888, s. 13, sub-s. 3.

[(3.) *If the applicant sends such counter statement, the comptroller* Repealed.

Act, 1888,
s. 13,
sub-s. 4.

shall furnish a copy thereof to the person who gave notice of opposition, and shall require him to give security in such manner and to such amount as the comptroller may require for such costs as may be awarded in respect of such opposition; and if such security is not given within fourteen days after such requirement was made or such further time as the comptroller may allow, the opposition shall be deemed to be withdrawn.

(4.) *If the person who gave notice of opposition duly gives such security as aforesaid, the comptroller shall inform the applicant thereof in writing, and thereupon the case shall be deemed to stand for the determination of the Court.]*

Act, 1888,
s. 13,
sub-s. 4.

(3.) **If the applicant sends such counter-statement the comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade mark is to be registered, but his decision shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the opponent and the comptroller, and may make an order determining whether, and subject to what conditions (if any), registration is to be permitted.**

(4.) **The Board of Trade may, however, if it appears expedient, refer the appeal to the Court, and in that event the Court shall have jurisdiction to hear and determine the appeal, and may make such order as aforesaid.**

(5.) **If the applicant abandons his application after notice of opposition in pursuance of this section, he shall be liable to pay to the opponent such costs in respect of the opposition as the comptroller may determine to be reasonable.**

(6.) **Where the opponent is out of the United Kingdom, he shall give the comptroller an address for service in the United Kingdom.**

Assignment
and trans-
mission of
trade mark.

70. A trade mark, when registered, shall be assigned and transmitted only in connexion with the goodwill of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that goodwill.

Conflicting
claims to
registration.

71. Where each of several persons claims to be registered as proprietor of the same trade mark, the comptroller may refuse to register any of them until their rights have been determined according to law, and the comptroller may himself submit or require the claimants to submit their rights to the Court.

Restrictions
on registra-
tion.

72. (1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade mark, the comptroller shall not register in respect of the

same goods or description of goods a trade mark identical with one already on the register with respect to such goods or description of goods.

(2.) Except as aforesaid the comptroller shall not register with respect to the same goods or description of goods a trade mark [so nearly resembling] having such resemblance to a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

Act, 1888,
s. 14.

73. It shall not be lawful to register as part of or in combination with a trade mark any words the [exclusive] use of which would by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a court of justice, or any scandalous design.

Further restriction on registration.
Act, 1888,
s. 15.

74. (1.) Nothing in this Act shall be construed to prevent the comptroller entering on the register, in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade mark—

Saving for power to provide for entry on register of common marks as additions to trade marks.

(a) In the case of an application for registration of a trade mark used before the thirteenth day of August one thousand eight hundred and seventy five—

Any distinctive device, mark, brand, heading, label, ticket, letter, word or figure, or combination of letters, words, or figures, though the same is common to the trade in the goods with respect to which the application is made;

(b) In the case of an application for registration of a trade mark not used before the thirteenth day of August one thousand eight hundred and seventy five—

Any distinctive word or combination of words, though the same is common to the trade in the goods with respect to which the application is made;

[(2.) *The applicant for entry of any such common particular or particulars must, however, disclaim in his application any right to the exclusive use of the same, and a copy of the disclaimer shall be entered on the register.*]

Act, 1888,
s. 16.

(2.) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

Act, 1888,
s. 16.

Provided that a person need not under this section disclaim his

own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

(3.) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words, or figures, which was or were, before the thirteenth day of August one thousand eight hundred and seventy-five, publicly used by more than three persons on the same or a similar description of goods shall, for the purposes of this section, be deemed common to the trade in such goods.

Effect of Registration.

Registration equivalent to public use.

Act, 1888,
s. 17.

75. [*Registration of a trade mark shall be deemed to be equivalent to public use of the trade mark.*]

Application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark, and the date of the application shall for the purposes of this Act be deemed to be, and as from the first day of January one thousand eight hundred and seventy-six to have been, the date of the registration.

Right of first proprietor to exclusive use of trade mark.

76. The registration of a person as proprietor of a trade mark shall be *prima facie* evidence of his right to the exclusive use of the trade mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade mark, subject to the provisions of this Act.

Restrictions on actions for infringement, and on defence to action in certain cases.

77. A person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of a trade mark unless, in the case of a trade mark capable of being registered under this Act, it has been registered in pursuance of this Act, or of an enactment repealed by this Act, or, in the case of any other trade mark in use before the thirteenth of August one thousand eight hundred and seventy-five, registration thereof under this part of this Act, or of an enactment repealed by this Act, has been refused. The comptroller may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

Certificate as to exclusive use and costs thereon.

Act, 1888,
s. 18.

77a. In an action for infringement of a registered trade mark the Court or a judge may certify that the right to the exclusive use of the trade mark came in question, and if the Court or a judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor

and client, unless the Court or judge trying the subsequent action certifies that he ought not to have the same.

Register of Trade Marks.

78. There shall be kept at the patent office a book called the Register of Trade Marks, wherein shall be entered the names and addresses of proprietors of registered trade marks, notifications of assignments and of transmissions of trade marks, and such other matters as may be from time to time prescribed.

Register of trade marks.

79. (1.) At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade mark, the comptroller shall send notice to the registered proprietor that the trade mark will be removed from the register unless the proprietor pays to the comptroller before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee: and if such fee be not previously paid, he shall at the expiration of one month from the date of the giving of the first notice send a second notice to the same effect.

Removal of trade mark after fourteen years unless fee paid.

(2.) If such fee be not paid before the expiration of such fourteen years the comptroller may after the end of three months from the expiration of such fourteen years remove the mark from the register, and so from time to time at the expiration of every period of fourteen years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee together with the additional prescribed fee, the comptroller may without removing such trade mark from the register accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4.) Where after the said three months a trade mark has been removed from the register for non-payment of the prescribed fee, the comptroller may, if satisfied that it is just so to do, restore such trade mark to the register on payment of the prescribed additional fee.

(5.) Where a trade mark has been removed from the register for non-payment of the fee or otherwise, such trade mark shall nevertheless for the purpose of any application for registration during [*the five years*] one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the comptroller that the non-pay-

Act, 1888,
s. 19,
sub-s. 1.
Act, 1888,
s. 19,
sub-s. 2.

ment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark.

Fees.

Fees for registration, &c.

80. There shall be paid in respect of applications and registration and other matters under this part of this Act, such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of her Majesty's Exchequer in such manner as the Treasury may from time to time direct.

Sheffield Marks.

Registration by Cutlers' Company of Sheffield marks.

81. With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called the Cutlers' Company) and the marks or devices (in this Act called Sheffield marks) assigned or registered by the master, wardens, searchers, and assistants of that company, the following provisions shall have effect:

(1.) The Cutlers' Company shall establish and keep at Sheffield a new register of trade marks (in this Act called the Sheffield register):

Act, 1888,
s. 20,
sub-s. 1.

[(2.) *The Cutlers' Company shall enter in the Sheffield register, in respect of cutlery, edge tools, or raw steel and the goods mentioned in the next sub-section all the trade marks entered before the commencement of this Act in respect of cutlery, edge tools, or raw steel and such goods in the register established under the Trade Marks Registration Act, 1875, belonging to persons carrying on business in Hallamshire, or within six miles thereof, and shall also enter in such register, in respect of the same goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the commencement of this Act, but which have not been entered in the register established under the Trade Marks Registration Act, 1875:]*

Act, 1888,
s. 20,
sub-s. 1.

(2.) The Cutlers' Company shall enter in the Sheffield register, in respect of metal goods as defined in this section, all the trade marks entered before the first day of January one thousand eight hundred and eighty-nine in respect of metal goods either in the register established under the

Trade Marks Registration Act, 1875, or in the register of trade marks under this Act, belonging to persons carrying on business in Hallamshire or within six miles thereof. The Cutlers' Company shall also, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in either of the said other registers :

38 & 39 Vict.
c. 91.

(3.) An application for registration of a trade mark used [*on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge*] on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company :

Act, 1888,
s. 20,
sub-s. 2.

(4.) Every application so made to the Cutlers' Company shall be notified to the comptroller in the prescribed manner, and unless the comptroller within the prescribed time gives notice to the Cutlers' Company that he objects to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner :

(5.) If the comptroller gives notice of objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may appeal to the Court :

(6.) Upon the registration of a trade mark in the Sheffield register the Cutlers' Company shall give notice thereof to the comptroller, who shall thereupon enter the mark in the register of trade marks ; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the comptroller on that day :

[(7.) *The provisions of this Act, and of any general rules made under this Act, with respect to application for registration in the register of trade marks, the effect of such registration, and the assignment and transmission of rights in a registered trade mark shall apply in the case of applications and registration in the Sheffield register ; and notice of every entry made in the Sheffield register must be given to the comp-*

Act, 1888,
s. 20,
sub-s. 3.

troller by the Cutlers' Company, save and except that the provisions of this sub-section shall not prejudice or affect any life, estate, and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield register :]

Act, 1888,
s. 20,
sub-s. 3.

(7.) The provisions of this Act and of any general rules made under this Act with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this section, apply to the registration of trade marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such general rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield register, for the comptroller, the Patent Office, and the Register of Trade Marks, respectively; and notice of every entry, cancellation, or correction made in the Sheffield register shall be given to the comptroller by the Cutlers' Company: provided that this section shall not affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield register:

Act, 1888,
s. 20,
sub-s. 2.

(8.) Where the comptroller receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used [*on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge*] on metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:

(9.) At the expiration of five years from the commencement of this Act the Cutlers' Company shall close the Cutlers' register of corporate trade marks, and thereupon all marks entered therein shall, unless entered in the Sheffield register, be deemed to have been abandoned:

(10.) A person may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of two or more trade marks:

(11.) A body of persons, corporate or not corporate, may (notwithstanding anything in any Act relating to the Cutlers'

Company) be registered in the Sheffield register as proprietor of a trade mark or trade marks :

- (12.) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the comptroller, who shall have power to confirm reverse or modify the decision, but the decision of the comptroller shall be subject to a further appeal to the Court :
- (13.) So much of the Cutlers' Company's Acts as applies to the summary punishment of persons counterfeiting Sheffield corporate marks, that is to say, the fifth section of the Cutlers' Company's Act of 1814, and the provisions in relation to the recovery and application of the penalty imposed by such last-mentioned section contained in the Cutlers' Company's Act of 1791, shall apply to any mark entered in the Sheffield register :
- (14.) For the purposes of this section the expression "metal goods" means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal.
- (15.) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield register a certificate under the hand of the master of the Cutlers' Company shall have the same effect as the certificate of the comptroller.

Act, 1888,
s. 20,
sub-s. 4.

PART V.

GENERAL.

Patent Office and Proceedings thereat.

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

(2.) Until a new patent office is provided, the offices of the commissioners of patents for inventions and for the registration of designs and trade marks existing at the commencement of this Act shall be the patent office within the meaning of this Act.

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

(4.) Any act or thing directed to be done by or to the comp-

troller may, in his absence, be done by or to any officer for the time being in that behalf authorized by the Board of Trade.

Officers and clerks.

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

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

Seal of patent office.

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

Trust not to be entered in registers.

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

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

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

Entry of assignments and transmissions in registers.

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

Act, 1868,
s. 21.

Inspection of and extracts from registers.

Act, 1868,
s. 22.

88. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed;

and certified copies, sealed with the seal of the patent office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

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

Sealed copies to be received in evidence.

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

Rectification of registers by Court.

Act, 1888, s. 23.

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

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

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

Power for comptroller to correct clerical errors.

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

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

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

(d) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or

Act, 1888, s. 24.

classes of goods in connexion with which he has desired the design or trade mark to be registered.

Alteration of registered mark.

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

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

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

Falsification of entries in registers.

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

Exercise of discretionary power by comptroller.

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

Power of comptroller to take directions of law officers.

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

Certificate of comptroller to be evidence.

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

Applications and notices by post.

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

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

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

Provision as to days for leaving documents at office.

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

Declaration by infant, lunatic, &c.

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

Transmission of certified printed copies of specifications, &c.

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

Power for Board of Trade to make general rules for classifying

(a) For regulating the practice of registration under this Act:

goods and
regulating
business of
Patent Office.

- (b) For classifying goods for the purposes of designs and trade marks :
- (c) For making or requiring duplicates of specifications, amendments, drawings, and other documents :
- (d) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, amendments and other documents :
- (e) For securing and regulating the making, printing, publishing and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office ; and providing for the inspection of indexes and abridgments and other documents :
- (f) For regulating (with the approval of the treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies and institutions at home and abroad :
- (g) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller, or of the Board of Trade.

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

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

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

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

Annual
reports of
comptroller.

102. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this

Act to be laid before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

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

Proceedings
of Board of
Trade.
Act, 1888,
s. 25.

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

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

International and Colonial Arrangements.

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

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

Act, 1885,
s. 6.

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

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

(2.) The publication in the United Kingdom, or the Isle of Man, during the respective periods aforesaid, of any description of

the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade mark :

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

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

Provision for colonies and India.

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

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

Offences.

Penalty on falsely representing articles to be patented.

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

(2.) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented or a design or a trade

mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

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

Penalty on unauthorized assumption of Royal arms.

Scotland, Ireland, &c.

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

Saving for Courts in Scotland.

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

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

Summary proceedings in Scotland.

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

Proceedings for revocation of patent in Scotland.

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

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

Reservation of remedies in Ireland.

111. (1.) The provisions of this Act conferring a special juris-

General saving for

jurisdiction
of Courts.

diction on the Court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in any proceedings relating to patents or to designs or to trade marks; and with reference to any such proceedings in Scotland, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "the Court of Appeal" respectively mean the High Court of Justice in Ireland and her Majesty's Court of Appeal in Ireland.

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

Isle of Man.

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

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

Jurisdiction
of Lancashire
Palatine
Court.

Act, 1888,
s. 26.

112a. The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks the registration whereof is applied for in the Manchester Office, have the like jurisdiction under this Act as Her Majesty's High Court of Justice in England, and the expression "the Court" in this Act shall be construed and have effect accordingly.

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

Repeal, Transitional Provisions, Savings.

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

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

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

The principal Act shall, as from the commencement of this Act [i.e., Act of 1888], take effect subject to the additions, omissions, and substitutions required by this Act; but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

Construction of principal Act. Act, 1888, s. 27.

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

Former registers to be deemed continued.

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

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

Saving for existing rules.

Saving for
prerogative.

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

General Definitions.

General
definitions.

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

“Person” includes a body corporate:

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

“Law officer” means her Majesty’s Attorney-General or Solicitor-General for England.

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

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

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

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

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

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

Register of
patent agents.

Act, 1888,
s. 1.

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

(2.) The Board of Trade shall, as soon as may be after the passing

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

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

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

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

[*For the Schedules to Act of 1883, so far as they relate to Patents, see pp. 528—558. The amending Acts have no Schedules.*]

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

(48 & 49 VICT. c. 63.)

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

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

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

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

2. Whereas sub-section two of section five of the principal Act requires a declaration to be made by an applicant for a patent to the effect in that sub-section mentioned, and doubts have arisen Amendment of sect. 5 of 46 & 47 Vict. c. 57.

as to the nature of that declaration, and it is expedient to remove such doubts: Be it therefore enacted that:

The declaration mentioned in sub-section two of section five of the principal Act may be either a statutory declaration under the Statutory Declarations Act, 1835, or not, as may be from time to time prescribed.

5 & 6 Will. 4,
c. 62.

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

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

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

Specifications,
&c. not to be
published
unless
application
accepted.

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

Power to
grant patents
to several
persons
jointly.

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

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

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

PATENTS ACT, 1886.

49 & 50 VICT. c. 37.

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

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

46 & 47 Vict. c. 57.

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

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

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

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

The same drawings may accompany both specifications.

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

Protection of patents and designs exhibited at international exhibitions.

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

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

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1888.

51 & 52 VICT. c. 50.

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

46 & 47 Vict.
c. 57.

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

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

Register of
patent agents.

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

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

(3.) Provided that every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had

been bonâ fide practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act.

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

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

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

Amendments
of 46 & 47
Vict. c. 57.

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

Sect. 7, as to
applications.

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

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

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

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

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

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

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

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

added in lieu thereof the following words, namely, "or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification."

Sect. 18, as to amended specifications.

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

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

Sect. 52, as to inspection of designs.

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

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

Sect. 58, as to piracy of registered designs.

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

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

Sect. 62, as to application for registration.

8.—(1.) In sub-section two of section sixty-two of the principal Act for the words "the patent office in the prescribed manner" shall be substituted the words "such place and in such manner as may be prescribed."

(2.) To the same section of the principal Act the following sub-section shall be added:—

"(6.) Where an applicant for the registration of a trade mark otherwise than under an international convention is out of the United Kingdom at the time of making the application he shall give the comptroller an address for service in the United Kingdom, and if he fails to do so the application shall not be proceeded with until the address has been given."

Sect. 63, as to limit of time for proceeding with application.

9. In section sixty-three of the principal Act for the words "the application shall be deemed to be abandoned" shall be substituted the words "the comptroller shall give notice of the non-completion to the agent employed on behalf of the applicant, and, if at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant, and if at the expiration of the latter fourteen days, or such further time as the

comptroller may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned.”

10.—(1.) For section sixty-four of the principal Act the following section shall be substituted, namely—

Sect. 64, as to fancy words.

“**64.**—(1.) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars :

“ (a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or

“ (b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark ; or

“ (c) A distinctive device, mark, brand, heading, label, or ticket ; or

“ (d) An invented word or invented words ; or

“ (e) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

“ (2.) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

“ (3.) Provided as follows :

“ (i.) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof :

“ (ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act.”

11. In section sixty-seven of the principal Act the words “ or colours ” shall be added after the word “ colour ” in each place where that word occurs.

Sect. 67, as to colours of trade marks.

12. In section sixty-eight of the principal Act after the word

Sect. 68, as to advertisement

of applica-
tions.

Sect. 69, as to
opposition to
registration.

comptroller shall be added the words "unless the comptroller refuse to entertain the application."

13.—(1.) In sub-section one of section sixty-nine of the principal Act for the words "two months" shall be substituted the words "one month or such further time, not exceeding three months, as the comptroller may allow."

(2.) In the same sub-section the word "first" shall be omitted.

(3.) In sub-section two of the same section for the words "two months" shall be substituted the words "one month."

(4.) For sub-sections three and four of the same section the following sub-sections shall be substituted; namely,

"(3.) If the applicant sends such counter-statement the comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade mark is to be registered, but his decision shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the opponent and the comptroller, and may make an order determining whether, and subject to what conditions (if any), registration is to be permitted.

"(4.) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court, and in that event the Court shall have jurisdiction to hear and determine the appeal, and may make such order as aforesaid.

"(5.) If the applicant abandons his application after notice of opposition in pursuance of this section he shall be liable to pay to the opponent such costs in respect of the opposition as the comptroller may determine to be reasonable.

"(6.) Where the opponent is out of the United Kingdom he shall give the comptroller an address for service in the United Kingdom."

Sect. 72, as to
restrictions on
registration.

14. In sub-section two of section seventy-two of the principal Act, the following words shall be added at the beginning of the sub-section, namely, "except as aforesaid," and for the words "so nearly resembling" shall be substituted the words "having such resemblance to."

Sect. 73, as to
restriction on
registration.

15. In section seventy-three of the principal Act the word "exclusive" shall be omitted.

Sect. 74, as to
additions to
trade marks.

16. For sub-section two of section seventy-four of the principal Act the following sub-section shall be substituted; namely,

"(2.) The applicant for registration of any such addition must,

however, state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

“Provided that a person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.”

17. For section seventy-five of the principal Act the following section shall be substituted; namely, Sect. 75, as to effect of registration.

“Application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark, and the date of the application shall for the purposes of this Act be deemed to be, and as from the first day of January one thousand eight hundred and seventy-six to have been, the date of the registration.”

18. After section seventy-seven of the principal Act the following section shall be added and numbered 77A; namely, Certificate as to exclusive use and costs thereon.

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

19.—(1.) In sub-section five of section seventy-nine of the principal Act, for the words “the five years” shall be substituted the words “one year.” Amendments of 46 & 47 Vict. c. 57.

(2.) To the same sub-section the following words shall be added; namely, “unless it is shown to the satisfaction of the comptroller that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark.” Sect. 79, as to removal of trade mark from the register.

20.—(1.) For sub-section two of section eighty-one of the principal Act the following sub-section shall be substituted: Sect. 81, as to Sheffield marks.

“(2.) The Cutlers’ Company shall enter in the Sheffield register, in respect of metal goods as defined in this section, all the trade marks entered before the first day of January one thousand eight hundred and eighty-nine in respect of metal goods either in the

38 & 39 Vict.
c. 91.

register established under the Trade Marks Registration Act, 1875, or in the register of trade marks under this Act, belonging to persons carrying on business in Hallamshire or within six miles thereof. The Cutlers' Company shall also, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in either of the said other registers."

(2.) In sub-sections three and eight of the same section, for the words "on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge," shall be substituted the words "on metal goods."

(3.) For sub-section seven of the same section the following sub-section shall be substituted :

(7.) The provisions of this Act and of any general rules made under this Act with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this section, apply to the registration of trade marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such general rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield Register, for the Comptroller, the Patent Office, and the Register of Trade Marks, respectively; and notice of every entry, cancellation, or correction made in the Sheffield Register shall be given to the Comptroller by the Cutlers' Company: Provided that this section shall not affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield Register.

(4.) To the same section the following sub-sections shall be added; namely,—

(14.) For the purposes of this section the expression "metal goods" means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal.

(15.) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield Register a certificate under the hand of the master of the Cutlers' Company shall have the same effect as the certificate of the comptroller.

Sect. 87, as to
entry of

21. In section eighty-seven of the principal Act, after the words

“subject to,” shall be added the words “the provisions of this Act and to.” assignments,
&c.

22. In section eighty-eight of the principal Act, after the words “subject to,” shall be added the words “the provisions of this Act and to.” Sect. 83, as to
inspection.

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

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

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

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

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

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

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

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

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

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

Construction
of principal
Act.

27. The principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and substitutions required by this Act, but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

Commence-
ment of Act.

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

Short title.

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

APPENDIX OF FORMS.

I.—Patents Rules, 1890. Forms (a).

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

Form A.

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

APPLICATION FOR PATENT.

*— do hereby declare that — in possession of an invention, the title of which is †— that ‡— the true and first inventor— thereof; and that the same is not in use by any other person or persons to the best of — knowledge and belief; and — humbly pray that a patent may be granted to — for the said invention.

Dated — day of — 18—

— §

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

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

* Here insert name and full address and calling of applicant or applicants.

† Here insert title of invention.

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

§ To be signed by applicant or applicants.

In the case of a firm, each member of the firm must sign.

(a) These forms are contained in the Second Schedule to the Rules.

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

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

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

— day of — 18—

—*

* To be signed by applicant or applicants.

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

— hereby request that all notices, requisitions, and communications in respect of the within application may be sent to — at — day of — 18—

—†

† To be signed by applicant or applicants.

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

Form A1.

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

APPLICATION FOR PATENT FOR INVENTION COMMUNICATED FROM ABROAD.

I, * — of — in the county of — do hereby declare that I am in possession of an invention, the title of which is † — which invention has been communicated to me by ‡ — that I claim to be the true and first inventor thereof; and that the same is not in use within the United Kingdom of Great Britain and Ireland and the Isle of Man by any other person or persons to the best of my knowledge and belief; and I humbly pray that a patent may be granted to me for the said invention.

Dated — day of — 18—

—§

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

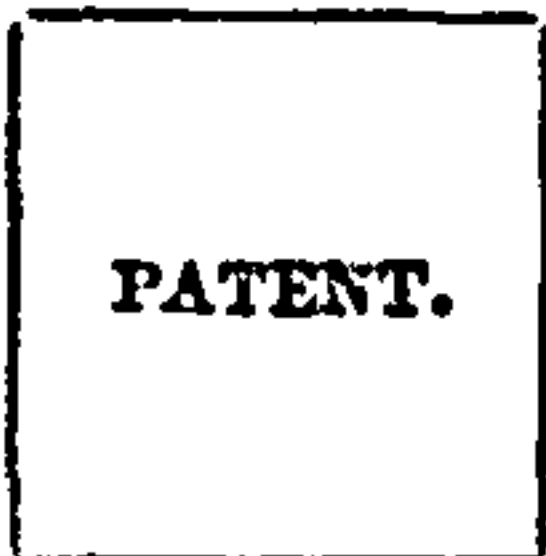
To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

* Here insert name, and full address, and calling of applicant.

† Here insert title of invention.

‡ Here insert name, address, and calling of communicant.

§ To be signed by applicant or applicants.



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

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

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

— day of —, 18— — *

* To be signed by applicant or applicants.

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

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

— day of —, 18— — †

† To be signed by applicant or applicants.

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

Form A2.

APPLICATION FOR PATENT UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.



*— do hereby declare that I (*or we*) have made foreign applications for protection of my (*or our*) invention of † — in the following foreign states and on the following official dates, viz. : ‡ — and in the following British possessions and on the following official dates, viz. : § —

That the said invention was not in use within the United Kingdom of Great Britain and Ireland and the Isle of Man by any other person or persons before the || — to the best of — knowledge, information and belief, and — humbly pray that a patent may be granted to — for the said invention in priority to other applicants, and that such patent shall have the date || —

— ¶

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

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

† Here insert title of invention.

‡ Here insert the names of each foreign state followed by the official date of the application in each respectively.

§ Here insert the names of each British possession followed by the official date of the application in each respectively.

|| Here insert the official date of the earliest foreign application.

¶ Signature of applicant or of each of applicants.

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

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

Form B.

PROVISIONAL SPECIFICATION.

(To be furnished in duplicate.)

*_____

†_____ do hereby declare the nature of this invention to be as follows:— ‡

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

“Dated this _____ day of _____ 18—.”

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

* Here insert title as in declaration.

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

‡ Here insert short description of invention.

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

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

No. _____
Date _____

PATENT.

Form C.

COMPLETE SPECIFICATION.

(To be furnished in Duplicate—one unstamped.)

*_____

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

‡ _____

NOTE.—This document must form the commencement of the complete specification; the continuation to be upon wide-ruled foolscap

paper (but on one side only) with a margin of two inches on left hand of paper. The complete specification and the "duplicate" thereof must be signed by the applicant, or his agent, on the last sheet, the date being first inserted as follows:—

"Dated this — day of — 18—."

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

* Here insert title as in declaration.

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

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

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

Here state distinctly the features
of novelty claimed.

- 1.
- 2.
- 3.

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

Form D.

FORM OF OPPOSITION TO GRANT OF PATENT.

(To be accompanied by an unstamped copy.)

*I — hereby give notice of my intention to oppose the grant of letters patent upon application No. — of — applied for by — upon the ground † —

(Signed) — ‡

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

* Here state name and full address.

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

‡ Here insert signature of opponent.

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

Form E.

FORM OF APPLICATION FOR HEARING BY THE COMPTROLLER.

In Cases of Refusal to Accept, Opposition, or Applications for Amendment, &c.

SIR,

— of * — hereby apply to be heard in reference to — and request that I may receive due notice of the day fixed for the hearing.

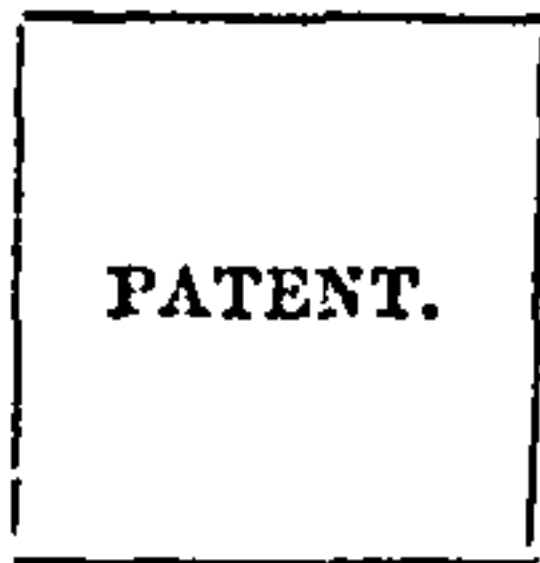
—, Sir, your obedient Servant,

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

* Here insert address.

PATENT.

PATENT.



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

Form F.

FORM OF APPLICATION FOR AMENDMENT OF SPECIFICATION OR DRAWINGS.

*— seek leave to amend the specification of letters patent No. — of 18— as shown in red ink in the copy of the original specification hereunto annexed :—

My reasons for making this amendment are as follows † :—

(Signed) — ‡

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

- * Here state name and full address of applicant or patentee.
- † Here state reasons for seeking amendment; and where the applicant is not the patentee, state what interest he possesses in the letters patent.
- ‡ To be signed by applicant.

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

Form G.

FORM OF OPPOSITION TO AMENDMENT OF SPECIFICATION OR DRAWINGS.

[To be accompanied by an unstamped copy.]

*— hereby give notice of objection to the proposed amendment of the specification or drawings of letters patent No. — of 188— for the following reason :— †

(Signed) —

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

- * Here state name and full address of opponent.
- † Here state reason of opposition.



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

Form H.

FORM OF APPLICATION FOR COMPULSORY GRANT OF LICENCE.

[To be accompanied by an unstamped copy.]



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

(Signed) ———

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

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

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

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

Form H1.

FORM OF PETITION FOR COMPULSORY GRANT OF LICENCES.

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

The petition of * ——— of ——— in the county of ———, being a person interested in the matter of this petition as herein-after described:—

Sheweth as follows:—

1. A patent dated ——— No. ——— was duly granted to ——— for an invention of †

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

3. §

Having regard to the circumstances above stated, the petitioner

alleges that by reason of the aforesaid default of the patentee to grant licences on reasonable terms ||

Your petitioner therefore prays that an order may be made by the Board of Trade ¶ — or that the petitioner may have such other relief in the premises as the Board of Trade may deem just.

* Here insert name, full address, and description.

† Here insert title of invention.

‡ Here state fully the nature of petitioner's interest.

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

|| Here state the ground or grounds on which relief is claimed in the language of sect. 22, sub-sects. (a), (b), or (c), as the case may be.

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

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

Form I.

FORM OF OPPOSITION TO COMPULSORY GRANT OF LICENCE.

* — hereby give notice of objection to the application of — for the compulsory grant of a licence under Patent No. — of 188—.

(Signed) —

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

* Here state name and full address.

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

Form J.

APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.

— hereby transmit the fee prescribed for the continuation in force of *— Patent No.— of 18— for a further period of —

Name † —
Address —

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

* Here insert name of patentee.

† Here insert name and full address.

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

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No.— of 18—.

— 18—

This is to certify that — did this — day of — 18—, make the prescribed payment of £— in respect of a period of — from — and that by virtue of such payment the rights of the patentee remain in force.*

(SEAL.)

Patent Office, London.

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



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

Form K.

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

SIR,

I hereby apply for an enlargement of time for — month—in which to make the — payment of £ — upon my Patent No.— of 18—

The circumstances in which the payment was omitted are as follows* :—

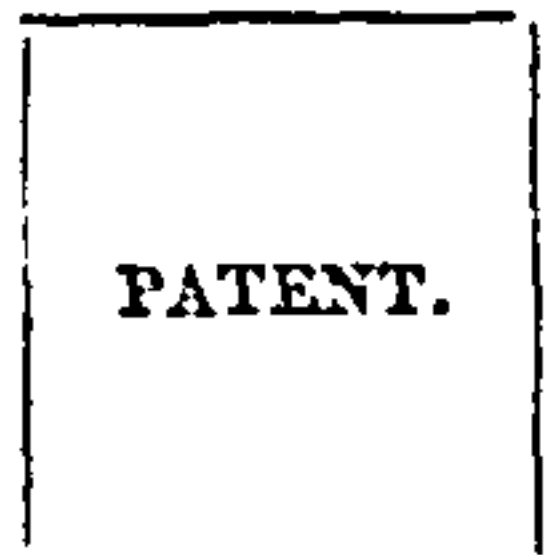
I am, Sir, your obedient Servant,

† —

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

* See Rule 49, p. 576.

† Here insert full address to which receipt is to be sent.



PATENT.

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

Form L.

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

I*— hereby request that you will enter † — name— ‡ in the Register of Patents:—

§ — claim to be entitled || — of the Patent No.— of 18—, granted to ¶ — for ** — by virtue of †† —

And in proof whereof I transmit the accompanying †† — with an attested copy thereof. §§

I am, Sir, your obedient Servant,

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

* Or We.

Here insert name, full address, and description.

† My or our.

‡ Or names.

§ I or We.

|| Here insert the nature of the claim.

¶ Here give name and address, &c. of patentee or patentees.

** Here insert title of the invention.

†† Here specify the particulars of such document, giving its date and the parties to the same, and showing how the claim here made is substantiated.

‡‡ Here insert the nature of the document.

§§ Where any document which is a matter of record is required to be left, a certified or official copy in lieu of an attested copy must be left.

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

Form M.

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

PATENT.

SIR,

I hereby transmit an attested copy of a licence granted to me by — under Patent No.— of 18— as well as the original licence for verification, and I have to request that a notification thereof may be entered in the register.

I am, Sir, your obedient Servant,

* —

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

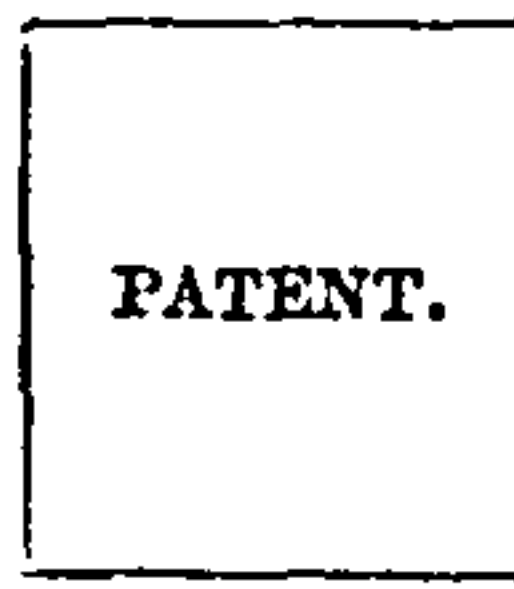
* Here insert full address.

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

Form N.

APPLICATION FOR DUPLICATE OF PATENT.

Date —



SIR,

I regret to have to inform you that the letters patent dated * — No. — granted to — for an invention of † — have been ‡ —

I beg therefore to apply for the issue of a duplicate of such letters patent. § —

[Signature of Applicant.]

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

- * Here insert date, number, name, and full address of patentee.
- † Here insert title of invention.
- ‡ Here insert the word "destroyed" or "lost," as the case may be.
- § Here state interest possessed by applicant in the letters patent.

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

Form O.

NOTICE OF INTENDED EXHIBITION OF AN UNPATENTED INVENTION.

* — hereby give notice of my intention to exhibit a — of — at the — Exhibition, which † — of — 18— under the provisions of the Patents, Designs, and Trade Marks Act of 1883.

‡ — herewith enclose —

(Signed) —

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

- * Here state name and full address of applicant.
- † State "opened," or "is to open."
- ‡ Insert brief description of invention, with drawings if necessary.

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

Form P.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR.

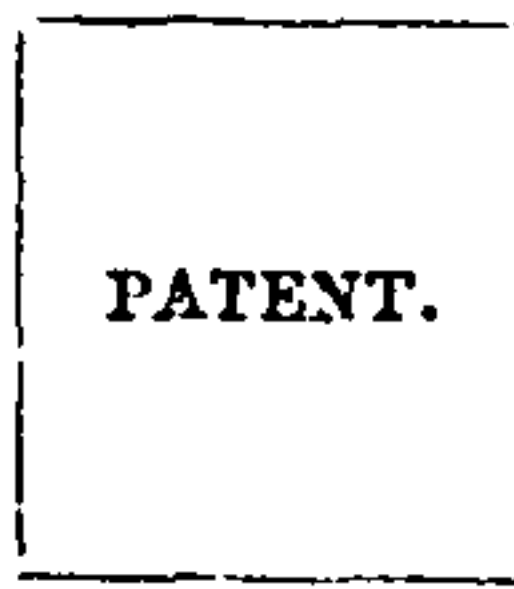
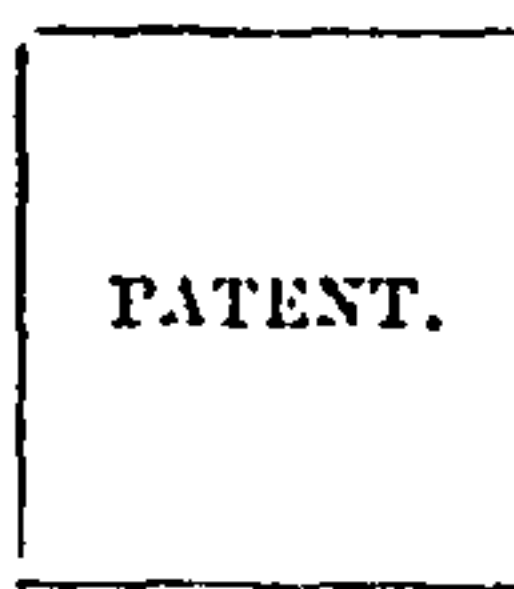
SIR,

I hereby request that the following clerical error * — in the † — No. — of 18— may be corrected in the manner shown in red ink in the certified copy of the original ‡ — hereunto annexed.

Signature —
Full Address —

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

- * Or errors.
- † Here state whether in application, specification, or register.



PATENT.

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

Form Q.*

CERTIFICATE OF COMPTROLLER-GENERAL.

Patent Office, London,
18—

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

To † —

* *Careats.*—Any person who may be interested in knowing the date when the complete specification in respect of any particular application shall have been accepted by the Comptroller and advertised in the Official Journal, or the date when an application for leave to amend any particular specification shall have been filed at the Patent Office and advertised, may be informed of such dates upon his forwarding to the Comptroller a request, in writing (upon foolscap paper), to that effect, together with a Patents' Form Q., bearing a 5s. stamp.

† Here insert name and full address of person requiring the information.

PATENT.

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

Form R.

FORM OF NOTICE FOR ALTERATION OF AN ADDRESS IN REGISTER.

SIR,

* — hereby request that — address now upon the register may be altered as follows:—

† —

— Sir, your obedient Servant,

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

* Here state name or names and full address of applicant or applicants.

† Here insert full address.

PATENT.

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

Form S.

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

* — hereby transmit an office copy of an Order in Council with reference to † —

— Sir, your obedient Servant,

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

* Here state name and full address of applicant.

† Here state the purport of the order.

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

Form T.

FORM OF APPEAL TO LAW OFFICER.

PATENT.

I, * — of * — hereby give notice of my intention to appeal to the Law Officer from † — of the Comptroller of the — day of — 18— whereby he † —

No. § — of the year 18— §

Signature —

Date —

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

* Here insert name and full address of appellant.

† Here insert "the decision" or "that part of the decision," as the case may be.

‡ Here insert "refused [or allowed] application for patent," or "refused [or allowed] application for leave to amend patent," or otherwise, as the case may be.

§ Insert number and year.

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

Form U.

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

PATENT.

SIR,

— hereby apply for extension of time for one month in which to leave a complete specification upon application.

— dated —

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

—, Sir, your obedient Servant,

— †

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

* See Rule 50, p. 577.

† To be signed by applicant or applicants, or his or their agent.

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

Form V.

PATENT.

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

Sir,

— hereby apply for extension of time for — month— for the acceptance of the complete specification upon application No. — dated —

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

—, Sir, your obedient Servant,

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

* See rule 50, p. 577.

† To be signed by applicant or applicants, or his or their agent.

M. E. HICKS-BEACH,

President of the Board of Trade.

31st March, 1890.

II.—Formal Letters of the Comptroller.

TITLE OF APPLICATION INSUFFICIENT.

The Patent Office,
25, Southampton Buildings, London, W.C., — 18 —

With reference to your application for a patent numbered as above, I have to inform you that the title does not sufficiently indicate the subject-matter of the invention, which, from the description in the specification, would appear to be for —

I have therefore to request—in accordance with section 7, subsection 1, of the Patents, &c., Act, 1883—that you will be good enough to amend the title so that it may sufficiently indicate the subject-matter of the invention, for which purpose the specification is returned herewith.

I am, — your obedient servant,
— Comptroller-General.

To —

NOTE (a).

- I. Alterations must be made in ink and initialled.
- II. The margin must in no case be written upon.
- III. Amendments must not be made on slips of paper pasted over portions of the original specification.
- IV. Portions of the specification may be re-written on fresh sheets of foolscap paper, but in such cases the original pages must be cancelled and *returned to this office*.
- V. In the case of a complete specification the stamped form must always be used as the first sheet of the amended specification.

AUTHORIZATION OF AGENT REQUIRED.

The Patent Office,
25, Southampton Buildings, London, W.C., — 18—

With reference to your application for a patent, numbered as above, I have to state that in every case where the applicant appoints an agent to act on his behalf, it is necessary that a statement of such authorization be furnished.

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE (a), p. 751.]

SPECIFICATION COMPRISING MORE THAN ONE INVENTION.

The Patent Office,
25, Southampton Buildings, London, W.C., — 18—

With reference to your application for a patent, numbered as above, I beg to state that the specification appears to comprise more than one invention, viz. :—

I have therefore to request that, in order that section 33 of the Patents, &c., Act, 1883, may be complied with, you will amend the specification so that it shall comprise one invention only.

The invention— withdrawn may be made the subject of — separate application— If you desire to obtain for such further application— the date of the original, you should, in forwarding —, make a request to that effect.

(a) This memorandum appears on most of the printed forms of letter from the Comptroller. It is not reprinted, but merely referred to hereafter.

APPENDIX OF FORMS.

The title in this specification will require to be amended, so as to indicate the subject-matter of the invention which you decide to retain.

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

FULL ADDRESS, &c. IN APPLICATION FORM.

The Patent Office,
25, Southampton Buildings, London, W.C., — 18--

With reference to your application for a patent, numbered as above, I have to request that you will be good enough to insert your full address and calling in the application form and the specification, in accordance with the directions contained in the marginal notes * and † on Forms A and — respectively.

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

SIGNATURE AND DATE TO SPECIFICATION.

The Patent Office,
25, Southampton Buildings, London, W.C., — 18-

With reference to your application for a patent, numbered as above, I have to request that you will be good enough to sign and date the specification, in accordance with the directions contained in the footnote on Form —

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

AMENDMENT OF PROVISIONAL SPECIFICATION REQUIRED.

The Patent Office,
25, Southampton Buildings, London, W.C., — 18—

With reference to your application for a patent, numbered as above, I beg to inform you that the provisional specification does not fairly describe the nature of the invention as required by section 6 of the Patents, &c., Act, 1883. I have, therefore, to request that you will

be good enough to amend that document by furnishing therein a — description of the nature of your invention.

Your attention is directed especially to those parts of the specification indicated by pencil marks in the margin.

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

SAME LETTER REQUIRING EXPLANATION UNDER ACT OF 1888, s. 2.

The Patent Office,
25, Southampton Buildings, London, W.C., —18—

With reference to your application for a patent, numbered as above, I beg to inform you that the provisional specification does not fairly describe the nature of the invention as required by section 6 of the Patents, &c., Act, 1883. I have, therefore, to request that you will be good enough to amend that document by furnishing therein a — description of the nature of your invention.

You should furnish with the amended specification an explanation of the circumstances under which the specification was filed without containing a fair description of the nature of the invention, as under section 2 of the Patents, &c., Act, 1888, I am empowered to direct that in such cases the application shall bear date as from the time when the requirement as to description is complied with.

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

AMENDMENT OF COMPLETE SPECIFICATION.

The Patent Office,
25, Southampton Buildings, London, W.C., —18—

With reference to your application for a patent, numbered as above, I have to request—under section 7, sub-section 1, of the Patents, &c., Act, 1883—that you will be good enough to amend the specification, which is returned herewith, so that it may “*particularly describe and ascertain the nature of the invention and in what manner it is to be performed.*”

Your attention is called especially to those parts of the specification indicated by pencil marks in the margin.

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

APPENDIX OF FORMS.

AMENDMENT OF TITLE (*in Complete Specification*).

The Patent Office,
25, Southampton Buildings, London, W.C., — 18—

With reference to your application for a patent, numbered as above, I have to request that you will be good enough to amend the title in the complete specification so as to correspond with that given in the provisional specification, viz. :—

I am, — your obedient servant,
— Comptroller-General.

To —

[*For note accompanying this Form, see NOTE, p. 751.*]

AMENDMENT OF TITLE (*in other cases*).

The Patent Office,
25, Southampton Buildings, London, W.C., — 188—

With reference to your application for a patent, numbered as above, I have to request that you will be good enough to amend the title in the — so as to correspond with that given in the — viz. :—

I am, — your obedient servant,
— Comptroller-General.

To —

[*For note accompanying this Form, see NOTE, p. 751.*]

TITLES NOT THE SAME.

Patent Office,
25, Southampton Buildings, London, W.C., — 188—

With reference to your application, numbered as above, I beg to point out that the titles on Forms A and — do not agree. Either title would be accepted, but the two should be made to exactly correspond.

I am, Sir, your obedient servant,
— Comptroller-General.

To —

[*For note accompanying this Form, see NOTE, p. 751.*]

TITLE TO BE CORRECTLY INSERTED.

The Patent Office,
25, Southampton Buildings, London, W.C., — 188—

With reference to your application for a patent, numbered as above, I have to request that you will be good enough to insert the title at the head of the specification, in accordance with the directions contained in the marginal note (*) on Form —

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

AMENDMENT OF DRAWINGS.

Patent Office,
25, Southampton Buildings, London, W.C., — 188—

With reference to your application, numbered as above, I beg to inform you that the lines on the drawing—are not sufficiently black to admit of their satisfactory reproduction by photo-lithography; and I have to request that in this respect you will be good enough to amend the drawing—returned herewith.

A circular of instructions with a specimen drawing is enclosed herewith.

I am, Sir, your obedient servant,
— Comptroller-General.

To —

DRAWINGS REQUIRED.

The Patent Office,
25, Southampton Buildings, London, W.C., — 188—

With reference to your application for a patent, numbered as above, I have to request that, in order to aid the written description, you will be good enough to file drawings of your invention, prepared in accordance with the revised rules.

On the drawings the various parts of the invention shown should be indicated by letters or numerals, and be referred to in the specification (enclosed) by means of such letters or numerals.

A circular of instructions, with a specimen drawing, is also enclosed herewith.

I am, — your obedient servant,
— Comptroller-General.

To —

[For note accompanying this Form, see NOTE, p. 751.]

APPENDIX OF FORMS.

EXTENSION OF TIME FOR ACCEPTANCE OF COMPLETE SPECIFICATION.

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C., —18—

The desired extension of time for — month— for the acceptance of the complete specification in respect of application for a patent, numbered and dated as above, has been allowed.

— Comptroller-General.

NUMBER AND YEAR OF APPLICATION.

The Patent Office, 25, Southampton Buildings,
Chancery Lane, W.C., —18—

I beg to acknowledge the receipt of your letter of the — and to request that you will be good enough to furnish me with the number and year of the application referred to.

I am, — your obedient servant,
— Comptroller-General.

To —

GENERAL FORM OF REQUEST.

Patent Office,
25, Southampton Buildings, London, W.C., —18—

With reference to your application, numbered as above, I have to request that you will be good enough to —

NOTE.—Alterations, erasures, &c., in the specification or drawings should be initialled by the applicant or his agent.

LETTER REMINDING APPLICANT THAT PATENT LOST IF STEP NOT TAKEN.

Patent Office,
25, Southampton Buildings, London, W.C., —18—

I beg to call your attention to my letter of the — relative to your application numbered as below; and with a view of preventing you from losing, through accident or oversight, the patent you sought, I should be glad to learn from you that my letter has not miscarried.

Please, therefore, be good enough to sign following statement, and return the form to this Office.

I am, — your obedient servant,
— Comptroller-General.

No. —

SIR,

I beg to state that your letter was duly received, **and that I propose to proceed with my application in due course.*

I am, Sir, your obedient servant, —

*To the Comptroller,
Patent Office.*

* If you do not propose to proceed with your application, strike out these words.

APPLICATION AND PROVISIONAL SPECIFICATION ACCEPTED.

25, Southampton Buildings,
Chancery Lane, London, W.C., —18—

In conformity with the provisions of the Patents, &c., Act, 1883, I hereby give you notice of the acceptance of your application with a provisional specification for a patent for —

No. — dated — 18—

I am, — your obedient servant,
— Comptroller-General.

N.B.—A complete specification must be left at the Patent Office within 9 months of the date of application, if a patent is desired.

This complete specification must be prepared upon Form C, stamped £3, must bear the number and date of the application, and must end with a distinct statement of the invention claimed.

If the complete specification is not left at the Patent Office within the prescribed 9 months, an extension of time for 1 month more may be applied for upon Form U, stamped £2.

At the end of 10 months, if no complete specification has been filed, the application will be regarded as abandoned.

Forms C and U may be purchased in London at the Inland Revenue Office, Royal Courts of Justice (Room No. 6), or may be obtained at a few days' notice through any money order office in the United Kingdom, upon prepayment of the value of the stamp.

APPENDIX OF FORMS.

COMPLETE SPECIFICATION ACCEPTED.

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C., — 18—

In conformity with the provisions of the Patents, &c., Act, 1883, I hereby give you notice of the acceptance of the complete specification of your application for a patent for —

No. — dated — 18—

I am, — your obedient servant,
— Comptroller-General.

Note.—When a complete specification has been accepted it is open to public inspection, and notice of acceptance will be advertised forthwith in the Official Journal of the Patent Office. Any person may, at any time within two months from the date of such advertisement, give notice of opposition to the grant of a patent on the grounds stated in section 11 of the Patents, &c., Act, 1883. The subsequent procedure is set forth in sections 12, 13, and in Nos. 34—43, of the “Rules” under the Act.

APPLICATION WITH COMPLETE SPECIFICATION ACCEPTED.

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C., — 18—

In conformity with the provisions of the Patents, &c., Act, 1883, I hereby give you notice of the acceptance of your application with a complete specification for a patent for —

No. — dated — 18—

I am — your obedient servant,
— Comptroller-General.

NOTE.—When a complete specification has been accepted it is open to public inspection, and notice of acceptance will be advertised forthwith in the Official Journal of the Patent Office. Any person may, at any time within two months from the date of such advertisement, give notice of opposition to the grant of a patent on the grounds stated in sect. 11 of the Patents, &c., Act, 1883. The subsequent procedure is set forth in sects. 12, 13, and in Nos. 34—43 of the “Rules” under the Act. The nature of the protection consequent upon the acceptance of a complete specification is stated in sect. 15 of the Act.

EXTENSION OF TIME FOR LEAVING COMPLETE SPECIFICATION.

Patent Office,
25, Southampton Buildings, London, W.C., — 18—

With reference to your application, numbered as above, I beg to call your attention to sub-sect. 4 of sect. 9 of the Patents Act, 1883, which enacts that, “unless a complete specification is accepted within

twelve months from the date of application (*i.e.*, the date when the provisional specification, if any, or the complete, was lodged at this office), then (save in the case of an appeal having been lodged against the refusal to accept) the application shall, at the expiration of those twelve months, become void."

Power has, however, been given to the comptroller under sect. 3 of the Patents Amendment Act, 1885, to extend, by three months, this period of twelve months, upon payment of the following fees:—

For one month's extension	..	..	..	£2
For two months' extension	..	..	..	£4
For three months' extension	..	..	..	£6

Application for such extension must be made upon a stamped copy of Form V., which may be obtained at a few days' notice through any Postal Money Order Office.

Having regard to the above-mentioned sections, I should be glad if you would return the papers relating to your application.

I am, — your obedient servant,
— Comptroller-General.

III.—Forms of Specifications.

A simple form of Specification (complete in first instance) for an Apparatus.

No. A.D. 1887.

Date of application, 22nd Dec., 1887—Accepted, 27th Jan., 1888.

COMPLETE SPECIFICATION.

An Improvement in Axle Boxes for Railway Rolling Stock.

I, A. B., of No. —, — Street, in the county of Middlesex, engineer, do hereby declare the nature of this invention, and in what manner the same is to be performed to be particularly described and ascertained in and by the following statement:—

My invention relates to means of preventing access of dust or grit to the axle boxes of railway rolling stock, and so preventing to a large extent much of the friction and wear which result from the entrance of gritty particles, mostly at that side of the box which is next to the wheel.

For this purpose I form, in the side of the box next to the wheel, a circular groove concentric with the axle, and in this groove I insert a ring of soft metal or alloy with springs arranged in the groove behind it so as to press it outwards against the boss of the wheel.

The accompanying drawing is a longitudinal section of an axle box

of ordinary construction modified according to my invention. A is the axle, B the bush, W is part of the boss of one of the running wheels, against which the ring R is pressed by several springs S arranged behind it in the circular groove G.

The ring R, thus pressed against the boss W of the revolving wheel, and being capable of moving to and fro with it in the transverse oscillations of the axle, forms a joint practically tight which prevents access of dust or grit on the inner side of the axle box, the outer side of which is closed by a cover and lid L in the usual way.

Having now particularly described and ascertained the nature of this invention and in what manner the same is to be performed, I declare that what I claim is:—

Claim.

In combination with an axle box for railway rolling stock, a packing ring fitted in a groove formed in the inner side of the box and pressed by springs against the boss of the running wheel, substantially as and for the purpose herein set forth.

Dated this — day of December, 1887.

X. & Y.

Agents for the Applicants.

NOTE.—The drawing cannot be conveniently reproduced here.

Provisional and Complete Specifications of Chemical and Mechanical Process for Waterproofing. &c.

No. A.D. 1889.

Date of application, 8th May, 1889.

Complete specification left, 15th Nov., 1889—Accepted, 28th Dec., 1889.

PROVISIONAL SPECIFICATION.

A Process for Waterproofing and preserving Textures and other Materials.

We, A. B., of — in the county of London, waterproofer, and C. D., of — in the county of Essex, analytical chemist, do hereby declare the nature of this invention to be as follows:—

Textures and other materials have been waterproofed and preserved against decay or ravages of insects by treating them with cuprammonia, but this treatment is in many cases objectionable on account of its affecting the colours and dyes of the materials treated. Our invention relates to means of waterproofing and preserving without materially affecting the colours or dyes of the materials treated. For

this purpose, we dissolve cotton or other substances containing cellulose in a strong solution of cupr-ammonia; from this we precipitate the copper by adding scrap zinc to the solution, and we thus convert the liquid into a colourless mucilaginous solution of ammonia-zinc and cellulose. In a bath of this mucilaginous liquid we soak the texture or other material so that it is thoroughly impregnated; we then squeeze out the superfluous liquid and dry the material, calendering it if necessary.

Dated this — day of —, 1889.

X. & Y.

Agents for the Applicants.

COMPLETE SPECIFICATION.

A Process for Waterproofing and Preserving Textures and other Materials.

We, A. B., of — in the county of London, waterproofer, and C. D., of — in the county of Essex, analytical chemist, do hereby declare the nature of this invention and in what manner the same is to be performed to be particularly described and ascertained in and by the following statement:—

Textures and other materials have been waterproofed and preserved against decay or ravages of insects by treating them with cupr-ammonia, but this treatment is in many cases objectionable on account of its affecting the colours and dyes of the materials treated. Our invention relates to means of waterproofing and preserving without materially affecting the colours or dyes of the materials treated. For this purpose, we dissolve cotton or other substance containing cellulose in a strong solution of cupr-ammonia containing at least 4 per cent. by weight of copper, the quantity of cellulose being about 3 per cent. by weight of the solution, from this solution we precipitate the copper by adding scrap zinc to the solution, and we thus convert the liquid into a colourless mucilaginous solution of ammonia-zinc and cellulose. In a bath of this mucilaginous liquid we soak the texture or other material so that it is thoroughly impregnated, we then squeeze out the superfluous liquid and dry the material, calendering it if necessary.

Having now particularly described and ascertained the nature of the said invention and in what manner the same is to be performed, we declare that what we claim is:—

The herein described process for waterproofing and preserving textures and other materials by treating them with a solution of cellulose and ammonia zinc prepared by adding zinc to a solution of cupr-ammonia and cellulose. Claim.

Dated this — day of November, 1889.

X. & Y.

Agents for the Applicants.

**Process of Manufacturing Dynamite and Method of
Firing same (a).**

EXPLOSIVE COMPOUNDS.

. A.D. 1867, May. No. .

LETTERS PATENT to A. B., of the — Chancery Lane, in the county of Middlesex, civil engineer, for the invention of "Improvements in Explosive Compounds and in the means of Igniting the same."—A communication from abroad by C. D., of Rue St. Sebastien, Paris, in the Empire of France.

Sealed the 15th October, 1867, and dated the 7th May, 1867.

Provisional specification left by the said A. B. at the office of the Commissioners of Patents, with his petition, on the 7th May, 1867.

I, A. B., of the — in the County of Middlesex, civil engineer, do hereby declare the nature of the said invention for "Improvements in Explosive Compounds and in the means of Igniting the same," to be as follows:—

This invention relates to a method of modifying the nature of nitro-glycerine in a manner which renders it much safer for use than heretofore. Nitro-glycerine if mixed with porous inexplusive substances, such, for instance, as charcoal or silica, becomes very much altered in its properties; thus, for instance, nitro-glycerine alone is not inflammable by a spark, but may be got to explode by submitting it to a very rapid shower of sparks. Nitro-glycerine absorbed in porous substances, on the other hand, easily catches fire from a spark, but burns away slowly and without explosion, except under very close and resisting confinement, when a violent explosion ensues; against shocks or blows the above mixture is also far less sensitive than nitro-glycerine alone. Owing to the aforesaid properties of the mixture described its use for blasting metal or very sound rock requires no other firing than an ordinary safety fuse. In shattered rock or coal, on the other hand, it will cause no real explosion at all, the gas will leak out through the crevices and prevent a great accumulation of pressure from the explosive medium, which alone can determine the detonation of nitro-glycerine when absorbed in porous substances, such, as for instance, charcoal or silica; for this reason a special igniter is used to explode the above mixture in fissured or shaly rocks, or wherever it is to be used without close confinement; that special igniter consists of a kind of percussion cap wherein the fulminate is caused to develop a very high gaseous pressure before it bursts, which may be attained either by increasing the charge of fulminate or diminishing the leakage of gas before the cap bursts; this cap is adapted to the end of a safety fuse whereby it is ignited.

(a) It will be seen that this was a case under the Act of 1852. The usual form of specifications has not been materially altered by the Act of 1883. Claims are now compulsory, but they were formerly usual.

Specification in pursuance of the conditions of the Letters Patent, filed by the said A. B. in the Great Seal Patent Office on the 6th November, 1867.

TO ALL TO WHOM THESE PRESENTS SHALL COME, I, A. B., of the — in the county of Middlesex, civil engineer, send greeting.

WHEREAS her most Excellent Majesty Queen Victoria, by her letters patent, bearing date the seventh day of May, in the year of our lord one thousand eight hundred and sixty-seven, in the thirtieth year of her reign, did, for herself, her heirs and successors, give and grant unto me, the said A. B., her special licence, that I, the said A. B., my executors, administrators, and assigns, or such others as I, the said A. B., my executors, administrators, and assigns, should at any time agree with, and no others, from time to time and at all times thereafter during the term therein expressed, should and lawfully might make, use, exercise, and vend, within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, an invention for "Improvements in Explosive Compounds and in the means of Igniting the same," being a communication to me from C. D., of Paris, in the Empire of France, upon the condition (amongst others) that I, the said A. B., my executors or administrators, by an instrument in writing under my, or their, or one of their hands and seals, should particularly describe and ascertain the nature of the said invention, and in what manner the same was to be performed, and cause the same to be filed in the Great Seal Patent Office, within six calendar months next and immediately after the date of the said letters patent.

Now know ye, that I, the said A. B., do hereby declare the nature of the said invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement thereof (that is to say):—

This invention relates to the use of nitro-glycerine in an altered condition which renders it far more practical and safe for use. The altered condition of the nitro-glycerine is effected by causing it to be absorbed in porous unexplosive substances, such as charcoal, silica, paper, or similar materials, whereby it is converted into a powder, which I call dynamite or D.'s safety powder. By this absorption of the nitro-glycerine in some porous substance it acquires the property of being in a high degree insensible to shocks, and it can also be burned over fire without exploding.

The aforesaid safety powder or dynamite is exploded, first, when under very close and resisting confinement by means of a spark or any mode of ignition used for firing ordinary gunpowder; second, without or during confinement by means of a special fulminating cap containing a strong charge of fulminate, which is adapted to the end of a fuse, and is strongly squeezed to the latter for the purpose of more effectually confining the charge, so as thereby to heighten the effect of the detonation; third, by means of an additional charge of ordinary gunpowder the explosion of the latter will cause the dynamite to go off even when it is only partially confined.

From the aforesaid it will be understood that a strong fulminating cap, if adapted to the fuse by being squeezed thereon, will cause dynamite to explode under all conditions of confinement or non-confinement, and that an additional charge of gunpowder or analogous substance will cause dynamite to explode only when confined or partially confined; and that any ordinary mode of ignition as used for

gunpowder, for instance, a fuse will determine the explosion of dynamite only under very close and resisting confinement. It is evident that the above-described fulminating cap may be greatly varied in form, but the principle for its action lies in the sudden development of a very intense pressure or shock. In order to ensure a perfect stability in the nitro-glycerine contained in the dynamite the porous substance before it is saturated with nitro-glycerine is to be rendered alkaline by washing it with a solution of carbonate of soda or lime water or analogous substance in order to neutralize the acid and prevent any decomposition of nitro-glycerine from taking place. I would here remark that the above-described safety powder or dynamite (being nitro-glycerine absorbed in porous non-explosive substances) possesses very distinct properties from and very great practical advantages over liquid nitro-glycerine, and its explosion except under very close and resisting confinement requires a special ignition, as described above.

Claim.

Having now described the invention of "Improvements in Explosive Compounds and in the means of Igniting the same," and having explained the manner of carrying the same into effect, as communicated to me by my foreign correspondent, I claim as the invention secured to me by letters patent as aforesaid, the mode herein set forth of manufacturing the safety powder or dynamite herein described, and also the modes of firing the same by special ignition (*a*), as herein set forth.

In witness whereof I, the said A. B., have hereunto set my hand and seal, the fifth day of November, in the year of our Lord one thousand eight hundred and sixty-seven.

Witness,

A. B. (L.S.)

Form of Provisional and Complete Specifications for a process of a series of Operations (1st, 2nd, and 3rd Claims) and also for an Apparatus (4th Claim) (*b*).

A.D. 1876, MAY. No. .

Gas-motor Engines (*c*).

Letters patent to A. B., of No. — Southampton Buildings, Chancery Lane in the county of Middlesex, for the invention of "Improvements in Gas-motor Engines" Communicated to him from abroad by C. D. of the — at Deutz in the German Empire.

Provisional specification left by the said A. B. at the Office of the Commissioners of Patents on the 17th May, 1876.

A. B. of No. — Southampton Buildings, Chancery Lane, in the County of Middlesex. "Improvements in Gas-motor Engines." [A

(*a*) The latter part of this claim was held by the Court of Appeal to be invalid, because the special ignition here claimed was in no way different from the ordinary ignition, but the House of Lords, supporting the Court of first instance, held it to be valid, on the ground that the inventor of a new explosive is entitled to claim the mode of firing the same, although it be the mode in common use of firing explosives. See *British Dynamite Co. v. Krebs*, Goodeve's P. C. p. 88.

(*b*) See note, p. 762.

(*c*) This patent was twice upheld in the Court of Appeal. In *Otto v. Lunford*, Bacon, V.-C., held the patent to be invalid, but the Court of Appeal reversed his decision. In *Otto v. Steel*, Pearson, J., held the patent to be valid, and the Court of Appeal upheld his decision.

communication to him from abroad by C. D. of the — at Deutz in the German Empire.]

In gas-motor engines, as at present constructed an explosive mixture of combustible gas and air is introduced into the engine cylinder where it is ignited, resulting in a sudden expansion of the gases and development of heat, a great portion of which is lost by absorption unless special provisions are made for allowing the gases to expand very rapidly.

According to the present invention, combustible gas or vapour is introduced into the cylinder together with air or other gas that may or may not support combustion in such a manner that the particles of the combustible gas are more or less dispersed in an isolated condition in the air or other gas, so that on ignition, instead of an explosion ensuing, the flame will be communicated gradually from one combustible particle to another, thereby effecting a gradual development of heat and a corresponding gradual expansion of the gases, which will enable the motive power so produced to be utilised in the most effective manner. The mode of using the gases and the arrangement of the engine may be variously modified in carrying out this invention. Thus according to one arrangement the gases are introduced into the engine cylinder at atmospheric pressure. The cylinder is for this purpose provided with a slide having suitable ports for the admission of air and of an intimate mixture of combustible gas and air, and the movement of the slide is so regulated by means of a cam or eccentric on the engine shaft that during the first part of the stroke of the piston, air alone enters the cylinder, while during a succeeding portion of the stroke the mixture of gas and air is introduced behind the air. This mixture in entering the cylinder will become more or less dispersed in the air previously introduced, the particles of the mixture being situated nearest together at the point where they enter the cylinder and becoming gradually more dispersed as they mix with the air in front. A communication being now established by the slide between a small external gas flame and the contents of the cylinder at the point where the combustible mixture is most dense, this ignites, and the combustion of the whole charge takes place gradually, the mixture burning with gradually decreasing rapidity as the flame extends to those particles that are more diffused among the air. The gradual expansion of the gases thus produced causes the piston to complete its stroke, and on the return stroke, which may be effected either by the momentum of the fly wheel or by the introduction of a similar charge at the other end of the cylinder, the products of combustion are expelled through a valve, after which the above described operation is repeated for the next stroke.

According to another arrangement the combustible gas and air or other gas are employed in a compressed state in the engine. For this purpose the engine may operate either as above described, the gas and air being simply compressed to the requisite degree before being introduced into the cylinder, or by preference, the compression is effected in the cylinder itself in the following manner. The cylinder is constructed of greater length than the stroke of the piston, so that there is a space beyond the latter when it is at end stroke. Assuming this space to be filled with a portion of the gaseous products of combustion resulting from the last stroke, at atmospheric pressure, the piston in performing one part of its stroke draws in atmospheric air, after which it will draw

in the combustible mixture during the remainder of its stroke. The cylinder will then be filled with three strata of different gases, more or less intermingled at their junction, namely, a stratum of products of combustion next the piston, then a stratum of air, and lastly the combustible mixture. The piston then performs its return stroke, whereby the gaseous charge is compressed into the before-mentioned space at the end of the cylinder. The gases will in this condition still retain their stratified position, the particles of combustible mixture being diffused to a certain extent through the other strata. The charge is now ignited and burns gradually and with the same effect as described with reference to the first arrangement. On the return stroke the products of combustion are expelled with the exception of the quantity contained in the space at the end of the cylinder. The regulation of the power of the engines operating according to the above described invention is effected simply by admitting more or less of the combustible gas for each charge, this being done by regulating the time of opening and closing of an admission valve on the gas supply pipe. The motion of the slide is regulated by a rotating cam capable of being adjusted on its shaft relatively to a lever connected to the slide, which adjustment may be effected by any suitable known arrangement of governor.

Specification in pursuance of the conditions of the Letters Patent filed by the said A. B. in the Great Seal Patent Office on the 3rd November, 1876.

A. B., of No. — Southampton Buildings, Chancery Lane, in the County of Middlesex, "Improvements in Gas-motor Engines." A communication to me from abroad by C. D. of the — at Deutz in the German Empire.

In gas-motor engines as at present constructed an explosive mixture of combustible gas and air is introduced into the engine cylinder where it is ignited, resulting in a sudden expansion of the gases and development of heat, a great portion of which is lost by absorption unless special provisions are made for allowing the gases to expand very rapidly. According to the present invention, combustible mixture of gas or vapour and air is introduced into the cylinder together with air or other gas that may or may not support combustion in such a manner that the particles of the combustible mixture are more or less dispersed in an isolated condition in the air or other gas, so that on ignition, instead of an explosion ensuing, the flame will be communicated gradually from one combustible particle to another, thereby effecting a gradual development of heat and a corresponding gradual expansion of the gases, which will enable the motive power so produced to be utilised in the most effective manner. The mode of using the gases and the arrangement of the engine may be variously modified in carrying out this invention. Thus, according to one arrangement, the gases are introduced into the engine cylinder at atmospheric pressure. The cylinder is for this purpose provided with a slide having suitable ports for the admission of air and of an intimate mixture of combustible gas or vapour and air, and the movement of the slide is so regulated by means of a cam or eccentric on the engine

shaft that during the first part of the stroke of the piston, air alone enters the cylinder, while during a succeeding portion of the stroke the mixture of gas or petroleum vapour and air is introduced behind the air. This mixture in entering the cylinder will become more or less dispersed in the air previously introduced, the particles of the mixture being situated nearest together at the point where they enter the cylinder, and becoming gradually more dispersed as they mix with the air in front. A communication being now established by the slide between a small external gas flame and the contents of the cylinder at the point where the combustible mixture is most dense, this ignites and the combustion of the whole charge takes place gradually, the mixture burning with gradually decreasing rapidity as the flame extends to those particles that are more dispersed among the air. The gradual expansion of the gases thus produced causes the piston to complete its stroke, and on the return stroke, which may be effected either by the momentum of the fly-wheel or by the introduction of a similar charge at the other end of the cylinder, the products of combustion are expelled through a valve, after which the above described operation is repeated for the next stroke.

According to another arrangement, the combustible gas and air or other gas are employed in a compressed state in the engine. For this purpose, the engine may operate either as above described, the gas and air being simply compressed to the requisite degree before being introduced into the cylinder, or by preference the compression is effected in the cylinder itself in the following manner. The cylinder is constructed of greater length than the stroke of the piston, so that there is a space beyond the latter when it is at end stroke. Assuming this space to be filled with a portion of the gaseous products of combustion resulting from the last stroke, at atmospheric pressure, the piston in performing one part of its stroke draws in atmospheric air, after which it will draw in the combustible mixture during the remainder of its stroke. The cylinder will then be filled with three strata of different gases, more or less intermingled at their junction, namely, a stratum of products of combustion next the piston, then a stratum of air, and lastly the combustible mixture. The piston then performs its return stroke, whereby the gaseous charge is compressed into the before-mentioned space at the end of the cylinder. The gases will in this condition still retain their stratified position, the particles of combustible mixture being diffused to a certain extent through the other strata. The charge is now ignited and burns gradually and with the same effect as described with reference to the first arrangement. On the return stroke, the products of combustion are expelled with the exception of the quantity contained in the space at the end of the cylinder. The regulation of the power of the engines operating according to the above-described invention is effected simply by admitting more or less of the combustible gas for each charge, this being done by regulating the time of opening and closing of an admission valve on the gas supply pipe. The motion of this valve is regulated by a rotating cam capable of being adjusted longitudinally on its shaft by any suitable known arrangement of governor.

DESCRIPTION OF THE DRAWINGS.

[As we are unable to give the drawings here, the detailed description is omitted.]

Claims.

Having thus described the nature of the said invention and in what manner the same is to be performed as communicated to me by my foreign correspondent it is claimed in respect of gas motor engines:—

First. Admitting to the cylinder a mixture of combustible gas or vapour with air separate from a charge of air or incombustible gas so that the development of heat and the expansion or increase of pressure produced by the combustion are rendered gradual, substantially as and for the purposes herein set forth.

Second. Compressing by one instroke of the piston a charge of combustible and incombustible fluid drawn into the cylinder by its previous outstroke, so that the compressed charge, when ignited, propels the piston during the next outstroke, and the products of combustion are expelled by the next instroke of the piston, substantially as herein described.

Third. Regulating the admission of the combustible gas or vapour to the cylinder by means of a separate slide controlled by a governor, so that when the speed of the engine increases, the combustible charge is reduced, substantially as herein described.

Fourth. The construction substantially as herein described in reference to Figs. 2 to 13 of the drawings of a gas-motor engine wherein by one outstroke of the piston separate charges of combustible fluid and air are drawn into the cylinder, which charges are compressed by the instroke and then ignited so as to propel the piston which by its return stroke expels the products of combustion.

In witness whereof I, the said A. B., have hereunto set my hand and seal, this first day of November, in the year of our Lord, one thousand eight hundred and seventy-six.

A. B. (L.S.)

**Provisional and Complete Specifications for process
and Apparatus for producing Electric Currents.
Also for an Electric Arc.**

PRODUCING AND REGULATING ELECTRIC CURRENTS ^(a).

A.D. 1873, 5th June. No. 2006.

LETTERS PATENT to A. B. of No. —, — Street, Westminster, in the county of Middlesex, for the invention of "Improvements in apparatus for producing and regulating electric currents, such apparatus being particularly applicable for electric lighting." A communication from abroad by C. D. and E. F., both of Berlin, in the German Empire.

Dated the 5th June, 1873.

Provisional Specification left by the said A. B. at the Office of the Commissioners of Patents on the 5th June, 1873.

A. B. of No. —, — Street, Westminster, in the county of Middlesex. "Improvements in apparatus for producing and regu-

^(a) This was the first patent for machines of the drum armature type, as distinguished from the Pacinotti or Gramme ring type.

lating electric currents, such apparatus being particularly applicable for electric lighting." [A communication from abroad by C. D. and E. F., both of Berlin, in the German Empire.]

This invention relates to apparatus for producing by mechanical power currents of electricity applicable more particularly to the production of electric lights, and for regulating automatically the currents applied to produce such lights.

The improved apparatus for producing the electric currents is of the following description. Between the poles or polar extensions of one or more magnets or electro-magnets is fixed an iron cylinder, leaving a space between its periphery and the faces of the magnetic poles, which are hollowed out to a cylindrical form concentric with the said cylinder. In this annular space a cylindrical shell of light metal or other material is caused by mechanical power to revolve round the axis of the cylinder. On this shell is wound insulated wire in a direction parallel to the axis, such wire crossing the ends of the shell from the outer periphery thereof on the one side to the outer periphery on the other side. There may be several such wire coils, each covering an arc of the periphery on each side of the shell. The ends of the wires constituting each such coil are connected respectively to pieces of metal, rollers, springs or brushes of conducting material which are insulated from one another, but which in their rotation with the shell and coils bear successively against two stationary conductors insulated from each other, which constitute the poles of the machine. On causing the shell with its coils to rotate by mechanical force, currents of electricity are generated in the coils as they successively pass the fixed magnetic poles, and by properly arranging the conductors from these several coils in relation to the poles of the magnet and to the conductors on which they bear in their rotation, these electric currents are transmitted through any conductor connecting the poles of the machine. The currents thus transmitted may be made either continuous or intermittent in one direction, or they may be made alternately reversed by suitably arranging the conductors from the several coils in relation to commutators connecting them successively during their rotation with the poles of the machine. The inner iron cylinder may itself be rendered magnetic by coiling on it longitudinally an insulated electric wire in the manner of what is known as Siemens' rotating armature, and in this case the outer magnets might be dispensed with.

Further, the inner iron cylinder, instead of being fixed, might be made to rotate, and in this case the separate shell for receiving the wire coils might be dispensed with, the wire being coiled longitudinally on the rotating iron cylinder itself. The wire may be coiled on the shell in two layers over an even number of divisions of the periphery of the shell, the two opposite divisions in each case having the same wires, but the ends of those wires being connected successively to insulated conductors in number equal to that of the divisions of the shell, which conductors revolve with the shell and come successively to bear against two fixed springs, rollers, or conducting brushes forming the poles of the machine. The connections of the several wires to these several conductors may be so arranged that a continuous current is produced by the rotation of the shell.

The apparatus described above may be modified in the following

manner. Two magnetic poles hollowed out to a cylindrical form are arranged opposite to each other, and in the centre between them is fixed a cylinder of iron with a wire coiled in longitudinal slots thereon in the manner of a Siemens' armature, so that when a current of electricity is passed through the coil the cylinder becomes magnetic, having its two sides presented towards the outer magnets of opposite polarity to them respectively. In the annular space between this central cylinder and the cylindrical poles outside of it is mounted a cylindrical shell of iron, having insulated wire wound round it longitudinally or parallel to its axis in a number of separate coils, each of which is connected to conductors in the manner described above. This cylindrical iron shell being caused to rotate by mechanical force between the outer and inner magnetic poles, currents of electricity are caused to pass along the wires coiled along it successively as each coil passes through one of the magnetic fields, and these currents are transmitted either directly or by commutators as above described to the main poles of the machine.

Instead of employing only two magnetic poles outside the cylindrical shell, four or a greater even number may be spaced round the circumference; and the interior magnet, instead of having its wire coiled only up the one side and down the opposite side, may have it coiled in four or a greater even number of recesses in the cylinder upwards and downwards, so as to give to the inner cylinder as many poles on its periphery as there are poles outside, each pole of the inner cylinder being of opposite polarity to the pole presented to it outside. By this arrangement the successive coils on the cylindrical iron shell are made to pass in each revolution of the shell through more than two magnetic fields, and consequently a more rapid succession of currents is generated by them.

The electro magnets used in the apparatus above described may be rendered active by electricity from any source, and for this purpose the electricity produced by the movement of the apparatus itself may be employed without any extraneous source of electric power.

In apparatus such as have been described the successive coils have to be brought successively into connection with the main circuit by means of conductors or contact makers which the ends of their wires successively pass in their rotation. Such contact makers usually consist of metallic springs or brushes or of metallic rollers mounted on springs which are pressed against insulated pieces of metal connected to the wires of the several coils. As these pieces successively pass the contact-maker, when contact is made and broken suddenly, sparks are produced, whereby the efficiency of the apparatus is impaired, and the contact parts are gradually wasted.

In order to diminish or entirely avoid the production of such sparks, the insulated pieces of metal connected to the wires of the coils are, according to the present invention, made not rigid but elastic so that they can yield a little to the spring, brush or roller under which they pass and thereby remain somewhat longer in contact, or that the one shall not leave contact before the next has come into contact.

The electric currents produced by apparatus such as have been described above may be employed for any purpose to which currents of electricity are ordinarily applied, but they are more particularly applicable to the production of electric light in electric lamps provided

with automatic regulating apparatus such as will presently be described. And as such currents are produced by working the apparatus by mechanical power, so, conversely, by transmitting electric currents through the coils of such apparatus, the inner cylinder or shell will be caused to rotate and thus the apparatus may be employed as an electromotor.

In electric lamps as usually constructed where the electrical current is caused to pass through carbon points, the distance of those points is regulated by clockwork, which is influenced by an electro-magnet placed within the electric circuit, so that the points are caused to approach when the current is reduced in strength.

According to the present invention, the carbon points of electric lamps are caused to approach to or recede from one another by the action of the electric current itself, entirely or partly without the intervention of clockwork or other mechanism driven by any extraneous power. And the regulating apparatus is applicable whether the light be produced by alternating reversed currents or by a continuous current in one direction.

For this purpose the lamp is provided with two electro-magnets, the one of which has a coil of few convolutions of thick wire in the direct circuit of the current which passes through the carbon points, offering little resistance to that current. The other electro-magnet has many convolutions of fine wire in a branch circuit or shunt from the main circuit, offering considerable resistance to the passage of a current through the said branch circuit. While the carbon points are so near each other that the current can pass from the one to the other with little resistance the electro-magnet first named is rendered active while the second remains comparatively inert. But when the carbon points are at such distance as to offer a greater resistance to the current, a larger portion of that current has to pass through the shunt circuit, and the second magnet therefore becomes active while the first becomes comparatively inert.

Each of these magnets is provided with an armature which vibrates when its magnet is active so as to work a pawl on a ratchet wheel connected to the stems holding the carbon points by screws or other gearing, in such a manner that when the first magnet is active the carbon points are gradually withdrawn from one another, but when the second is active they are made to approach each other.

Thus the proximity of the carbon points is maintained in constant relation to the strength of the current, which relation is in the first place determined by the adjustment of the armature springs or other portions of the mechanism by which the armatures are connected to the point holders.

In a modified form of this apparatus suitable for a continuous current, one of the magnets may be dispensed with, a weight or spring or the weight of the carbon holder itself being used to produce the movement which that magnet would effect, the magnet which is retained acting in opposition to this movement when the electric resistance calls it into play. In such cases the movement effected by the weight, spring or weight of the carbon holder may be rendered slow and gentle by a fly or other suitable resistance, and the opposing movement of the magnet armature may be rendered independent of such fly by connecting it through a pawl and ratchet wheel.

The automatic regulating apparatus above described may be applied to electric lamps worked by currents of electricity produced by apparatus of any known kind, as well as to those worked by currents produced as hereinbefore described.

Specification in pursuance of the conditions of the Letters Patent filed by the said A. B. in the Great Seal Patent Office on the 4th December, 1873.

A. B. of No. — — — Street Westminster in the County of Middlesex. "Improvements in Apparatus for producing and regulating Electric Currents, such Apparatus being particularly applicable for Electric Lighting." A communication from abroad by C. D. and E. F. both of Berlin in the German Empire.

This Invention relates to apparatus for producing by mechanical power currents of electricity applicable more particularly to the production of electric lights, and for regulating automatically the currents applied to produce such lights.

The improved apparatus for producing the electric currents is of the following description. Between the poles or polar extensions of one or more magnets or electro-magnets is fixed an iron cylinder leaving a space between its periphery and the faces of the magnetic poles which are hollowed out to a cylindrical form concentric with the said cylinder. In this annular space a cylindrical shell of light metal or other material is caused by mechanical power to revolve round the axis of the cylinder. On this shell is wound insulated wire in a direction parallel to the axis, such wire crossing the ends of the shell from the outer periphery thereof on the one side to the outer periphery on the other side. There may be several such wire coils each covering an arc of the periphery on each side of the shell. The ends of the wires constituting each such coil are connected respectively to pieces of metal, rollers, springs or brushes of conducting material which are insulated from one another but which in their rotation with the shell and coils bear successively against two stationary conductors insulated from each other which constitute the poles of the machine. On causing the shell with its coils to rotate by mechanical force currents of electricity are generated in the coils as they successively pass the fixed magnetic poles and by properly arranging the conductors from these several coils in relation to the poles of the magnet and to the conductors on which they bear in their rotation, these electric currents are transmitted through any conductor connecting the poles of the machine. The currents thus transmitted may be made either continuous or intermittent in one direction or they may be made alternately reversed by suitably arranging the conductors from the several coils in relation to commutators connecting them successively during their rotation with the poles of the machine. The inner iron cylinder may itself be rendered magnetic by coiling on it longitudinally an insulated electric wire in the manner of what is known as Siemens' rotating armature, and in this case the outer magnets might be dispensed with.

Further, the inner iron cylinder, instead of being fixed, might be made to rotate, and in this case the separate shell for receiving the

wire coils might be dispensed with, the wire being coiled longitudinally on the rotating iron cylinder itself. The wire may be coiled on the shell in two layers over an even number of divisions of the periphery of the shell, the two opposite divisions in each case having the same wires, but the ends of those wires being connected successively to insulated conductors, in number equal to that of the divisions of the shell, which conductors revolve with the shell and come successively to bear against two fixed springs, rollers or conducting brushes, forming the poles of the machine. The connections of the several wires to these several conductors may be so arranged that a continuous current is produced by the rotation of the shell.

The apparatus described above may be modified in the following manner. Two magnetic poles hollowed out to a cylindrical form are arranged opposite to each other, and in the centre between them is fixed a cylinder of iron with a wire coiled in longitudinal slots thereon in the manner of a Siemens' armature, so that when a current of electricity is passed through the coil the cylinder becomes magnetic, having its two sides presented towards the outer magnets of opposite polarity to them respectively. In the annular space between this central cylinder and the cylindrical poles outside of it is mounted a cylindrical shell of iron, having insulated wire wound round it longitudinally or parallel to its axis in a number of separate coils, each of which is connected to conductors in the manner described above. This cylindrical iron shell being caused to rotate by mechanical force between the outer and inner magnetic poles, currents of electricity are caused to pass along the wires coiled along it successively as each coil passes through one of the magnetic fields, and these currents are transmitted either directly or by commutators as above described to the main poles of the machine.

Instead of employing only two magnetic poles outside the cylindrical shell, four or a greater even number may be spaced round the circumference; and the interior magnet, instead of having its wire coiled only up the one side and down the opposite side, may have it coiled in four or a greater even number of recesses in the cylinder upwards and downwards so as to give to the inner cylinder as many poles on its periphery as there are poles outside, each pole of the inner cylinder being of opposite polarity to the pole presented to it outside. By this arrangement, the successive coils on the cylindrical iron shell are made to pass in each revolution of the shell through more than two magnetic fields, and consequently a more rapid succession of currents is generated by them.

The electro-magnets used in the apparatus above described may be rendered active by electricity from any source, and for this purpose the electricity produced by the movement of the apparatus itself may be employed without any extraneous source of electric power.

In apparatus such as have been described the successive coils have to be brought successively into connection with the main circuit by means of conductors or contact makers which the ends of their wires successively pass in their rotation.

Such contact makers usually consist of metallic springs or brushes or of metallic rollers mounted on springs which are pressed against insulated pieces of metal connected to the wires of the several coils. As these pieces successively pass the contact maker when contact is

made and broken suddenly, sparks are produced, whereby the efficiency of the apparatus is impaired, and the contact parts are gradually wasted.

In order to diminish or entirely avoid the production of such sparks, the insulated pieces of metal connected to the wires of the coils are, according to the present invention, made not rigid, but elastic, so that they can yield a little to the spring, brush or roller under which they pass, and thereby remain somewhat longer in contact, or that the one shall not leave contact before the next has come into contact.

The electric currents produced by apparatus such as have been described above may be employed for any purpose to which currents of electricity are ordinarily applied, but they are more particularly applicable to the production of electric light in electric lamps provided with automatic regulating apparatus such as will be presently described. And as such currents are produced by working the apparatus by mechanical power, so, conversely, by transmitting electric currents through the coils of such apparatus, the inner cylinder or shell will be caused to rotate, and thus the apparatus may be employed as an electro-motor.

In electric lamps as usually constructed, where the electrical current is caused to pass through carbon points, the distance of those points is regulated by clockwork which is influenced by an electro-magnet placed within the electric circuit, so that the points are caused to approach when the current is reduced in strength.

According to the present invention, the carbon points of electric lamps are caused to approach to or recede from one another by the action of the electric current itself, entirely or partly without the intervention of clockwork or other mechanism driven by any extraneous power. And the regulating apparatus is applicable whether the light be produced by alternating reversed currents or by a continuous current in one direction.

For this purpose the lamp is provided with two electro-magnets, the one of which has a coil of few convolutions of thick wire in the direct circuit of the current which passes through the carbon points, offering little resistance to that current. The other electro-magnet has many convolutions of fine wire in a branch circuit or shunt from the main circuit, offering considerable resistance to the passage of a current through the said branch circuit. While the carbon points are so near each other that the current can pass from the one to the other with little resistance, the electro-magnet first named is rendered active, while the second remains comparatively inert. But when the carbon points are at such distance as to offer a greater resistance to the current, a larger portion of that current has to pass through the shunt circuit and the second magnet therefore becomes active, while the first becomes comparatively inert.

Each of these magnets is provided with an armature which vibrates when its magnet is active so as to work a pawl on a ratchet wheel connected to the stems holding the carbon points by screws or other gearing in such a manner that when the first magnet is active the carbon points are gradually withdrawn from one another, but when the second is active they are made to approach each other. Thus the proximity of the carbon points is maintained in constant relation to the strength of the current, which relation is in the first place determined

by the adjustment of the armature springs or other portions of the mechanism by which the armatures are connected to the point holders.

In a modified form of this apparatus suitable for a continuous current, one of the magnets may be dispensed with, a weight or spring or the weight of the carbon holder itself being used to produce the movement which that magnet would effect, the magnet which is retained acting in opposition to this movement when the electric resistance calls it into play. In such cases, the movement effected by the weight, spring, or weight of the carbon holder may be rendered slow and gentle by a fly or other suitable resistance, and the opposing movement of the magnet armature may be rendered independent of such fly by connecting it through a pawl and ratchet wheel.

The automatic regulating apparatus above described may be applied to electric lamps worked by currents of electricity produced by apparatus of any known kind as well as to those worked by currents produced as hereinbefore described.

DESCRIPTION OF THE DRAWINGS.

[As we are unable to give the drawings here, the detailed description is omitted.]

Having thus described the nature of this invention and in what manner the same is to be performed as communicated to me from my foreign correspondents, I claim,—

First, the use of apparatus for producing electric currents by the application of mechanical force, in which apparatus a shell coiled longitudinally with insulated conducting wires on its outside is made to revolve in the annular space between fixed external magnetic poles or polar extensions, and a fixed internal cylinder of iron which may be independently magnetised, substantially as herein described. Claims.

Second, the use of apparatus of the kind above referred to, in which the wire, instead of being coiled along a shell, is coiled longitudinally over the external surface of an iron cylinder which is made to revolve within magnetic poles, or polar extensions, substantially as herein described.

Third, in apparatus such as is above referred to, the use of a rotating shell coiled both externally and internally in combination with fixed external and internal magnets, substantially as herein described.

Fourth, the method substantially as herein described in reference to Figs. 4 and 8, Sheet I., of coiling the wires of the shell of apparatus, such as is referred to above, whether such wires are single or in duplicate, and of connecting them to the poles of the apparatus.

Fifth, the use in apparatus such as is referred to above of spring terminals for the wires of the coils, arranged cylindrically or radially so as to be brought by rotation successively in contact with spring rollers, substantially in the manner and for the purpose herein set forth.

Sixth, the use for automatically regulating the distance of the carbon points of electric lamps, of two electro-magnets working a wheel in opposite directions by means of pawls, such magnets being rendered active or inert according as the electrical resistance varies, substantially as herein described in reference to Figs. 15 and 16, Sheet I.

Seventh, the use for automatically regulating the distance of the carbon points of electric lamps of one electro-magnet, working by a pawl a wheel in opposition to a weight or spring, the said magnet being rendered active or inert according as the electrical resistance varies, substantially as herein described in reference to Fig. 17, Sheet I.

IN WITNESS whereof I, the said A. B., have hereunto set my hand and seal this second day of December in the year of our Lord one thousand eight hundred and seventy-three.

A. B. (L.S.)

IV.—Rectification of the Register.

Notice of Motion for Rectification of Register of Patents by the Court (a).

In the High Court of Justice,
Chancery Division.

Mr. Justice —

In the Matter of letters patent granted to A. B. for —
bearing date the — day of — 18— No. —

and

In the Matter of the Patents, Designs, and Trade Marks
Acts, 1883—1888.

TAKE notice that the Court will be moved before his lordship Mr. Justice — on — the — day of — 18— or so soon thereafter as counsel can be heard by Mr. — of counsel on behalf of C. D., of — that the Register of Patents kept under the authority of the above-mentioned Act, may be rectified by expunging the entry relating to the above-mentioned letters patent made in the Register of Patents on the — day of — 18— by or on behalf of the said A. B., or that such further and other order may be made for the rectification of the said register as to this Court shall seem just, and that the said A. B. may pay to the applicant his costs of this application to be taxed by the taxing master.

Dated the — day of — 18—

(Signed) — of —
Solicitor for the above-named C. D.

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

(a) This notice of motion will be easily varied to meet the other cases which may arise under Act of 1883, s. 90, as amended by Act of 1888, s. 23. See p. 705.
