

was made or such further time as the comptroller may allow, the opposition shall be deemed to be withdrawn.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.]

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.

Assignment and transmission of trade mark.

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.

Conflicting claims to registration.

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.

Restrictions on registration.

(2.) The comptroller shall not register with respect to the same goods or description of goods a trade mark [so nearly resembling] a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

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.

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.*]

(3.) Any device, mark, brand, heading, label, ticket, letter, word, or 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.

75. [*Registration of a trade mark shall be deemed to be equivalent to public use of the trade mark.*]

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.

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] next after the date of such removal, be deemed to be a trade mark which is already registered.

Fees.

80. There shall be paid in respect of applications and registration and other matters under this part of this Act, such fees as Fees for registration, &c.

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, seachers, 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, seachers, 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):

[(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:]*

(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] 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:

(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 comptroller 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 :]*
- (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], 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.

PART V.

GENERAL.

Patent Office and Proceedings thereat.

- Patent Office. 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.
- (2.) Until a new patent office is provided, the offices of the commissioners of patents for inventions and for the registration of designs and trade marks existing at the commencement of this Act shall be the Patent Office within the meaning of this Act.
- (3.) The Patent Office shall be under the immediate control of an officer called the comptroller-general of patents, designs, and trade marks, who shall act under the superintendence and direction of the Board of Trade.
- (4.) Any act or thing directed to be done by or to the

comptroller may, in his absence, be done by or to any officer for the time being in that behalf authorized by the Board of Trade.

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

Officers and clerks.

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

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

Seal of Patent Office.

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

Trust not to be entered in registers.

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.

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

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.

Entry of assignments and transmissions in registers.

Act 1888, s. 21.

88. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed

Inspection of and extracts from registers.

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

Scaled copies
to be received
in evidence.

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

Rectification
of registers
by Court.

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

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

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

Power for
comptroller
to correct
clerical errors.

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

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

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

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

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.

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

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

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

96. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the patents thereof, and of the matter or thing having been done or left undone. Certificate of comptroller to be evidence.

97. (1.) Any application, notice, or other document authorised or required to be left made, or given at the Patent Office or to the comptroller, or 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. Applications and notices by 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.

Provisions as to days for leaving documents at office.

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

Declaration by infant, lunatic, &c.

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

Transmission of certified printed copies of specifications, &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 abstract 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.

Power for Board of Trade to make general rules for classifying goods and

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—

(a) For regulating the practice of registration under this Act:

- (b) For classifying goods for the purposes of designs and trade marks : regulating business of Post Office.
- (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.

102. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him Annual reports of comptroller.

of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

International and Colonial Arrangements.

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

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

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

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

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

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

been duly applied for in the country of origin, may be registered under this Act:

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

104. (1.) Where it is made to appear to her Majesty that the Legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented or registered in this country, it shall be lawful for her Majesty from time to time, by Order in Council to apply the provisions of the last preceding section, with such variations or additions, if any, as to her Majesty in Council may seem fit, to such British possession.

Provision for Colonies and India.

(2.) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the order, take effect as if its provisions had been contained in this Act; but it shall be lawful for her Majesty in Council to revoke any Order in Council made under this Act.

Offences.

105. (1.) Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, or describes any design or trade mark applied to any article sold by him as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

Penalty on falsely representing articles to be patented.

(2.) A person shall be deemed, for the purposes of this enactment to represent that an article is patented or a design or 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 any government department, assumes or uses in connection with any trade, business, calling, or profession, the royal arms, or arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession

Penalty on unauthorized assumption of Royal arms.

by or under such authority as aforesaid, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Scotland, Ireland, &c.

Saving for
Courts in
Scotland.

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.

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

Summary
proceedings
in Scotland.

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

Proceedings
for revocation
of patent 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.

(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.

Reservation
of remedies in
Ireland.

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.

General
saving for
jurisdiction
of Courts.

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

(2.) If any rectification of a register under this Act is required in pursuance of any proceeding in a Court of Scotland or

Ireland, a copy of the order, decree, or other authority for the rectification, shall be served on the comptroller, and he shall rectify the register accordingly.

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

Isle of Man.

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

Repeal, Transitional Provisions, Savings.

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.

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.

Saving for existing rules.

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 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.

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

(48 & 49 VICT. c. 63.)

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

[14th August, 1885.]

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

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

Construction and short title.

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

2. Whereas sub-section two of section five of the principal Act requires a declaration to be made by an applicant for a patent to the effect in that sub-section mentioned, and doubts have arisen as to the nature of that declaration, and it is expedient to remove such doubts : Be it therefore enacted that :

Amendment of sect. 5 of 46 & 47 Vict. c. 57

The declaration mentioned in sub-section two of section five of the principal Act may be either a statutory declaration under the Statutory Declarations Act, 1835, or not, as may be from time to time prescribed.

3. Whereas under the principal Act, a complete specification is required (by section eight) to be left within nine months, and

5 & 6 Will. IV. c. 62.

Amendment
of sects. 8, 9,
and 12 of
46 & 47 Vict.
c. 57.

(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.

Specifica-
tions, &c., not
to be pub-
lished 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.]

46 & 47 Vict.
c. 57.

WHEREAS by section five of the Patents, Designs, and Trade Marks Act, 1883, specifications, whether provisional or complete, must be accompanied by drawings if required, and doubts have

arisen as to whether it is sufficient that a complete specification refers to the drawings by which the provisional specification was accompanied, and it is expedient to remove such doubts :

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

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

Short title
and construc-
tion.

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 specifi-
cations.

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 comptroller 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 comptroller of his intention

to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as to her Majesty in Council may seem fit.

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1888.
(51 & 52 VICT. c. 50.)

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

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.

Amendments
of 46 & 47
Vict. c. 57.

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

Sect. 7, as to
applications.

"7.—(1.) If the examiner reports that the nature of the invention is not fairly described, or that the application, specif-

ation, 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.”

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 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. 11, as to opposition to grant of patent.

5. For sub-section ten of section eighteen of the principal Act the following sub-section shall be substituted, namely:—

Sect. 18, as to amended specifications.

“(10.) The foregoing provisions of this section do not apply

when and so long as any action for infringement or proceeding for revocation of a patent is pending.”

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.”

Sect. 64, as to fancy words.

10.—(1.) For section sixty-four of the principal Act the following section shall be substituted, namely :—

“ 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 comptroller shall be added the words “unless the comptroller refuse to entertain the application.”

Sect. 68, as to advertisement of applications.

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.”

Sect. 69, as to opposition to registration.

(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 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

38 & 39 Vict. c. 91.

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
assignments,
&c.

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."

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

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

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

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

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

PATENT.

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

The marginal notes are directory only: *Grenfell and McEvoy's Application* (1890), 7 R. P. C. 737.

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 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.

PATENT.

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

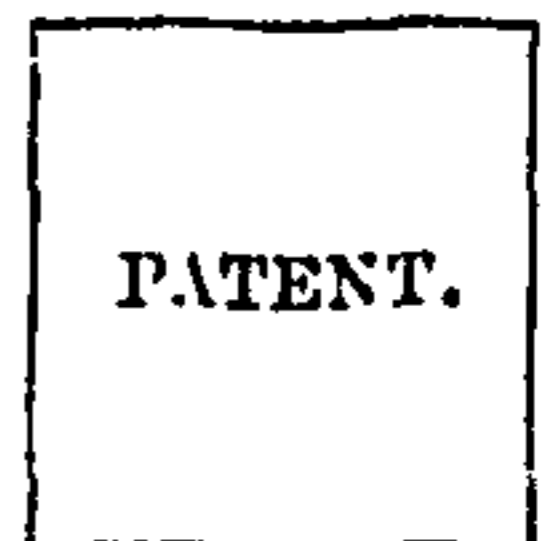
— day of —, 18— — †

† 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.

APPENDIX OF FORMS.

[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.

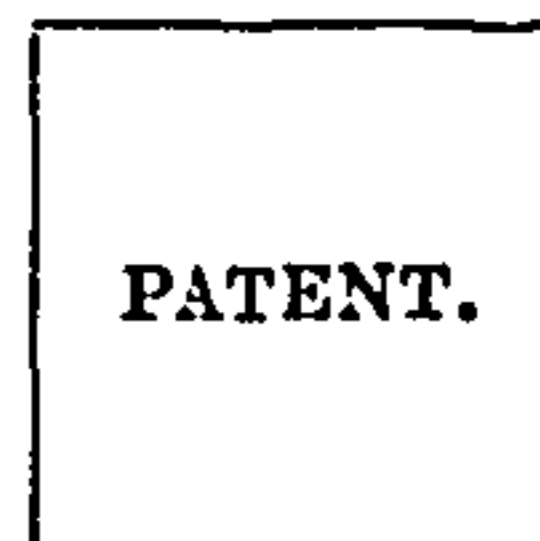
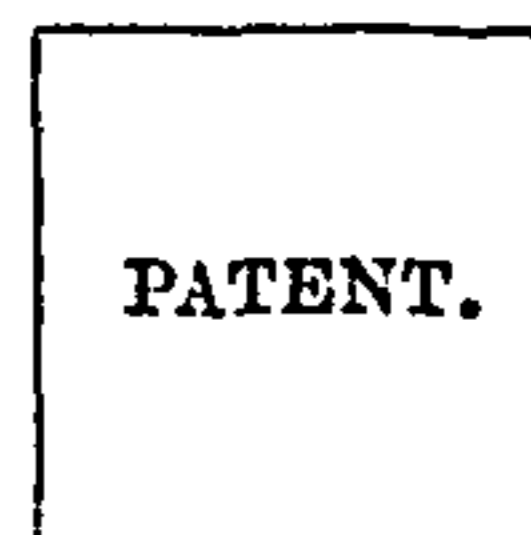
SIR,

— 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.

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, *e.g.*, that the parts to be disclaimed are of doubtful novelty (*Ainsworth's Patent (1896)*); and where the applicant is not the patentee, state what interest he possesses in the letters patent.

‡ To be signed by applicant.

PATENT.

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.

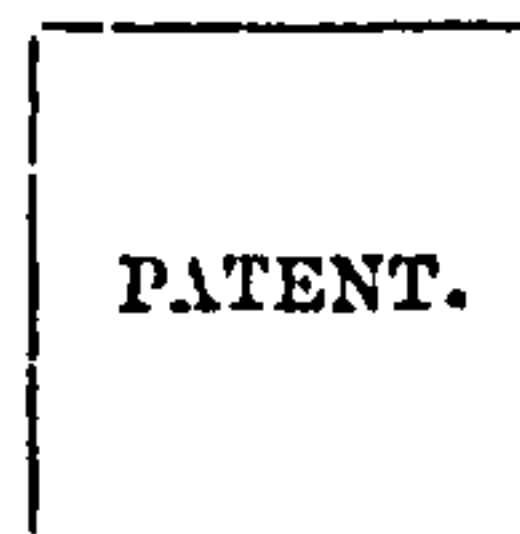
† Here state reason of opposition.

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 hereinafter 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.

PATENT.

(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.)

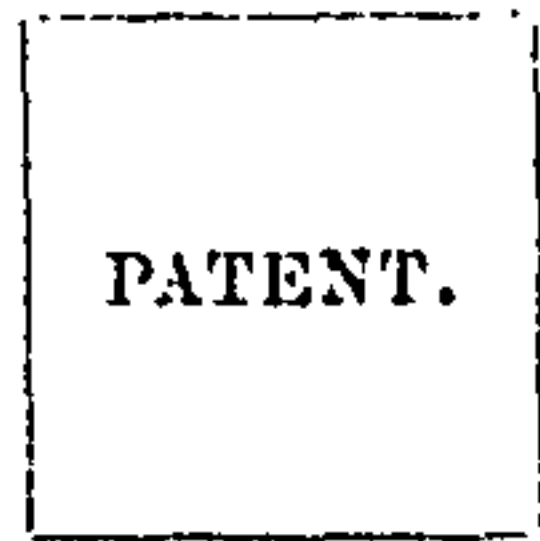
Patent Office, London.

* See sect. 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. 699.

† Here insert full address to which receipt is to be sent.

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

Form L.

PATENT.

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.

PATENT.

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

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.*

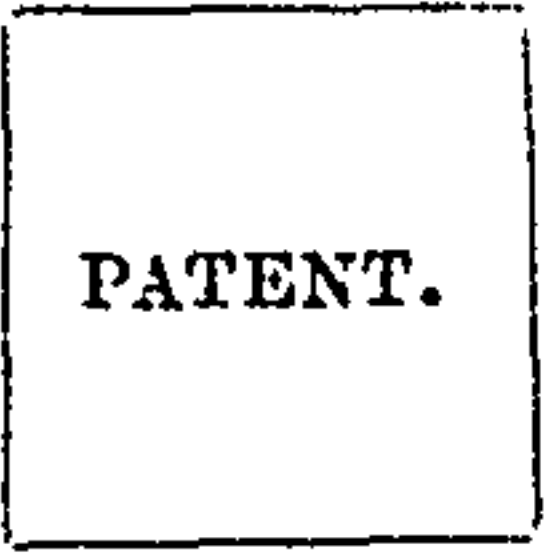
* Here insert full address.

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.

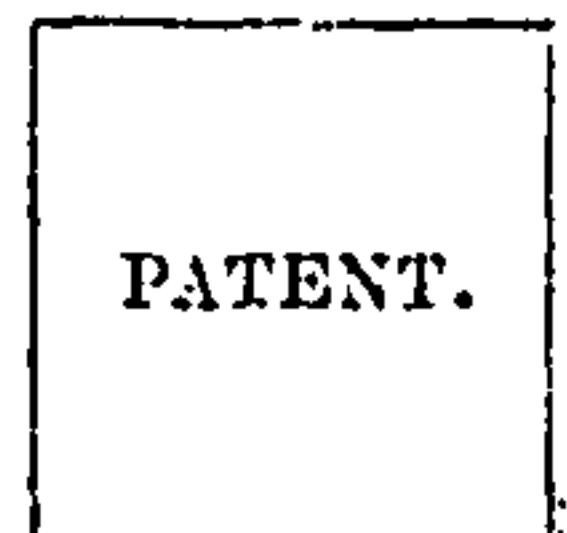
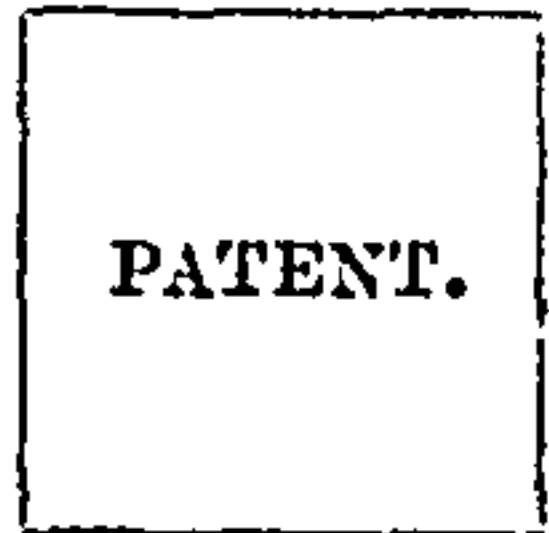
SIR,

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.



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 † ———

* *Caveats.*—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.

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.

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.

PATENT.

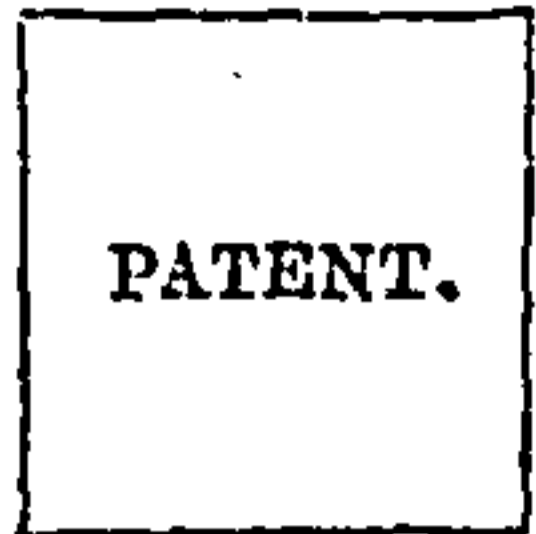
PATENT.

PATENT.

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

Form T.

FORM OF APPEAL TO LAW OFFICER.



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.



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. 699.

† To be signed by applicant or applicants, or his or their agent

PATENT.

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

Form V.

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

SIR,

— hereby apply for extension of time for — month— for the acceptance of the complete specification upon application No. — dated —

The circumstances in and grounds upon which this extension is 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. 699.

† 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.—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., 1887.

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:—

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 purposes herein set forth. Claim.

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:—

Claim.

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.

Dated this — day of November, 1889.

X. & Y.
Agents for the Applicants.

III.—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.

Order Expunging Entry in Register of Patents.

UPON motion, &c., this Court doth order that the entry relating to the above-mentioned letters patent made in the Register of Patents of the Patent Office on the — day of — by or on behalf of the said A. B. be expunged from such Register, and it is ordered that A. B. do pay to the applicant his costs of this application, such costs to be taxed by the taxing master, and it is ordered that an office copy of this order be served upon the Comptroller-General of Patents.

Notice to
Comptroller.

Order for Rectification of Register refused.

In the matter of the letters patent granted to P. of — bearing date the — day of — No. — for the invention of an improved process of treating certain descriptions of auriferous and argentiferous material for the purpose of facilitating the separation of the metals contained therein,

and

In the matter of the Patents, Designs, and Trade Marks Act, 1883.

Nerth, J. 11th January, 1888. B. 150.

UPON motion this day made into this Court by counsel for H., of — that a full and proper entry might be made in the Register of Patents of a document dated the — day of — and duly signed by the applicant and by the above-named P., relating to and affecting the proprietorship of the above-mentioned letters patent, and that the said P. should be ordered to pay the costs of such motion, and upon hearing counsel for the said P., and for the Comptroller-General of Patents, Designs, and Trade Marks, and upon reading an affidavit of, &c., this Court doth not think fit to make any order upon the said motion, but doth order that H. do pay to the said P., widow, and to the said Comptroller, their costs of the said motion, to be taxed by the taxing master.

IV.—ASSIGNMENTS, &c. (b).

Assignment.

THIS INDENTURE, made the — day of — 18— between A. B. of — of the first part, and C. D. of — of the other part.

Recital of patent.

WHEREAS the said A. B. obtained the letters patent in Great Britain and Isle of Man, dated the — day of — 18— and numbered — for — [Title].

Consideration.

NOW THIS INDENTURE WITNESSETH, and in consideration of the sum of £— paid to the said A. B. (the receipt whereof he doth hereby acknowledge), the said A. B., as beneficial owner, doth hereby assign unto the said C. D., his executors, administrators, and assigns, all those the before-mentioned letters patent, and the liberties, privileges, profits, emoluments, and advantages belonging thereto, to hold the said letters patent unto the said C. D., his executors, administrators, and assigns, absolutely: And the said A. B. doth hereby covenant with the said C. D., his executors, administrators, and assigns, that he, the said A. B., hath not at any time done or

Assignment.

Covenant as to validity.

(b) For very full forms of assignments, licences, mortgages, agreements, and other conveyancing matters connected with patents, see Morris's Patents

Conveyancing, 1887. The clauses which may be usefully included in any assignment are set out *ante*, p. 294.

knowingly been party or privy to any act, deed, or thing whereby he is prevented from assigning the said letters patent in manner aforesaid, or whereby the same is or may be in anywise encumbered. IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Form of Assignment of Patent to Inventor by Communicator.

THIS INDENTURE made the — day of — 18— BETWEEN —. Recital of patent.
 WHEREAS by letters patent dated the — day of — 18— and numbered — Her present Majesty Queen Victoria did give and grant to the assignor her especial licence, full power, sole privilege and authority that the assignor, his executors, administrators, assigns, by himself, his agents or licensees and no others, might at all times thereafter during the term of fourteen years from the date of the said letters patent, make, use, exercise, and vend within the United Kingdom of Great Britain and Ireland and Isle of Man in such manner as to him or them might seem meet an invention of — (a communication to him from abroad by the assignee.) AND WHEREAS the said letters patent were so obtained as aforesaid by the assignor as agent for and on behalf of the assignee. AND the assignor is possessed of the said invention and letters patent as a trustee for the assignee. AND WHEREAS the assignee requested the assignor to execute such an assignment of the said invention and letters patent as is hereafter contained. Now THIS INDENTURE WITNESSETH that in pursuance of the said request and in consideration of the premises, the assignor DOETH hereby as trustee assign and convey unto the assignee — executors, administrators, and assigns, ALL THAT the said invention hereinbefore mentioned: AND the hereinbefore recited letters patent: AND the full and exclusive benefit and advantage thereof respectively and of any extension of the term of the said letters patent: AND all rights, benefits, and advantages whatsoever to the same invention, letters patent, and premises belonging; To HOLD the same unto the assignee — executors, administrators, and assigns, during all the residue now unexpired of the said term of fourteen years by the said letters patent, granted and during any extension of the said term. IN WITNESS whereof the assignor has hereunto set his hand and seal the day and year first above written.

Patent of communication.

Assignment.

Signed, sealed and delivered by the above-named — in the presence of —.

Assignment by Agent who has taken out Patent as a Communication from Abroad to a Company at request of Inventor.

THIS INDENTURE made the — day of — 18— between — of Date.
 — in the City of London, Fellow of the Institute of Patent Agents, of Parties.
 the first part; — of — France, Engineer, of the second part; Recitals.

and — carrying on business at —, hereinafter called the said company, of the third part.

Letters patent.

WHEREAS the said — is the grantee of letters patent for [title], dated the — day of — 18— No. —.

Communication.

AND WHEREAS the invention, the subject of the said letters patent, was communicated to the said — by the said — and the said letters patent were applied for and obtained, and are now held by the said — on behalf of and as trustee for the said —.

Request to assign.

AND WHEREAS the said — has requested the said — to assign the whole interest in the said letters patent to the said company.

Consideration.

NOW THIS INDENTURE WITNESSETH, that in pursuance of such request, and in consideration of the sum of — by the said company to the said — well and truly paid, the receipt whereof is hereby acknowledged,

Assignment.

the said — hereby assigns unto the said company, their successors and assigns, and which assignment the said — confirms by his signature to, and execution of these presents, ALL THOSE the letters patent and premises respectively hereinbefore mentioned, and the full and exclusive benefit and advantage, and all the right, title, interest, benefit, property, claim, and demand whatsoever of him the said — into, upon, or in respect of the said letters patent and premises. To HAVE, hold, use, exercise, and enjoy the said letters patent and premises unto and by the said company, their successors and assigns, for their sole use and benefit. And the said — doth hereby for himself, his heirs, executors, and administrators, covenant with the said company, their successors and assigns, that he hath not at any time heretofore made, done, committed, or suffered any act, deed, matter, or thing whatsoever whereby or by reason whereof the said letters patent and premises, or any of the privileges thereby granted, have been affected, encumbered, or impeached in title, estate, or otherwise whatsoever. IN WITNESS whereof the parties hereto have hereunto set their hands and seals, the day and year first above written.

Covenant as to validity.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals, the day and year first above written.

Agreement as to Purchase of Patents (b b).

Date.

MEMORANDUM OF AGREEMENT made this — day of — 18—

Parties.

BETWEEN — of — and — of — hereinafter called the vendors of the one part, and — of — hereinafter called the purchaser of the other part. WHEREAS it has been agreed between the parties hereto as follows:—

Purchase and consideration.

1. The vendors shall sell and the purchaser shall purchase all and singular the patents and like privileges specified in the schedule hereto, and the respective inventions and processes for which the same were granted, and all the interests of the vendors therein and the full and exclusive benefits and advantages thereof respectively, with the benefit of all renewals of the same and improvements thereon at the price of £— payable to the vendors other than the said — as follows, namely: £— on the completion of this

(b b) And see ante, p. 289.

agreement; £—— in nine months from the date hereof; and £—— in fully paid up shares in any company which the purchaser may form for acquiring such patents.

2. In the event of the said sum of £—— not being paid, and the said shares not being handed over within the aforesaid space of nine months, the said sum of £—— so paid as aforesaid shall be forfeited and received by the vendors as liquidated damages, and this agreement thereupon be deemed cancelled, and everything herein contained as though the same had never been entered into, and the vendors and purchasers shall not be at liberty to enforce the same in any way whatsoever. Forfeiture of deposit.

3. Upon payment of the said sum of £—— and delivery of the said shares, the vendors will execute a proper assignment of the said patents, and of any other patents referred to in clause 7 hereof, such assignment to be prepared by and at the expense of the purchaser, but to be executed by the vendors and all other proper parties at the expense of the vendors. Assignment.

4. The vendors will, at the expense of the purchaser, at all times after the completion of this agreement, when requested by the purchaser so to do, do all such acts and things as may be necessary to enable the purchaser to make any application for and obtain such foreign colonial or other patents as the purchaser may require, such patents to belong to the vendors until the completion of this purchase, and also will, if required by the purchaser so to do, for —— months until completion of the purchase concur in granting, or do such acts and things as may be necessary to enable the purchaser to grant licences to any persons as the purchaser may require, provided that in the event of the balance of the purchase-money of £—— not being paid within the time aforesaid, the vendors shall have the full benefit of such licences, together with any sums which shall have been received by the purchaser in respect thereof. Foreign patents, &c.

If at any time hereafter the vendors or any of them shall become aware of any improvement or alteration which may prove an improvement in the machine apparatus or process the subject of the patents specified in the schedule hereto, or capable of being applied thereto, they or he will forthwith communicate such improvements or alterations to the purchaser, and, if required by the purchaser so to do, apply for and obtain at the expense of the purchaser such further grant of letters patent or other legal protection, or do all such acts and things at the expense of the purchaser as may be necessary to enable the purchaser to obtain the same, as may be required by the purchaser. Licences.

5. The vendors hereby agree with the purchaser that they have not done or committed, or been party or privy to, any act, matter, or thing, whereby they are hindered from entering into this agreement, and that they have good right to the same. Improvements.

As witnesseth the hand of the said —— the day and year first above written. Covenant as to title.

THE SCHEDULE above referred to.

V.—LICENCES.

(i) A Non-Exclusive Licence.

AN INDENTURE made the — day of —, 1895, between A. B., of, &c., hereinafter called the licensor, of the one part, and C. D., of, &c., hereinafter called the licensee, of the other part. WHEREAS, by Letters Patent No. — of 1897, granted unto A. B., the licensor aforesaid, and dated — the sole and exclusive licence and authority of making, using, and vending in the United Kingdom and the Isle of Man, an invention was granted to the said A. B. AND WHEREAS the licensor has agreed to grant the licensee a licence to use the said invention [so far as relates to the manufacture of — for the purposes of sale in the district of —]. NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement, and in consideration of the royalties hereby agreed to be paid to the licensor by the licensee, and of the covenants on the part of the licensee hereinafter contained, the licensor doth hereby grant unto the licensee full leave to make, use, exercise and vend —, have been so made during the term of — years [or, during the residue of the unexpired term for which the patent has been granted to the licensor]; YIELDING AND PAYING unto the licensor on the first day of every October and on the 1st day of every April for every article manufactured by the licensee under the patent the sum of £—. And the licensee doth hereby covenant with the licensor and his assigns that he, the licensee, will, during the term hereby granted, pay to the licensor, his executors, administrators, or assigns, on the 1st day of October and April respectively, the royalties on all articles manufactured under the said patent during the preceding six months, AND ALSO that he will during the said term keep all proper books of account, and make such true entries therein of all particulars necessary or convenient for the purposes, showing the amount which may be or become due by way of royalty to the licensor hereunder, and will produce the said books at all reasonable times to the licensor, his executors, administrators, or assigns, or to his agent or agents duly appointed for this purpose in writing, for the purpose that the said licensor, his executors, administrators, assigns, or agents may inspect and take copies and extracts from the said books, and will at his own expense obtain and give all reasonable information as to any item in the said books of account as may reasonably be required. AND ALSO that he will at the end of each half-year on the dates aforesaid deliver or send to the licensor, his executors, administrators, or assigns, a statement in writing of the particulars of the manufacture made of articles under the said patent, and of the sale of articles within the last half-year. And the licensee further agrees that during the continuance of the licence he will not, during the continuance of the patent, without the consent, in writing, of the licensor, manufacture any article aforesaid without the application of the said invention as described in the specification, and in case he shall do so he shall [here insert the penalty]. And the licensor doth hereby covenant with the licensee that he, the licensee or his assign will, during the

continuance of this licence, duly pay all fees necessary for the renewal of the letters patent, — days at least before the latest time appointed for the said payments, and will, if required of the licensee or his assign, produce the official evidence of such payments or permit the licensee and his assigns to pay the said fees and deduct the amount thus paid from the royalties payable hereinunder. And that neither the licensor nor his assigns will at any time during the continuance of the licence amend the specification without the written consent of the licensee, such consent not to be arbitrarily withheld, provided always that if any royalties payable by the licensee or his assigns, shall for the space of — days after the same shall have become payable be unpaid, or if the licensee shall have broken any other covenant, and shall for the space of — days after written notice served upon him have failed to make the same good of it, the licensee or his assigns shall have a receiving order made against him [or in the case of a company shall have gone into liquidation] the licensor shall have power of notice in writing forthwith to revoke the licence without prejudice to the recovery by the said licensor or his assigns of any money already due or to any right of action which has already accrued for past breaches hereunder. [Add proviso entitling the licensor to put an end to the licence if the letters patent shall at any time during the pending of the licence be declared void.]

In witness, &c.

[Amongst other clauses which may be inserted in a licence agreement are the following: (a) licensor to defend the patent at the cost of the licensee; (b) power for either party to determine the licence on giving notice; (c) licensee not to assign or charge the licence without the licensor's consent; (d) power to grant sub-licences; (e) express covenant not to dispute the validity of the patent; (f) option to purchase; (g) covenant to grant licence for improvements; (h) covenant not to grant more favourable licence to any other person.]

(ii) An Exclusive Licence.

THIS INDENTURE made the — day of — 18— between A. B., of — hereinafter called the licensor of the one part and X. Y., of — hereinafter called the licensee of the other part. WHEREAS [*recite patent and agreement to grant a licence*] NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the royalties to be paid and covenants to be observed by the licensee as hereinafter mentioned, the licensor does hereby grant to the licensee and his assigns the full sole and exclusive liberty, licence, and authority [*limits of space, if any*] to use, exercise, and vend the said invention, *To hold, exercise, and enjoy* the said premises unto and by the licensee and his assigns for and during [*here insert the time limit*]. And the licensor doth hereby covenant . . . And the licensee doth hereby covenant . . . [*covenant as in the last-mentioned precedent.*] [Add also covenants of licensor to defend the patent and prevent infringements at licensee's request and cost; that there are

no subsisting licences with the district to be covered by third licence; no further licences to be granted.] Forms of licence in considerable variety will be found in Morris's Patents Conveyancing, to which the reader is referred, and see *ante*, pp. 300 *et seq.*

VI.—ACTION OF INFRINGEMENT.

Indorsement on Writ (c).

The plaintiff's claim is for damages for the infringement of the plaintiff's patent.

And for an injunction to restrain the defendant from infringing the plaintiff's patent.

Indorsement on Writ (Another Form).

- | | |
|----------------------|---|
| Injunction. | 1. The plaintiffs' claim is for an injunction to restrain the defendants, their servants and agents, from manufacturing, selling, or exposing for sale — in infringement of the plaintiffs' patent dated the — day of — 18— or from making, selling, or exposing for sale, articles in colourable imitation of the articles manufactured by the plaintiffs under their said letters patent. |
| Damages. | 2. Damages, or, at the option of the plaintiffs, an account of the proceeds of sale of all such articles manufactured and sold by the defendants as aforesaid in infringement of the plaintiffs' said patent. |
| Infringing articles. | 3. Delivery up to the plaintiffs or destruction of all articles in the possession of the defendants made in infringement of the plaintiffs' said patent. |
| | 4. Costs. |

Statement of Claim.

1. The plaintiff is the patentee and registered legal owner of letters patent No. 2266 of the year 1888, granted for an invention of "Improvements in anchors and in the process of riveting, which improvements are applicable to other articles."

2. The defendant has infringed the said letters patent in manner by the particulars of breaches herewith delivered appearing.

The plaintiff claims:—

1. An injunction restraining the defendant, his servants, and agents from manufacturing, selling, offering for sale, or in any manner dealing with any hollow studs or plates constructed in infringement of the plaintiff's letters patent No. 2266 of the year 1888.
2. Damages or an account of profits.

3. Delivery up or destruction of all articles in the defendant's possession constructed in infringement of the plaintiff's patent.
4. Costs.
5. Such further or other relief as the circumstances of the case may require.

Particulars of breaches are delivered herewith pursuant to the Statute in that case made and provided.

Delivered, &c.

Statement of Claim (Another Form).

(INCLUDING A CLAIM FOR THREATENED INFRINGEMENT.)

1. The defendants have infringed the plaintiffs' patent, No. 9073, granted for the term of fourteen years from the — day of — 18— on a communication from abroad by the — of — in the United States of America to — of the firm of — patent agents — in the county of — for certain improvements in the manufacture of bustles or dress improvers whereof the said — is the first and true inventor. Infringement.

2. The defendants have, by letter dated the 17th Nov., 1894, threatened to continue the said infringement, and by advertisement in the *Morning Post* of the — and by circulars have offered to make articles which, if made by defendants, would be an infringement of the plaintiffs' patent.

3. The said letters patent have been duly vested in the plaintiffs.

The plaintiffs claim—

1. An injunction to restrain the defendants, their servants and agents, from manufacturing, selling, or exposing for sale, bustles or dress improvers in infringement of the said patent, or from making, selling, or exposing for sale articles in colourable imitation of the articles manufactured by the plaintiffs under their said letters patent. Injunction.

2. Damages, or at the option of the plaintiffs an account of the proceeds of all such articles manufactured and sold by the defendants as aforesaid in infringement of the plaintiffs' said patent. Damages or account.

3. Delivery up to the plaintiffs or destruction of all articles in the possession of the defendants made in infringement of the plaintiffs' said patent. Infringing articles.

4. Costs. Costs.

Particulars of breaches are delivered herewith.

Delivered, &c.

Particulars of Breaches.

Delivered with statement of claim in this action on the — day of — 1896, by —

The following are the particulars of breaches complained of by the plaintiff in this action :—

The defendant, trading as H. Jones & Co., has infringed the plaintiff's patent by the manufacture and sale at Birmingham of — similar to those shown in fig. 6 of the drawings attached to the complete specification of the plaintiff's letters patent in the statement of claim referred to.

The manufacture and sale of the said studs and plates is an infringement of the first claim of the plaintiff's patent.

The plaintiff is unable to give further and better particulars of the manufacture and sale of the said studs and plates by the defendant until he has obtained discovery from the defendant, but the plaintiff will claim to recover compensation in respect of all infringements by the defendant of the plaintiff's patent.

Particulars of Breaches (Another Form).

1. The defendants have, since the date of the patent No. 9214 of 1885, manufactured or caused to be manufactured and sold dye stuffs the same, or substantially the same, as the plaintiff's naphthol black.

2. The dye stuffs complained of are those sold by the defendants under the name of naphthol black O.D.

3. The dye stuffs complained of are made according to the process described and claimed in the plaintiff's specification in all respects.

Particulars of Breaches (Another Form).

Delivered the — day of — 18— by — of — in the —
Solicitors for the Plaintiffs.

First Patent : The following are particulars of breaches complained of by the plaintiff's in this action, that is to say :—

Infringement by user. 1. The defendant E. F. has, at divers times since the — day of — 18— and prior to the issuing of the writ herein, used electric lamps manufactured according to, or in a manner only colourably differing from, the invention comprised in the letters patent dated the — day of — 18— and numbered — In particular the defendant E. F. has used such lamps continuously from the — day of — 18— up to the issuing of the writ herein, at the — in the county of — and the gardens adjoining the same.

Vending, &c. 2. The defendants, the G. H. Company, Limited, have at divers times since — day of — 18— sold, supplied, let on hire, and used electric lamps manufactured according to, or in a manner only colourably differing from, the invention comprised in the letters patent dated the — day of — 18— and numbered — In particular, the defendants, the G. H. Company, Limited, have sold, supplied, let on hire, and used such lamps continuously from the — day of — 18— up to the issuing of the writ herein, to and for the defendant E. F. at the — in the county of — and the gardens adjoining the same.

3. The defendants, the G. H. Company, Limited, have prior and up to the date of the writ herein publicly offered, by advertisement and otherwise, to supply such lamps to the general public, and still continue so to do.

4. The precise number and date of the defendants' infringements, save as hereinbefore mentioned, are not at present known to the plaintiffs, but the plaintiffs will claim to recover full compensation from the defendants in respect of all such infringements.

5. With respect to the letters patent numbered — of 18— the breaches complained of are infringements of the inventions described and claimed in the first, second, and fourth claiming clauses of the said letters patent.

What claims infringed.

6. The defendant E. F. has at divers times since the — day of — 18— and prior to the issuing of the writ herein used electric lamps manufactured according to, or in a manner only colourably differing from, the invention comprised in the letters patent dated the — day of — 18— and numbered 4847, as amended by disclaimer, allowed the — day of — 18— In particular, the defendant E. F. has used such lamps continuously from the — day of — 18— up to the issuing of the writ herein, at the — in the county of — and the gardens adjoining the same.

Second Patent:
Infringement by user.

7. The defendants, the G. H. Company, Limited, have at divers times since the — day of — 18— and prior to the issuing of the writ herein manufactured, sold, supplied, let on hire and used electric lamps manufactured according to or in a manner only colourably differing from the invention comprised in the letters patent dated the — day of — 18— and numbered 4847, as amended by disclaimer, allowed the — day of — 18— In particular, the defendants, the G. H. Company, Limited, have sold, supplied, let on hire, and used such lamps continuously from the — day of — 18— up to the issuing of the writ herein, to and for the defendant E. F., at the — in the county of — and the gardens adjoining the same.

Vending, &c.

8. The said defendants, the G. H. Company, Limited, have prior and up to the date of the writ herein publicly offered, by advertisement and otherwise, to supply such lamps to the general public, and still continue to do so.

9. The precise number and dates of the defendants' infringements, save as hereinbefore mentioned, are not at present known to the plaintiffs, but the plaintiffs will claim to recover full compensation from the defendants in respect of all such infringements.

10. The breaches complained of are infringements of the inventions described and claimed in the first and second claiming clauses of the said letters patent, as amended by disclaimer as aforesaid.

Claims infringed.

Order for further Particulars of Breaches.

Tilghman's Patent Sand Blast Company, Limited v. Wright.
Pearson, J. 1st May, 1884. B. 582.

Upon the application of the defendants for directions under Order 30, Rule 1 of the Rules of the Supreme Court, 1883, which, upon hearing the solicitors for the applicants and for the plaintiffs, and upon

reading the writ of summons issued the — statement of claim and particulars hereinafter mentioned delivered the — and an affirmation of — was adjourned to be heard accordingly upon hearing counsel for the applicants and for the plaintiffs, and upon reading the said affirmation, an order dated — made in action entitled — an affidavit of — in the last-mentioned action, and the particulars in writing of the breaches alleged to have been committed by the defendants delivered by the plaintiffs on the — with their statement of claim. This Court being of opinion that such particulars are insufficient doth order that the plaintiffs do deliver to the defendants further and better particulars in writing of the breaches alleged to have been committed by the defendants upon which the plaintiffs intend to rely on the trial of this action. And it is ordered that the costs of the said application in chambers, and occasioned by the adjournment thereof into Court, be costs in the action.

Defence (d).

1. The defendant did not infringe the patent.
2. The invention was not new.
3. The plaintiff was not the first or true inventor.
4. The invention was not useful.
5. [*Denial of any other matter of fact affecting the validity of the patent.*]
6. The patent was not assigned to the plaintiff.

(Signed)
Delivered

Statement of Defence in Action on Two Patents.

DEFENCE as to Letters Patent No. 4576 of 18— granted to —.

Title denied.

1. The defendants do not admit that the C. D. Company are the registered legal owners of the letters patent No. 4576 of 18— granted to — or that the same were duly assigned to them.

Patents invalid.

2. The defendants deny that the said letters patent are good or valid or of any force or effect.

Infringement denied.

3. The defendants deny that they have infringed the said letters patent.

4. Particulars of the objections upon which the defendants intend to rely at the trial of this action are delivered herewith.

DEFENCE as to Letters Patent No. 4847 of 18— granted to —.

Title denied.

1. The defendants do not admit that the A. B. Company, Limited, are the registered legal owners of the letters patent No. 4847 of 18— granted to — or that the same were duly assigned to them.

Patents invalid.

2. The defendants deny that the said letters patent are good or valid or of any force or effect.

3. The amendment made on or about the — day of — 18— pursuant to the determination of the law officers of the specification filed in pursuance of the said letters patent was not such as could be made by law, and extends the exclusive privileges granted by the said letters patent. Amendment of specification invalid.

4. The defendants deny that they have infringed the said letters patent. Infringement denied.

5. Particulars of the objections upon which the defendants intend to rely at the trial of this action are delivered herewith.

Delivered, &c.

Another Defence.

The defendants say that :—

1. The defendants have not infringed the plaintiffs' letters patent in the statement of claim mentioned. Infringement denied.

2. The defendants do not admit that the said letters patent have been duly vested in the plaintiffs. Title denied.

3. The plaintiffs' letters patent are invalid on the grounds stated in the particulars of objections delivered herewith. Patent invalid.

Particulars of Objections.

The defendants, besides denying that they have infringed the letters patent in the statement of claim mentioned, rely in support of their defence to this action on the following objections to the validity of the said letters patent :—

1. That — was not the true and first inventor of the alleged invention comprised in the said letters patent. Not true and first inventor.

2. That the said alleged invention was not new at the date of the said letters patent. Not new.

3. That the alleged invention is not the proper subject-matter of letters patent. No subject-matter.

4. That the specification No. 9073 of A.D. 18— purporting to be filed by the said — does not sufficiently describe and ascertain the alleged invention and in what manner the same is to be performed, and does not sufficiently distinguish which of the matters and things therein described, the said — claims to be new, or as being included in the said letters patent, and which of the same he does not so claim, and admits to be old. And that in other respects the said specification is insufficient, ambiguous, and framed so as to mislead. Specification insufficient.

5. That the alleged invention is not of any public utility. Not useful.

6. That the said alleged invention was, previously to the date of the said letters patent, published within this realm in the following specifications left at and filed in the Great Seal Patent Office, as hereinafter mentioned, reference being made to the Queen's printer's copy of the said specifications, and to the drawings therein referred to, and also in the printed books hereinafter mentioned ; that is to say,

Prior publication in books.

The specification of — filed under letters patent dated — 18— No. 1235, page — line — &c., and the drawings therein respectively referred to.

The following volumes of the annual reports of the Commissioners of Patents of the United States of America, all such volumes being in the Patent Office Library, London, references being made to the pages hereinafter mentioned of the same volumes and to the descriptions therein of the United States patents hereinafter mentioned; that is to say, &c.

The following volumes of certified copies of American specifications, such volumes being in the Patent Office Library, London, reference being made to the pages hereinafter mentioned of the same volumes.

Manufacture.
Sale.
User.
Exhibition.

7. That the said alleged invention was, previously to the date of the said letters patent, published within this realm by the manufacture or sale, or use, or public exhibition of articles or patterns or drawings of articles made according to the alleged invention by the persons hereinafter named, at the times and places following; that is to say,
By the said — at his place of business or abode, in and subsequently to the year 18—
By the defendants at their place of business in the — in the year 18— and subsequent years.

Particulars of Objections (General Form).

Analogous user.

The invention is not subject-matter for a patent inasmuch as the means described in the specification for hoops had been in ordinary and common use for the purpose of rings for forty years prior to the date of the patent by manufacturers, &c.

Ambiguity.

The specification is ambiguous and misleading in that it does not state — and does not sufficiently describe —.

Disconformity.

The complete specification describes and claims inventions not comprised within the provisional specification.

No subject-matter owing to want of public knowledge.

The invention is not subject-matter for a patent having regard to the state of public knowledge at the date of the patent.

Now not distinguished from old.

The specification does not sufficiently distinguish which of the matters therein described the said J. claimed to have invented, and which he admits to be old.

The bustles complained of in the particulars of breaches, and which are alleged by the plaintiffs to be made according to the alleged invention comprised in the plaintiffs' said letters patent, are identical with certain bustles which, for some years previously to the date of the plaintiffs' said letters patent, were sold in America by — Company in the statement of claim named (hereinafter called the — Company), under the name of Health Braided Wire Bustle (hereinafter called the "Health Bustle"). The said Health Bustle was marked by the — Company with the dates of three American patents, viz., — 18— — 18— and — 18— and the said —

Company thereby intended to inform the public, as the fact is, that the said Health Bustle was made according to alleged inventions covered by the three American patents aforesaid. Each of the inventions comprised in the said three American patents was subsequently patented in England in two separate patents, one of which is the patent of — No. 1235 of 18— hereinbefore mentioned, and the other of which is the patent No. 10,191 of 18—. The said patent of — expired through non-payment of stamp duty, before the date of the plaintiffs' letters patent, and the said patent No. 10,191 of 18— relates only to pillows, cushions, or similar articles, and does not include bustles. The plaintiffs' said letters patent were obtained by the said — as agent and trustee for — Company, and the plaintiffs are either purchasers from the — Company of all the last-mentioned company's interest in the said patent, or they are the agents of the last-mentioned company, or connected with the last-mentioned company in some manner unknown to the defendants, and they have, in fact, always had full knowledge of the several facts aforesaid. Under the circumstances aforesaid, the plaintiffs' letters patent were an attempt by the — Company to obtain a new monopoly in this country for an article which they had admitted to be made under a patent which had then expired, and the plaintiffs' letters patent are therefore invalid.

The plaintiff in his specification points out and claims no sufficient improvement to be subject-matter.

The title and the specifications are false, ambiguous, and misleading.

The plaintiff by his said alleged invention made no useful addition to the stock of public knowledge at the date of the said letters patent.

The invention claimed by the plaintiff in claim 1 is useless and unworkable.

Order for further and better Particulars of Objections.

(INSUFFICIENCY OF SPECIFICATION.)

Crompton and Kapp v. The Anglo-American Brush Light Corporation, Limited. Kay, J. 18th Feb., 1887. A. 208.

Upon the application of the plaintiffs, and hearing the solicitors and also counsel for the said plaintiffs and for the defendants, and upon reading the particulars of the defendants' objections, delivered on the 3rd February, 1887, it is ordered that the defendants do within seven days deliver to the plaintiffs further and better particulars in writing of paragraph 5 of the defendants' particulars of objections, showing how and in what respect the specification filed in pursuance of the letters patent does not sufficiently describe and ascertain the nature of the alleged invention, and in what manner the same is to be performed by reference when necessary to the

Insufficiency of specification.

Costs. subject-matter of the said specification. And it is ordered that the plaintiffs' costs of and consequent upon the said application be his costs in any event.

Another Order for further and better Particulars of Objections.

Boyd v. Farrar. Kay, J. 25th July, 1887. A. 1199.

The application of the plaintiff, which, upon hearing, &c., in Chambers, was adjourned to be heard in Court, coming on this day to be heard accordingly, and upon hearing counsel for the plaintiff and defendant, and upon reading the particulars of objections delivered by the defendant with his statement of defence, this Court doth order that the defendant do on or before the — day of — 18— deliver to the plaintiff or his solicitors further and better particulars of objections.

- Prior user. 1. As to paragraph of the said particulars delivered, by giving the times and places of prior users which will be relied on under this paragraph, and by stating with reference to each of such prior users which parts of plaintiff's invention by reference to claiming clauses of the specification are alleged to be anticipated thereby.
- Misrepresentations. 2. As to paragraph of the said particulars delivered, by giving particulars of the alleged untruth and misrepresentations.
- Variance of provisional and complete specifications. 3. As to paragraphs and , by stating in what respects the invention described in the plaintiff's specification is alleged to differ from that disclosed in or described by the provisional specification.
- Prior users. 4. As to paragraphs and , by giving such particulars of each of the articles relied upon as will suffice to identify specifically each of such alleged prior users.
- Claims anticipated. 5. As to paragraph , by stating with reference to each specification relied upon which parts of plaintiff's invention, by reference to claiming clauses of the plaintiff's specification, are alleged to be anticipated thereby. And the plaintiff's costs of this application so far as it relates to the said paragraphs , , , and of the said particulars, and as it relates to paragraphs and , except as hereinafter mentioned, are to be their costs in any event, and the defendant's costs of this application, so far as it relates to paragraphs and , and so much of paragraphs and of the said particulars as is not varied by this order, are to be their costs in any event.

Order for leave to amend Particulars of Objections.

The American Braided Wire Company v. Thompson. Stirling, J.
5th May, 1887. A. 799.

Upon the application of the defendants, and upon hearing, &c.

Objection added. It is ordered that the applicants be at liberty to amend their particulars of objections delivered in this action on the — day

of — 18— by adding the objection following, that is to say, that the alleged invention was, previously to the date of the said letters patent, published within this realm by the offering for sale by — now of — of bustles made according to the said alleged invention, such offers being made in London in the month of — 18— to, &c.

And it is ordered that the plaintiffs have six weeks' time from the delivery of the amended particulars of objections to elect whether or not they shall continue the action. Elections of plaintiffs.

And it is ordered that if the said plaintiffs elect to discontinue this action, the defendants do pay to the plaintiffs their costs of this action as from the date of the delivery of the original particulars of objections, namely, the —, such costs to be taxed by the taxing master. Costs.

Notice of Motion for Interlocutory Injunction.

Take notice that this Honourable Court will be moved before his lordship Mr. Justice — on the — day of 18—, or so soon thereafter as counsel can be heard, by Mr. — of counsel on behalf of the above-named plaintiff, that the defendant, his servants, and agents, may be restrained until the trial of this action or until further order during the continuance of the letters patent bearing date the — day of —, 18—, and numbered —, from making, selling, supplying, using, or putting in practice any — [*here describe articles, &c., which are the subject of the patent privilege*] made according to or in the manner described in the specification [*or specifications*] of the invention for which the said letters patent were granted, or according to or in any manner only colourably differing from the same and from in any manner infringing the said letters patent, and that such further order may be made as to this Honourable Court shall seem meet.

Interlocutory Injunction for Infringement refused on Terms.

The Edison and Swan United Electric Light Company v. Holland.
Bacon, V.-C. 6th August, 1886.

Upon motion this day made unto this Court by counsel for the plaintiffs that the defendants might be restrained until the trial of this action or until further order during the continuance of the letters patent bearing date respectively the — day of — 18— and numbered — and the — day of — 18— and No. — from making, selling, supplying, or using any electric incandescent lamps made according to or in the manner described in the specifications filed in pursuance of the said respective letters patent or either of them, or according to or in any manner only colourably differing from the same, and from in any manner infringing the said letters patent Motion, &c.

Undertaking
by defen-
dants.

No order
except as to
costs.

If judgment
in certain
action re-
versed on
appeal liberty
to apply to
discharge
undertaking.

or either of them, and upon hearing counsel for the defendants, and upon reading the plaintiffs' statement of claim and particulars of breaches, the following affidavits all filed the — day of — 18— namely, &c., and the exhibits therein referred to, an affidavit of, &c., and the defendants respectively by their counsel undertaking until the trial of this action not to buy any more lamps such as those complained of from any persons other than the plaintiffs and to keep an account of all lamps alleged to be an infringement of the said patents which they may now be using or may hereafter use, or which they may have used since the — day of — 18— the date of the first judgment hereinafter mentioned. This Court doth not think fit to make any order on the said motion other than that the costs thereof be costs in the action. And in the event of the judgment pronounced in an action brought in the Chancery Division of this Court by the plaintiffs and by the Swan United Electric Light Company, Limited, Swan's Electric Light Company, Limited, and G., against Messrs. W. and R., dated the — day of — 18— and another judgment pronounced in another action brought in the Chancery Division of this Court by the plaintiffs, the Edison and Swan United Electric Light Company, Limited, against W. and R. and the Woodhouse and Rawson Electric Manufacturing Company, Limited, dated the — day of — 18— or either of them, being reversed on appeal, the defendants are to be at liberty to apply for the discharge of the undertaking so given by them as aforesaid.

Order for Inspection.

The Haslam Foundry and Engineering Company, Limited v. Goodfellow and others. Kay, J. 5th April, 1887.

Undertaking
by plaintiffs.

Inspection by
experts, &c.

Upon motion, &c., and upon reading the writ issued in this action, affidavits, &c., of — filed in the action of G. v. The H. F. E. Co., Limited, 1887, G. 573, namely, affidavits, &c. And the plaintiffs by their counsel undertaking during the inspection hereinafter directed or until further order not to threaten the defendants, Messrs. G. and M., or their customers, or any other person or persons, by circulars, advertisements, or otherwise, with any legal proceedings or liability in respect of the manufacture, use, sale, or purchase of refrigerating engines or machines by the said defendants or the use, sale, or purchase of such engines or machines sold by or offered for sale by any purchaser from the said defendants. This Court doth order that the plaintiffs be at liberty on giving four days' notice by — [experts] and solicitor to inspect refrigerating machines manufactured and in course of manufacture by the defendants, Messrs. G. and M., for the other defendants or one of them which are referred to in the said affidavit of R. M. in the said action of G. v. The H. F. E. Co., Limited, 1887, G. 573. And it is ordered that the costs of this application be costs in the action.

Order for Experiments before Experts during Trial of Action.

Edison and Swan United Electric Light Company, Limited v. Holland and others. Kay, J. 1st June, 1888.

This Court being desirous that experiments should be conducted as hereinafter mentioned, doth hereby order that experiments confined to the repetition of experiments of which evidence has already been given before this Court on behalf of the plaintiffs and defendants respectively upon the patent of ——— dated the ——— 18— and No. ——— be conducted before one of the following persons in the following rotation:—(1) Professor ——— (2) Professor ——— &c. And the plaintiffs and defendants respectively are to repeat in the presence of the person before whom such experiments are conducted, and of two experts on each side, any of their said experiments of which evidence has been given as aforesaid which they may think fit, with the aid of assistants. Each side to choose the place at which its experiments shall be made. And it is ordered that such one of them: the said ——— before whom such experiments shall be conducted do report to the Court the nature and result of each experiment made before him

Order of Reference to an independent Chemist for Report pending Hearing of Action.

Badische Anilin und Soda Fabrik v. Levinstein, R. P. C. vol. ii. p. 73.

The Court being desirous of obtaining the opinion of Professor R. upon the questions set forth or referred to in the schedule hereto, doth order that such questions be referred to the said professor for inquiry and report, and that a specification of the patent dated the ——— No. ——— be supplied to the professor.

SCHEDULE.

Order for Leave to amend Specification during Action.

The Haslam Foundry and Engineering Company, Limited. v. Goodfellow and others. Kay, J. 2nd December, 1887. A. 1727.

Upon motion this day made unto this Court by counsel for the plaintiffs, and upon hearing counsel for the defendants, and upon reading the pleadings in this action, an affidavit of, &c., and ———: It is ordered that the plaintiffs be at liberty to apply at the Patent Office for leave to further amend the specification of their patent No. ——— of the year 18— by striking out the second claim thereof and by making such other alterations (if any) as will be rendered necessary

Leave to
apply at
Patent Office.

Amendment
of statement
of claim.

Costs.

thereby. And it is ordered that after such amendment has been made the plaintiffs be at liberty within fourteen days to amend their statement of claim so as to limit this action to the amended specification of the said patent, and in default thereof it is ordered that this action do stand dismissed out of this Court with costs to be taxed by the taxing master, and to be paid by the plaintiffs, The, &c., to the defendants, Messieurs G., &c. And it is ordered that the costs of the defendants, Messieurs G., &c., of this application, and of and occasioned by such last-mentioned amendment, be their costs in any event, and be borne by the said plaintiffs, The, &c. And it is ordered that (in the event of this action proceeding) all other costs be reserved.

Order for Leave to amend Specification pending Action.

G., G., and the N. Co. for the Distribution of Electricity by Secondary Generators, Limited v. L. & Co. Limited, and F. Kekewich, J.
16th December, 1887.

The motion.

Upon motion this day made unto this Court by counsel for the plaintiffs G. and G. and the N. Co. for the Distribution of Electricity by Secondary Generators, Limited, the owners of the letters patent mentioned in the writ in this action, that they might be at liberty to apply at the Patent Office for leave to amend their specifications filed in pursuance of the said letters patent by way of disclaimer, correction, or explanation, and that in the meantime the hearing of this action might be postponed, and that the said specification when so amended as aforesaid might be used in evidence on the hearing of the said action, and upon hearing counsel for the defendants, and upon reading the — and the defendants by their counsel offering to allow plaintiffs to discontinue this action so far as regards the patent No. — of — upon the plaintiffs paying to the defendants their costs of this action so far as such costs were incurred in connection with that patent; and the plaintiffs by their counsel declining that offer: This Court doth not think fit to make any order upon the said motion. And it is ordered that the plaintiffs do pay to the defendants, L. & Co., Limited, and F., their costs of the said motion (such costs to be taxed by the taxing master).

No order.

Judgment after Trial of Action.

Morgan & Co., Limited v. Windover & Co., Limited. Stirling, J.
11th July, 1887.

Recital of
evidence.

This action coming on for trial on the — days of — 18 — before this Court in the presence of counsel for the plaintiffs and for the defendants, and upon reading the pleadings and the exhibits produced to the several witnesses hereinafter mentioned, and upon hearing the evidence of the several persons named in the 1st column of the schedule hereto upon their examinations taken orally before this Court on the days set opposite their several names in the 2nd column

of the said schedule and the exhibits produced to such persons respectively set opposite their respective names in the 3rd column of the said schedule, and what was alleged by counsel for the plaintiffs and defendants. This Court did order that this action should stand for judgment, and the same standing in the paper for judgment this day accordingly in the presence of counsel for the plaintiffs and defendants.

Stand for judgment.

This Court doth order and adjudge that the defendants W. & Co., Limited, their servants and agents, be restrained during the continuance of the letters patent granted to M. dated the — and numbered — for — and any extension of the term thereof from manufacturing, or selling, or disposing of any carriages with springs applied according to the plaintiffs' patented invention or only colourably differing therefrom, or being an infringement of the plaintiffs' said patent, or in any way infringing the plaintiffs' said patent. And this Court doth order that the defendant company by W., their managing director, do within fourteen days after service of this judgment make and file an affidavit stating what carriages of the same construction as the plaintiffs' and infringing the said patent are in their or their agents' possession or power. And the plaintiffs are to be at liberty to inspect the same for the purposes of identification. And it is ordered that an account be taken of the profits made by the defendant company by making, using, selling, or disposing of carriages constructed as aforesaid in infringement of the plaintiffs' said patent. And it is ordered that the defendants W. & C., Limited, do within one month after the date of the chief clerk's certificate pay to the plaintiffs M. & Co., Limited, what shall be certified to be the amount of such profits. And it is ordered that the defendants do on or before the — day of — 18— upon oath remove from all carriages in their or their agents' possession or power, all springs so fitted by them in infringement of the plaintiffs' patent. And it is ordered that the defendants W. & Co., Limited, do pay to the plaintiffs M. & Co. their costs of this action, and (by consent) including therein the costs of the motion reserved by the order of the — of — 18— (such costs to be taxed by the taxing master on the higher scale).

Injunction awarded.

Affidavit to infringing articles.

Account.

Costs on higher scale.

THE SCHEDULE.

[Name of Witness. Date of Examination. Exhibits.]

Form of Certificate of Validity.

I hereby certify, pursuant to the 31st section of the Patents, Designs, and Trade Marks Act, 1883 (46 & 47 Vict. c. 57), that upon the trial of this action the validity of the letters patent in the pleadings mentioned, dated the 28th November, 1878, and numbered 4847, granted to F. J. C., amended by disclaimer allowed 12th November, 1884, and now vested in the Edison and Swan United Electric Light Company, Limited, came into question.

Dated this 16th day of July, 1888.

E. E. KAY.

Judgment varied on Appeal.

The Edison and Swan United Electric Light Company, Limited, and The Edison Electric Light Company, Limited Plaintiffs,
W. H. and The Jablochkoff and General Electricity Company, Limited Defendants,
 and
The Anglo-American Brush Electric Light Corporation, Limited Third Parties.

Upon motion on the, &c., made unto this Court by counsel for the plaintiffs by way of appeal from the judgment of Mr. Justice Kay, dated the —, so far as it relates to the letters patent No. 4576 of 1879, and upon hearing counsel for the defendants and for the above-named third parties, and upon reading the said judgment, this Court did order that the said motion should stand for judgment, and the same standing this day for judgment accordingly in the presence of counsel for all parties: This Court doth reverse so much of the said judgment as directs that this action should stand dismissed out of this Court so far as the same related to the letters patent of Thomas Alva Edison dated the 10th of November, 1879, and numbered 4576 in the pleadings mentioned, with costs to be taxed by the taxing master as in the said judgment provided. And instead thereof, this Court doth order that the defendants, W. H. and the Jablochkoff and General Electricity Company, Limited, their several agents and workmen, be restrained during the continuance of such letters patent from manufacturing, selling, letting on hire, supplying, or using any incandescent electric lamps manufactured according to or in the manner described in the specification filed in pursuance of such letters patent, or according to or in any manner only colourably differing from the same, and generally from infringing the rights of the plaintiffs in respect of such letters patent.

And it is ordered that the defendants, W. H. and the Jablochkoff and General Electricity Company, Limited, do on or before the 30th day of April, 1889, or subsequently within seven days after service of this order, make and file an affidavit stating what lamps made in infringement of the said letters patent are in the possession or power of the defendants respectively or either of them, and do within the time aforesaid deliver up to the plaintiffs, or break up or otherwise render useless, in the presence of some person to be appointed by the plaintiffs and defendants respectively and in the presence of their respective solicitors, all such incandescent electric lamps as aforesaid as are respectively in their possession or power. And it is ordered that the following inquiry be made, that is to say, an inquiry what damages the plaintiffs have sustained by reason or in consequence of the manufacture, sale, supplying, letting on hire, or user of any such incandescent electric lamps so manufactured, sold, supplied, let on hire, or used by the defendants respectively or either of them, or by any person or persons by their order or for their use. And it is ordered that the defendants, W. H. and the

Motion to stand for judgment. Part of judgment reversed.

Injunction granted.

Delivery up on oath of infringing instruments.

Inquiry as to damages.

Jablochkoff and General Electricity Company, Limited, respectively do, within twenty-one days after the date of the chief clerk's certificate to be made in pursuance of this order, pay to the plaintiffs, the Edison and Swan United Electric Light Company, Limited, the respective sums which shall be certified to be the amount of such damages. And it is hereby referred to the taxing master to tax as between solicitor and client the costs of the plaintiffs of this action, so far as the same relate to the said letters patent, on the higher scale, and also to tax as between solicitor and client the costs of the plaintiffs occasioned by this appeal. And it is ordered that so much of the said judgment as relates to the set-off of costs and the payment of the balance be discharged. And instead thereof, it is ordered and adjudged that the plaintiffs recover against the defendants the plaintiffs' costs of this action by the said judgment directed to be taxed, and against the defendants and the said third parties their costs of the said action and occasioned by this appeal hereby directed to be taxed.

Payment of amount found due.

Taxation of costs.

Order as to set-off of costs discharged.

Judgment at Trial for Defendants. Recital of Evidence. Costs.

The American Braided Wire Company and another v. Thomson.
Kekewich, J. 6th July, 1887. A. 1233.

This action coming on for trial on the 2nd and the 5th July, 1887, and this day before this Court in the presence of counsel for the plaintiffs and for the defendants, and upon hearing the pleadings in this action, specification of patent No. 9073, dated the — day of — 18— an indenture dated the — 18— made between — Manufacturing Company of the one part and the American Braided Wire Company of the other part, the plaintiffs' particulars of breaches delivered on the — the defendants' reamended particulars of objections delivered on the — and the answers and further answers of the defendants filed respectively the — and the — to the interrogatories of the plaintiffs, and the answers of the plaintiffs the American Braided Wire Company, filed the — to the interrogatories of the defendants, the admission of the defendants dated the — the letter from — to the defendants dated the — the letter from the defendants to — dated the — and the further letter from the defendants to — dated the — and a specification of patent No. 1235, dated the — 18— read, and the evidence of the persons named in the schedule hereto on their examination taken orally before this Court upon the several days set opposite to their names in the said schedule, and upon production to such persons of the several exhibits set opposite to their names in the third column of the said schedule, and what was alleged by counsel on both sides, and the reamended particulars of objections being deemed to be further amended by the addition to the sixth objection of the passage in the specification of — page — lines — of the Queen's Printer's copy thereof, which is admitted by counsel for the plaintiffs and defendants to be correct: This Court doth order that this action do stand dismissed out of this Court. And it is ordered that it be referred to the taxing master to tax upon the higher scale the costs of

Evidence, &c.

Action dismissed.
Costs.

Particulars of objections.

the defendants of this action, except so much as relates to the objections numbered 5, 7, and 7a, of the defendants' particulars of objections, and to tax the costs of the plaintiffs of the said objections 5, 7, and 7a. And the taxing master is to deduct the said costs of the plaintiffs from the said costs of the defendants, and is to certify the balance.

And it is ordered that the plaintiffs — do pay to the defendants — the amount of such balance to be certified.

THE SCHEDULE.

Witnesses examined in Court.

<i>[Names of Witnesses.</i>	<i>Dates of Examination.</i>	<i>Exhibits.]</i>
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Judgment at Trial of Action.

Siddell v. Vickers. Kekewich, J. 21st December, 1887.

Evidence.

This action coming on for trial on the — before this Court in the presence of counsel for the plaintiff and defendants, and upon hearing the writ of summons issued in this action on the — the pleadings in this action, the letters patent granted to the plaintiff, No. — of A.D. — dated the — specifications to the said letters patent and the particulars of breaches delivered on the — and upon hearing the evidence of the several persons named in the schedule hereto on their examination taken orally before this Court upon the several days set opposite their names in the said schedule, and upon reading the several exhibits being documents, and examining the other exhibits produced to such persons on their said examination referred to in the third column of the said schedule, and hearing what was alleged by counsel on both sides, this Court did order that the said action should stand for judgment.

Stands for judgment.
Injunction.

And the same standing for judgment this day in the paper in the presence of counsel for the plaintiff and defendants, this Court doth order and adjudge that the defendants — their agents, servants, and workmen, be restrained during the continuance of the said letters patent No. — of A.D. — from using or permitting to be used the invention described in the specification and drawings, No. — of A.D. — filed by the plaintiff or any part or parts of the same invention, and from using and permitting to be used in the manufacture of iron and steel forgings any appliances or means being the same as the appliances or means now or lately used by the defendants as mentioned in the said particulars of breaches, or which as to any part or parts thereof are arranged or constructed according to the said invention, or any part thereof, or differ therefrom only colourably and by the substitution of more mechanical equivalents.

Affidavit of infringing articles.

And it is ordered that the defendants — do within fourteen days after the service of this judgment make and file an affidavit stating what appliances and parts of appliances for working or operating on iron or steel forgings as mentioned in the particulars of breaches, or otherwise manufactured in accordance with the said specification

or according to or only colourably differing from the same, have been manufactured by or by the order or for the use of the defendants, as in the pleadings mentioned and are in the possession, custody, or power of the said defendants, or their agents, servants, and workmen.

And it is ordered that the following account be taken :—

Account.

1. An account of all iron or steel forgings manufactured by the defendants by the use of the plaintiffs' said invention or any part or parts of such invention, and also of the profits made by the defendants by reason of such manufacture or use.

And it is ordered that the taking of such account be suspended pending the appeal of the defendants to the Court of Appeal from this judgment.

Account suspended pending appeal.

And it is ordered that the defendants — do within fourteen days after service upon them of the chief clerk's certificate pay to the plaintiff — what shall be certified to be the amount of such profits.

And it is ordered that the defendants — do pay to the plaintiff — (1) his costs of a certain application made by the defendants to the Attorney-General for his authority to present a petition for the revocation of the plaintiff's said letters patent and (2) his costs of this action up to and including this judgment, except as to the alleged use by the defendants of the automatic action of the plaintiff's apparatus after the — the day when the plaintiff left the defendants' works, such costs to be taxed by the taxing master on the higher scale.

Costs.

And this Court doth reserve the subsequent costs of this action.

And it is ordered that a certificate do issue that upon the trial of this action the validity of the plaintiff's patent came in question.

Certificate of validity.

And it is ordered that the plaintiff and defendants be at liberty to apply to the Judge at Chambers as they may be advised.

THE SCHEDULE.

[Names of Witnesses. Dates of Examination. Exhibits.]

Judgment on Appeal.

The American Braided Wire Company and another v. Thomson & Co.
Court of Appeal. 2nd February, 1888. A. 200.

Upon motion by way of appeal on the — days of — 18— and this day made unto this Court by counsel for the plaintiffs against the judgment of his lordship Mr. Justice — made in this action on the — so far as it directs that this action shall stand dismissed out of Court and so far as it directs the taxation of any costs of the defendants and payment or allowance to the defendants by the plaintiffs of any costs, and upon hearing counsel for the defendants and the evidence of the following persons taken orally before this Court, on the —, namely, — and the exhibits — produced to

Evidence.

— and upon reading the said judgment, the further particulars of objections delivered by the defendants to the plaintiffs on the — and the specification of — of — No. —.

Judgment
reversed.
Injunction.

This Court doth order that the said appeal be allowed, and that the said judgment dated the — be reversed. And it is ordered that the defendants, T. & Co., their servants and agents respectively, be hereby perpetually restrained from manufacturing, selling, or exposing for sale bustles or dress improvers in infringement of the plaintiff's patent dated the — in the pleadings mentioned, or from making, selling, or exposing for sale articles in colourable imitation of the articles manufactured by the plaintiffs under their said letters patent.

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

Inquiry as to
damages, &c.

An inquiry what damages have been sustained by the plaintiffs by reason of the said infringement by the said defendants of the plaintiffs' said patent.

And it is ordered that the defendants, T. & Co., do within twenty-one days after the date of the certificate of the result of the said inquiry pay to the plaintiffs, the A. B. W. Co., the amount which shall be certified to be due in respect of such damages.

Delivery up
of infringing
articles.

And it is ordered that the defendants, T. & Co., do forthwith deliver up to the plaintiffs, the A. B. W. Co., all articles in their possession made in infringement of the said patent.

Costs.

And it is ordered that the defendants, T. & Co., do pay to the plaintiffs, the A. B. W. Co. and the W. and W. M. Co., their costs of this appeal and of this action, such costs to be taxed by the taxing master on the higher scale, and the defendants thereupon by their counsel moving that all further proceedings under this order might be stayed pending an appeal therefrom to the House of Lords, and upon hearing counsel for the plaintiffs, this Court doth not think fit to make any order upon the said application, except that the delivery up of the said articles made in infringement of the said patent be not enforced pending the appeal of the said defendants to the House of Lords, provided notice of the said appeal be given to the plaintiffs' solicitors on or before the —, Messrs. — and —, the plaintiffs' solicitors, personally undertaking in writing (which is annexed to the registrar's book) to abide by any order this Court shall make as to refunding to the defendants the costs hereby directed to be paid to them by the defendants in the event of this order being reversed or varied on appeal by the House of Lords.

Undertaking
as to costs.

Order for Discovery of Names of Customers and Prices of Articles.

The American Braided Wire Company and another v. Thomson.
Stirling, J. 1st June, 1888. A. 822.

Inspection of
books.

Upon, &c. And upon reading the judgment dated the — an order of the Court of Appeal dated the — an order dated the — and an affidavit of the defendants — this Court doth order that the defendants T. & Co., do within seven days after the service of this order at

all seasonab; times upon reasonable notice produce at — for the inspection of the plaintiffs all such parts of the documents as are set out in the second part of the first schedule to the affidavit of the defendants filed the — as disclose the names of the customers of the firm of T. & Co. to whom any articles made in infringement of the plaintiffs' letters patent in the order of the Court of Appeal of the — mentioned have been sold by the defendants, and also the prices for which any such articles were respectively sold. And the applicants, their solicitors and agents, are to be at liberty to inspect and peruse the parts of the documents so produced, and to take copies thereof and abstracts thereof, and extracts therefrom, as the applicants shall be advised at their expense. And it is ordered that the defendants do produce the same in this cause as the plaintiffs shall require, and the plaintiffs are to be at liberty to make such further application as to all or any of the documents mentioned in such affidavit as they may be advised. And it is ordered that the defendants, T. & Co., do pay to the plaintiffs — their costs of the application in chambers and occasioned by the adjournment thereof into Court, such costs to be taxed by the taxing master. Costs.

VII.—ACTION TO RESTRAIN THREATS.

1. Indorsement on Writ.

The plaintiff's claim is:—

1. For an injunction to restrain the defendants from continuing to threaten the plaintiff or any other person or persons whereby the plaintiff may be aggrieved, by circulars, advertisements, or otherwise, with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of any invention in infringement of the defendant's patent rights (if any). Injunction.
2. For damages for injury accrued to the plaintiff in respect of the said threats. Damages.

2. Statement of Claim.

1. The plaintiff is a manufacturer of —, and carries on business at —; and the defendant is a rival manufacturer carrying on business at —.

2. In or about the month of — the defendant threatened and has continued to threaten the plaintiff, his agents and customers, with legal proceedings for infringement of certain letters patent which the plaintiff claims to have vested in him, the said alleged infringement being the sale of —.

3. In particular the defendant caused to be issued to customers of the plaintiff a circular in terms following:—

“Re S.'s Patent.

“It having come to the knowledge, &c.”

4. Each and all the letters patent granted to the plaintiff or to persons of whom he is assignee, and purporting to cover the articles to which the said threats relate, were invalid and of no force whatever, as the defendant well knew.

The plaintiff claims—

1. An injunction to restrain the defendant, his servants or agents from threatening any customer of the plaintiff or any other person with legal proceedings in respect of any manufacture, use, sale, exhibition, or offering for sale or purchase — manufactured by the plaintiff constructed in the manner alleged by the defendant to be an infringement of his patent.
2. Damages

3. Particulars given by Plaintiff.

1. Particulars of invalidity of the letters patent No. — of 18—. [See particulars of objection in an action for infringement.]
2. The following are the particulars of the threats :—

<i>Date.</i>	<i>Person to whom made.</i>	<i>How made.</i>
(a) 10th June, 1893.	James & Co., of —.	Letter from defendant's solicitor.
(b) 13th June, 1893.	General.	Advertisement in the — <i>Gazette</i> .
(c) 12th Aug., 1893.	Plaintiff.	Verbally by the defendant.
(d) 15th Sept., 1893.	Henry & Co., of —.	Verbally by one —, traveller for the defendant.

4. Defence.

1. The defendant does not admit that he threatened the plaintiff or others, as alleged. If any of the notices, circulars, or advertisements, or verbal statements, referred to in the particulars of threats were in fact issued or uttered by him, the same are not threats within the meaning of the 32nd section of the Patents, &c., Act, 1883.

2. Any threats which were made by the defendant were made with the *bonâ fide* intention of protecting from infringement the letters patent No. — of 189—, of which the defendant is the owner. The said letters patent are valid and subsisting.

3. The plaintiff [or —, the person threatened] in fact did infringe the defendant's letters patent referred to in the last paragraph hereof. The particulars of such infringement are as follows :—

4. On the — day of — the defendant commenced an action for infringement of the said letters patent against the plaintiff in this action or [and] against one —. Such action is still pending, and the defendant will rely upon it as an answer to this action.

[N.B.—The defendant may counterclaim for infringement.]

5. Reply.

1. The plaintiff joins issue.
2. [The invalidity of the defendant's patent may be set up here if this has not already been done in the statement of claim.]
3. [Defence to a counterclaim for infringement would follow the rules relating to defence in an action for infringement.]

6. An Order for Particulars.

“It is ordered that the plaintiffs do within fourteen days deliver to the defendants particulars in writing of (1) the batteries which the plaintiffs in their statement of claim allege to have been the subjects of the threats, and of all other matters, if any, in respect of which the plaintiffs allege that the threats were made; (2) the damage which the plaintiffs allege to have been suffered by them and of the business which the plaintiffs in the 7th par. of the statement of claim allege they were prevented from properly carrying out. And upon the defendants giving to the plaintiffs a list of letters patent upon which they intend to rely, it is ordered that the plaintiffs do, within three weeks after giving such list of letters patent as aforesaid, deliver to the defendants particulars in writing of (3) the objections which the plaintiffs propose to make at the trial of their action to the validity of the letters patent to appear in such list as aforesaid, provided that no particulars of objection to the validity of the letters patent of J. W. S. (No. — of —) if contained in such list as aforesaid shall be delivered by the plaintiffs until fourteen days after the statement of claim shall have been delivered in an action brought by defendants against plaintiffs and L., or until fourteen days after such action shall have been discontinued.” [North, J. and C. A. in *Union Electrical Power and Light Co. v. Electrical Power Storage Co.*, 1888, 38 Ch. Div. 325; 5 R. P. C. 329.]

7. Interim Injunction.

Upon motion made, &c., and upon hearing, &c., let the defendants, their officers, servants, and agents be restrained until judgment in this action or further order from threatening the plaintiffs, their customers, or any other person or persons, with legal proceedings or liability in respect of an alleged infringement of the letters patent No. — of 18—. [Stirling, J. in *Kensington and Knightsbridge Electric, &c., Co. v. The Lane-Fox Electric Co.*, 1891, 2 Ch. 573; 8 R. P. C. 277.]

VIII.—REVOCAION OF PATENTS.

Petition for Revocation of Patent.

In the Matter of A. & B.'s Patent, No. —, A.D. 1882,
and

In the Matter of the Patents, Designs and Trade Marks Act,
1883.

To Her Majesty's High Court of Justice.

The humble petition of C. of —

Showeth as follows:—

1. Your petitioner is an electrician, and the patentee of many inventions in connection with the production, distribution, and utilization of electric currents, which inventions are now in extensive practical use.

2. Among other methods of distribution, for some time past your petitioner has especially occupied himself with methods of effecting the same by means of secondary generators, by which electrical action is obtained at different points of an electrical circuit by means of electric induction only, without interrupting such circuit or making any connection with the conductor conveying the current.

3. In or about the month of — your petitioner invented an improved form of secondary generator for the purpose of effecting economically and conveniently the above-mentioned object, and on the — day of — your petitioner applied for and obtained a provisional protection No. — A.D. 1885, for such invention, and has since filed a complete specification for the said invention.

4. Since obtaining the said provisional protection your petitioner has manufactured and used secondary generators constructed according to your petitioner's said invention, and the same have been shown to possess great advantages over other forms, and to be of great practical utility.

5. The sale and user of the said secondary generators made according to your petitioner's invention has recently been interfered with by a limited company named the —. The said company claim to be entitled to restrain any person using any mode of electrical distribution by means of secondary generators of whatever form or construction such generators may be.

6. The said claim of the aforesaid company purports to be based upon letters patent granted to A. & B., and numbered — A.D. —. The invention in respect of which the said letters patent were granted was in nowise novel at the date of the same, and the said letters patent are and always have been of no force and validity by reason thereof, and of the other matters set forth in the particulars of objections delivered herewith in pursuance of section 26 of the above-named Act.

7. The existence of the above-named letters patent, claiming a wide and general monopoly of the system of distribution by means of secondary generators, which was known to, and the property of the

public at the date of the said letters patent, has been and is the cause of great injury to the public by preventing the sale of machines made according to your petitioner's invention, as well as those made by other inventors who likewise have made improvements in secondary generators and in the distribution of electricity thereby.

8. That the public are prejudiced by the above-mentioned general claim in the said letters patent because consumers of electricity are not in general acquainted with the science of electricity and the technical application thereof, and are therefore unable to form an opinion as to the invalidity of the said letters patent, whereby the sale and use of improved secondary generators are wholly prevented.

9. The office of — is the place where the petitioner may be served with any petition, or summons, or notice of any proceedings or order of this Court relating to the matters herein referred to.

Your petitioner therefore humbly prays for the revocation of letters patent No. — A.D. 18— or that such order may be made in the premises as to this honourable Court may seem meet.

And your petitioner will ever pray, &c.

(Signature of Petitioner.)

It is intended to serve this petition on —

I hereby authorize the presentation to the High Court of Justice of the above written petition. Fiat of Attorney-General.

Richard E. Webster,
Attorney-General.

Royal Courts of Justice ;
—18— ;

Petition for Revocation of Patent (Another Form).

In the Matter of Letters Patent No. — A.D. 18—
and

In the Matter of the Patents, Designs and Trade Marks Act,
1883.

To Her Majesty's High Court of Justice.

The humble petition of X. of —

Sheweth as follows:—

1. On the — day of — 18— a patent was granted to your petitioner X. by the Commissioners of the United States Patent for certain new and useful improvements in apparatus for the manufacture of — and — and a specification fully describing the said invention was duly deposited at the said Patent Office and forms part of the said letters patent.

2. On the — day of — 18— your petitioner X. gave instructions to one — and power of attorney to act as his agent in England in

about the obtaining the grant of letters patent for the above-named invention.

3. Instead of obtaining letters patent for and on behalf of your petitioner X. as a communication from abroad, the said ——— conspired with ——— to wrongfully and by fraud obtain from the Crown the grant of letters patent for the said invention to the said ——— on behalf of himself as true and first inventor within this realm.

4. The usual declarations and specifications were filed and signed by the patentee ——— and his agent ——— and letters patent were duly granted on the ——— day of ——— A.D. 18— and numbered No. ——— The said letters patent were obtained in fraud of the rights of your petitioner X.

5. It is claimed that by an agreement dated the ——— an interest in the said United States Patent was given the said ——— the said ——— and to ——— residing in the United States of America.

Your petitioner therefore humbly prays that the grant of the said letters patent to ——— may be revoked, and for a declaration that your petitioner X. was the true and first inventor of the said invention. Or that such other order may be made in the premises as to this honourable Court shall seem meet.

And your petitioner will ever pray, &c.

Particulars of objections are delivered herewith.

It is intended to serve this petition on ———

Order for Revocation of Patent.

In the Matter of G. & G.'s Patent, No. ——— A.D. ———
and

In the Matter of the Patents, Designs, and Trade Marks Act,
1883.

North, J. 9th July, 1888.

Petition.

Upon the petition of F. of ——— in the ——— on the ——— preferred unto this Court, and upon hearing counsel for the petitioner, and for the respondents, G., G., and the N. Co. for the Distribution of Electricity by Secondary Generators, Ltd., on the ——— and upon reading the petition, the amended particulars of objections delivered by the petitioner, the exhibits produced to the witnesses named in the schedule hereto, and set opposite to their names in the third column of such schedule, and upon hearing the evidence of the witnesses named in the first column of such schedule, upon their examination taken orally before this Court on the days mentioned in such schedule: This Court did order that the petitioner should stand for judgment: and the same standing for judgment this day in the paper in the presence of counsel for the petitioner and the respondents, This

Evidence.

Court doth order that the Letters Patent No. — A.D. — in the petition mentioned granted to G. and G. be revoked.

Order revoking patent.

And it is ordered that the respondents, G., G., and the N. Co. for the Distribution of Electricity by Secondary Generators, Ltd., pay to the petitioner, F., his costs of the said petition (to be taxed by the taxing master on the higher scale).

Costs.
Higher scale.

SCHEDULE.

Order Dismissing Petition for Revocation.

In the Matter of Letters Patent No. 6938, A.D. 1885,
and

In the Matter of the Patents, Designs, and Trade Marks Act,
1883.

Stirling, J. 23rd February, 1887. A. 406.

Upon the petition of A. of — on the 24th day of November, 1886, preferred unto this Court that the grant of the above-mentioned letters patent to L. might be revoked, and for a declaration that the petitioner was the true and first inventor of the invention in the said petition mentioned, and upon hearing counsel for the petitioner and for the respondents L. and W., and upon reading the said petition, the affidavit of, &c. And this Court being of opinion that the petitioner has not brought his case within clause (D) of sub-sect. (4) of sect. 26 of the Patents, Designs, and Trade Marks Act, 1883, and that the petitioner has not sufficiently alleged or proved himself to be the true inventor within clause (D) of the same sub-section: Doth order that the said petition be dismissed without prejudice to the right of the petitioner to present another petition for revocation of the said letters patent under the said clause (D). And it is ordered that the petitioner A. do pay to the respondents L. and W. their costs of the said petition to be taxed by the taxing master.

Petition.

Order dismissing petition.

IX.—PROLONGATION OR EXTENSION.

Advertisement of Intention to Present Petition for Extension.

IN THE PRIVY COUNCIL.

In the matter of letters patent granted to — of — and bearing date the — day of — 18— and No. —

Notice is hereby given that it is the intention of — to present a petition to Her Majesty in Council praying that the term of the said

letters patent may be extended. And notice is hereby further given that on the — day of — next, or on such subsequent day as the Judicial Committee of Her Majesty's Privy Council shall appoint for that purpose, application will be made to the said committee that a time may be fixed for hearing the matter of the said petition, and any person or persons desirous of being heard in opposition to the said petition must enter a caveat to that effect in the Privy Council on or before the said — day of — next.

Dated this — day of — 18—

Solicitors for the petitioner.

Caveat.

IN THE PRIVY COUNCIL.

In the matter of letters patent granted to — of — in the county of — for — bearing date the — No. —

Caveat issued on behalf of —

Let nothing be done in reference to the above-mentioned patent without due notice to —

Dated this — day of — 18—

Solicitors for —

. Notice of Day for Hearing Motion to fix date of Hearing.

Council Office, Whitehall,
____ 18—

The registrar of the Privy Council begs to acquaint Messrs. — that the motion to fix a day for the hearing of the petition of — for the extension of letters patent granted to — of — for — and bearing date the — day of — 18— No. — will be heard by the Judicial Committee of the Privy Council on — the — of — at half-past ten o'clock in the forenoon.

Affidavit of Advertisement of Intention to present Petition.

IN THE PRIVY COUNCIL.

In the matter of letters patent granted to — of — for — bearing date the — day of — 18— No. —

I — of — make oath and say as follows:—

1. That on the — day of — 18— there appeared in the London Gazette an advertisement of which the following is a copy:—

[Set out advertisement.]

The said advertisement was repealed in the London Gazette the — day of — 18— the — day of — 18— and the — day of — 18—

2. On the — day of — 18— a similar advertisement appeared in the — newspaper, a paper published in —

3, 4, &c. [*Set out other advertisements as required pursuant to the Rules.*]

Sworn, &c.

Affidavit of Insertion of Advertisement of Day appointed for Hearing.

IN THE PRIVY COUNCIL.

In the matter of letters patent granted to — of — and bearing date the — day of — 18— No. —

I — of — make oath and say as follows:—

1. That on the — day of — 18— there appeared in the London Gazette an advertisement in the above matter of which the following is a copy:—

[*Set out advertisement here.*]

2. On the — day of — 18— a similar advertisement appeared in the — a paper published in the county of —

3. (*Similar to 2.*)

Sworn, &c.

Affidavit of Service of Petition on Caveators.

IN THE PRIVY COUNCIL.

In the matter of letters patent granted to — of — for — dated the — No. —

I, A. B. of — make oath and say as follows:—

1. That I did on — the — day of — 18— at — o'clock in the afternoon serve Messrs. — of — the solicitors who have entered a caveat against the petitioners in the above matter with a true copy of the petition of the said — for a prolongation of the term of the above-mentioned patent by giving such copy to and leaving the same with a clerk of the said — at their office or place of business at — aforesaid.

2. *Prove service on other caveators in similar manner.*

3. That I have to-day duly searched at the office of the Privy Council, and have ascertained that up to the period of the closing of the said office on — day the — of — the day fixed by the advertisements in this matter for caveats to be lodged, the said caveats entered by — are the only caveats entered against the said petition of —

Sworn, &c.

Form of Petition for Prolongation.

IN THE PRIVY COUNCIL.

Presented the — day of — 18—.

To the Queen's most excellent Majesty in Council.

In the matter of letters patent granted to A. formerly of —
now — in the county of —, — for the invention of
“A new or improved — constructed as a —” dated
the — day of — 1873, No. —

The humble petition of the above-named A. formerly of — now
— in the county of —

Sheweth:—

- | | |
|---------------------------------|--|
| Invention. | 1. That your petitioner, previously to the grant of the letters patent hereinafter mentioned, invented, after considerable personal application and cost, “A new or improved — constructed as a —” (hereinafter called “the said invention”), which invention was and is of great utility, and greatly beneficial to the public. |
| Grant. | 2. That your Majesty was graciously pleased by letters patent under the Great Seal of the United Kingdom of Great Britain bearing date the — day of — 1873, to grant unto your petitioner A., his executors, administrators, and assigns, the sole privilege and authority to use the said invention within the said United Kingdom, the Channel Islands and Isle of Man, for the term of fourteen years from the date of the said letters patent. |
| Specification enclosed. | 3. That your petitioner, in compliance with a proviso in the said letters patent contained, duly made and caused to be filed in the Great Seal Patent Office, within six calendar months from the date of the said letters patent, an instrument in writing under his hand and seal, particularly describing and ascertaining the nature of his said invention, and the manner in which the same was to be performed. |
| Foreign patent rights. | 4. That your petitioner has not obtained any letters patent or brevets d'invention for his said invention in any foreign country. |
| Expenditure, &c., on invention. | 5. That your petitioner has expended large sums of money, and devoted great pains and trouble while in health in endeavouring to introduce the said invention to the public, and to bring the same into use. |
| Delay in presenting petition. | 6. That your petitioner met with an accident while travelling on the — Railway between — and — on — day of — 1878, and in consequence thereof was confined to his bed until nearly the end of the year 1882. |
| Reasons for. | 7. That your petitioner would have presented this his petition earlier and about the — day of —, 1886, when he called at the Privy Council Office for particulars as to presenting same; he was, however [<i>here set out grounds of inability</i>]. |
| Insufficient remuneration. | 8. That your petitioner has, owing to [<i>mention circumstances</i>] failed to receive adequate benefit from his invention. |

9. Your petitioner has no doubt that if the term of the said letters patent should be extended the said letters patent will become productive, and your petitioner will be able to obtain a fair reimbursement and remuneration commensurate with the great public value and importance of the said invention.

10. That your petitioner's invention was tried practically and with great success in the month of — 1883, at —, when the use of the invention for the — was most amply demonstrated. Merits of invention.

11. That your petitioner exhibited a model of his invention at the — Exhibition held in — in 18— when he was awarded a gold medal; and at the — Exhibition held at the — in 18— when he was awarded the first prize of —

12. That your petitioner humbly submits that under the circumstances of the case an exclusive right of using and vending the said invention for the further period of seven years will not sufficiently reimburse and remunerate your petitioner.

13. That your petitioner has given public notice by advertisements caused to be inserted the requisite number of times in the London Gazette, and in other newspapers, pursuant to the statutes in that case made and provided, that it is his intention to apply to your Majesty in Council that the said letters patent may be extended for a further term. Advertisements.

Your petitioner therefore humbly prays that your Majesty will be graciously pleased to take the case of your petitioner into your Royal consideration, and to refer this petition to the Judicial Committee of your Majesty's most honourable Privy Council; and that your petitioner may be heard before such committee by his counsel and witnesses, and that your Majesty will be graciously pleased to grant to your petitioner a prolongation of the term by the said letters patent granted for the additional term of fourteen years, or for such other term as to your Majesty shall seem fit. Prayer.

And your petitioner will ever pray.

Form of Petition for Prolongation (Another Form).

IN THE PRIVY COUNCIL.

Presented the — day of — 18—.

To the Queen's most excellent Majesty in Council.

In the matter of letters patent granted to A. in — in the county of Middlesex for the invention of "Improvements in, &c.," dated the —, No. —.

The humble petition of the above-named —, and others.

Sheweth :—

Invention.

1. That your petitioner, the above-named —, previously to the grant of the letters patent hereinafter mentioned, invented, after considerable personal application and cost, certain "improvements in the means, &c." (hereinafter called "the said invention"), which invention was and is of great utility, and greatly beneficial to the public.

Grant of patent.

2. That your Majesty was graciously pleased, by letters patent under the Great Seal of the United Kingdom of Great Britain, bearing date the — day of —, to grant unto your petitioner —, his executors, administrators and assigns, the sole privilege and authority to use the said invention within the said United Kingdom, the Channel Islands, and Isle of Man, for the term of fourteen years from the date of the said letters patent.

Specification filed.

3. That your petitioner —, in compliance with a proviso in the said letters patent contained, duly made and caused to be filed in the Great Seal Patent Office, within six calendar months from the date of the said letters patent, an instrument in writing under his hand and seal, particularly describing and ascertaining the nature of his said invention, and the manner in which the same was to be performed.

No foreign patents.

4. That your petitioner — has not obtained any letters patent, or *Brevets d'Invention* for his said invention in any foreign country.

5. [*Assignment of share of patent.*]

6. [*Agreement for partnership.*]

Agreement to form company.

7. By an indenture, dated the —, and made between your petitioners — of the first part, your petitioner — of the second part, your petitioner — of the third part, and your petitioner — of the fourth part, certain arrangements were made between the parties thereto, with a view to the formation of a company for working the said letters patent, and certain other patents relating to the same subject-matter.

Assignments.

8, 9, 10, 11. [*Assignments.*]

12. [*Agreement with trustee for an intended company.*]

Formation of company.

13. The company contemplated by the last-mentioned agreement was duly formed and registered on the — day of —, under the name of the —, and it is hereafter referred to as "the said company."

Adoption of agreement by company.

14. By an agreement dated the —, and endorsed on the agreement last aforesaid, and made between your petitioners of the first part, — of the second part, and the said company of the third part,

the said company ratified and adopted the agreement last hereinbefore stated.

15, 16, 17. [*Allotment of shares, company wound up.*]

18. Under the circumstances aforesaid, your petitioners are entitled to the said letters patent in the following shares, that is to say:—your petitioner — to — parts thereof; your petitioner — to — parts thereof; your petitioner — to — parts thereof; your petitioner — to — parts thereof; and your petitioner — to — parts thereof.

Interest of petitioners in patent.

19. That the said invention relates to the use of — and —, and it has been applied with very great and most marked practical success at —, and elsewhere.

Utility of invention.

20. That your petitioner — has given much time and labour, and expended considerable sums of money in conducting experiments relating to the subject-matter of this invention.

Expenditure, time, money, &c.

21. That your petitioners have expended large sums of money, and devoted great pains and trouble in endeavouring to introduce the said invention to the public, and to bring the same into use.

22. That your petitioners endeavoured to obtain the employment of the said invention by — companies in London and the neighbourhood, but that owing to the uncertainty which has prevailed since the year — in regard to proposed legislation —, the companies have been unwilling to embark new capital in adopting the said invention.

23. That only one licence has ever been granted for the use of the said invention, that is to say, to —, for the purpose of making and selling domestic —, which licence was determined in the year —.

Licences.

24. That, as will appear by the accounts, your petitioner —, notwithstanding the sums which he received from the said company as aforesaid—and even assuming that he had received from the said company the further sums which he has claimed as aforesaid—has not as yet received any adequate return for the capital and labour which he has expended on the said invention; and your petitioners — and —, have not received any adequate return for their outlay on the said invention, even assuming that they will receive the full amount of the said claim against the said company. Under the circumstances aforesaid, the said letters patent of the —, have not been productive of any sufficient reward.

No adequate return from invention.

25. That of late years the utility of the said invention has been generally acknowledged, and — have been introduced into the various Government departments. They are now beginning to be used by railway companies, hospitals and schools, not only in this country, but also by railway and telegraphic companies in India, Persia and other foreign countries. Quite recently negotiations have been opened with your petitioner — on behalf of the new scheme of supplying —, and it is likely that this may lead to a large business. Another application received quite recently is —. Taking the three last years the value of the sales affected in the domestic — department increased in — about 13 per cent. as compared with —, and again in — about 26 per cent. as compared with —.

Prospects of invention.

26. That it is only now, when the letters patent are about to expire, that the use of the said invention is becoming fully established and extending, and your petitioners have no doubt that if the term of the said letters patent should be extended the said letters patent will

become productive, and your petitioner — will be able to obtain a fair reimbursement and remuneration commensurate with the great public value and importance of the said invention.

Term asked for.

27. That your petitioners humbly submit that, under the circumstances of the case, an exclusive right of using and vending the said invention for the further period of seven years will not sufficiently reimburse and remunerate your petitioners.

Advertisements.

28. That your petitioners have given public notice, by advertisements caused to be inserted the requisite number of times in the London Gazette, and in Metropolitan and country newspapers, pursuant to the statutes in that case made and provided, that it is their intention to apply to your Majesty in Council that the said letters patent may be extended for a further term.

Prayer of petition.

Your petitioners therefore humbly pray that your Majesty will be graciously pleased to take the case of your petitioners into your royal consideration, and to refer the same to the judicial committee of your Majesty's Most Honourable Privy Council, and that your petitioners may be heard before such committee by their counsel and witnesses, and that your petitioners' letters patent be extended for the further and additional term of fourteen years, or for such other term as to your Majesty shall seem fit.

And your petitioners will ever pray.

Form of Petitioner's Accounts.

In the Privy Council.

_____'s PATENT (18—, _____), No. —, IMPROVEMENTS IN _____.

PETITION FOR PROLONGATION.

ACCOUNT OF EXPENDITURE AND RECEIPTS.

Account of the Expenditure and Receipts of the Petitioner.

FIRST YEAR.

EXPENDITURE.		£	s.	d.
18—	At and prior to this date Petitioner — had expended various sums for models and other expenses of which he kept no account and is unable to specify them, but subsequently paid following:			
Mar. 2nd	to			
Dec. 31st				
	Journey to London			
	Models			
	Sundry expenses—trials.....			
	Total Expenditure 18—.....	£		

RECEIPTS.

Nil.

SECOND YEAR.

EXPENDITURE.		£	s.	d.
18—	To amount paid — for half share of Patent Petitioner had assigned to him —			
Jan. 1st	to			
Dec. 31st				
	„ Amount paid above —'s expenses of taking out patent, trials, &c.....			
	„ Travelling expenses London and Portsmouth			
	„ Advertising, printing, &c.			
	„ Cost of models			
	„ Expenses at trials.....			
	„ Legal expenses			
	„ Office furniture			
	„ Rent of offices			
	„ Rates and taxes.....			
	„ Subscription to exchange			
	„ Salaries of clerk.....			
	„ Office expenses			
	Total Expenditure for 18—.....	£		

RECEIPTS.

		£	s.	d.
18—	By Amount received from Messrs. — & — for right of sole manufacture			
Jan. 1st	to			
Dec. 31st				
	„ Amount paid by Messrs. — & — to Petitioner — to enable him to devote his time specially to forwarding the invention and to be accepted in lieu of royalty during 18—			
	10 [patented articles] sold during 18—:			
	Total weight of same — cwts. — qr. — lbs.			
	Total value of [patented articles] received by Petitioner and by him paid to the manufacturers Messrs. — & —....£			
	Total Receipts for 18—.....	£		

THIRD YEAR, &c., IN SIMILAR FORM TO FIRST YEAR.

PROLONGATION OR EXTENSION.

Summary of Petitioner's Accounts.

IN THE PRIVY COUNCIL.

—'s PATENT, No. —, 18—.

IMPROVEMENTS IN —.

SUMMARY OF PETITIONER'S ACCOUNTS.

Loss.		Nil.	PROFIT.
£ s. d.		£ s. d.	£ s. d.
	First year—		
	Receipts		
	Expenditure		
	Second year—		
	Receipts		
	Expenditure		
	Third year—		
	Receipts		
	Expenditure		
	Fourth year—		
	Receipts		
	Expenditure		
	Fifth year—		
	Receipts		
	Expenditure		
	Sixth year—		
	Receipts		
	Expenditure		
	Seventh year—		
	Receipts		
	Expenditure		
	Eighth year—		
	Receipts		
	Expenditure		
	Ninth year—		
	Receipts		
	Expenditure		
	Tenth year—		
	Receipts		
	Expenditure		
	Eleventh year—		
	Receipts		
	Expenditure		
	Twelfth year—		
	Receipts		
	Expenditure		
	Thirteenth year—		
	Receipts		
	Expenditure		
	Fourteenth year—		
	Receipts		
	Expenditure		
£			
	Deduct Loss		
	Total Profit.....		£

Form of Manufacturer's Accounts.

IN THE PRIVY COUNCIL.

—'s PATENT, [date], No. —; IMPROVEMENT IN —.

PETITION FOR PROLONGATION.

MANUFACTURER'S ACCOUNTS.

DR. *Profit and Loss Account from —, 18— to —, 18—.* CR.

	£	s.	d.		£	s.	d.
[Patented articles] manufactured and sold from — to —, 18—:				Sale of [patented articles] as per contra—			
10 [patented articles] — cwts. — qrs. — lbs.				10 [patented articles] — cwts. — qrs. — lbs.			
Patentee for sole right of manufacture.....							
Royalties							
Railway and other carriages							
£— per ton on quantity invoiced, viz., — tons, — cwts.							
— qrs. — lbs.							
Discounts and commissions.....							
	£				£		

MANUFACTURER OF —'s [patented article].

DR. *Profit and Loss Account for the year ending —, 18—.* CR.

	£	s.	d.		£	s.	d.
[Patented articles] manufactured and sold for the year ending —, 18—:				Sale of [patented articles] as per contra—			
21 [patented articles] — cwts. — qrs. — lbs.				21 [patented articles] — cwts. — qrs. — lbs.			
Royalties							
Railway and other carriages—							
£— per ton on quantity invoiced, viz., — tons, — cwts.							
— qrs. — lbs.							
Discount and commissions							
	£				£		

PROLONGATION OR EXTENSION.

Notice of Objections to Prolongation of Patent.

IN THE PRIVY COUNCIL.

In the matter of letters patent granted to — and —
both of — in the county of — for the invention—
“Improvements in machinery or apparatus for —,”
bearing date the — 18— No. —

and

In the matter of a petition of — and — for an extension
of the said letters patent.

Grounds of objection by — of — to the granting of the
prayer of the above-mentioned petition.

- | | |
|--|---|
| Novelty. | 1. The alleged invention was not new at the date of the said letters patent or useful. |
| Small merit. | 2. The alleged invention if new at the date of the said letters patent, was at most a small improvement on the mode of — in use prior to the said date, and in fact varies very little from the inventions described in previous specifications, and particularly those of — 18— No. — and of the petitioners of the — 18— No. — and 18— No. — and is not of great merit. |
| Full reward already received. | 3. The petitioners have already received a full reward adequate to the merit of their alleged invention, and have derived large trade profits from their business, established solely by the monopoly they have enjoyed from their said patents. |
| If reward insufficient due to laches of petitioners. | 4. If any inadequacy of remuneration has occurred, it has arisen from the acts of the petitioners themselves in not advertising and pushing the said machine. They have refused licences for use of the invention, and have insisted that persons who have desired to work any part of the invention should purchase a complete machine of a costly character, made under all three of the said patents, and sold at an exorbitant price. |
| Conduct of petitioners. | 5. The petitioners have never brought actions to restrain alleged infringements of their patent, though they have continually threatened so to do. |
| Some foreign patents expired. | 6. In consequence of the expiry of the patents in — and —, the alleged invention can be now freely worked in those countries. |
| | 7. The facts as stated in the said petition are incapable of proof. |

Dated this — day of — 18—

(Signed) —
Solicitor for the said —

**Notice of Objections to Prolongation of Patent
(Another Form).**

IN THE PRIVY COUNCIL.

In the matter of letters patent granted to A., No. — 18—
for the invention of —

and

In the matter of the petition of the — for an extension of
the term of the said letters patent.

The grounds of objection of — of — in the county —,
—, and trading there under the style of — to the
granting of the prayer of the above-mentioned petition —
are as follows:—

1. That the said alleged invention was not and is not of great Merit denied.
advantage or benefit to the public.

2. That the said inventor has already received a full and adequate Adequate re-
muneration.
remuneration for the alleged invention.

3. That there is no sufficient merit in the said invention. Invention not

4. That the alleged invention comprised in the said letters patent novel.
was not new within this realm at the date of the said letters patent,
nor was the said A. the true and first inventor in proof whereof leave
is craved to refer to a previous patent obtained by — No.
— 18—

5. That the object of the alleged invention to — had been
accomplished by the said invention of the said — previous to the
letters patent No. — granted to A.

6. That the allegations in the petition are incapable of proof.

Dated this — day of — 18—

(Signed) —
Solicitor for —

Queen's Order in Council for Prolongation of Patent.

At the Court at — the — day of — 189—. Present, The
Queen's Most Excellent Majesty, Lord President, —.

WHEREAS there was this day read at the Board a Report from the
Judicial Committee of the P. C., dated &c., in the words following,
viz. : "Your Majesty having been pleased by your Order in Council
of the — day of —, to refer unto this Committee the humble
petition of &c., setting forth &c., The Lords of the Committee, in
obedience to your Majesty's said order of reference, have taken the
said petition into consideration, and having heard the Petitioners &c.,
their Lordships do this day agree humbly to report to your Majesty,
&c." Her Majesty having taken the said report into consideration,
was pleased, by and with the advice of her P. C., to approve thereof,

and to order, as it is hereby ordered, that the Comptroller-General of Patents, upon receipt hereof, do cause new letters patent, according to the tenor and effect of this order, to be made and sealed &c., provided that application be made to seal such new letters patent within three calendar months from the date of this order; whereof the Comptroller-General of Patents, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. L. PEEL (a).

Certificate of Registrar.

Council Office, Whitehall,
— 18—

Her Majesty has been pleased by her Order in Council of the — day of — 18— to direct that new letters patent be granted to — for the term of — years in extension of certain letters patent, No. — for the invention of — such letters patent having been originally granted to — for the United Kingdom of Great Britain and Ireland, and the Channel Islands, and bearing date — 18—

New Letters Patent granted after Order in Council prolonging Term.

No. —. 1874.

Recitals.

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. WHEREAS we did by our letters patent under the Great Seal of our United Kingdom of Great Britain and Ireland bearing date the tenth day of September one thousand eight hundred and seventy-four, and numbered —, grant unto X., then of — in the county of —, North Britain, civil engineer, his executors, administrators, and assigns, our especial licence, full power, sole privilege, and authority that he the said X., his executors, administrators, and assigns, and every of them, should and lawfully might make, use, exercise, and vend an invention for “improvements in — or —” within our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, in such manner as to him the said X., his executors, administrators, and assigns, or any of them, should in his or their discretion seem meet: To have, hold, exercise, and enjoy the said licences, powers, privileges and advantages therein granted, or mentioned to be granted, unto the said X., his executors, administrators, and assigns, for and during and unto the full end and term of fourteen years from the day of the date

(a) Signature of Clerk to Privy Council.

of the said letters patent next and immediately ensuing and fully to be complete and ended according to the statute in such case made and provided as by the said letters patent, relation being thereunto had will more fully and at large appear. AND WHEREAS in pursuance of a proviso in that behalf in the said letters patent contained, the said X. did particularly describe and ascertain the nature of the said invention, and in what manner the same was to be performed by an instrument in writing under his hand and seal, and did cause the same to be duly filed in the Great Seal Patent Office. And the other conditions contained in the said letters patent relating to the payment of stamp duties and other matters have all been duly performed. AND WHEREAS the said X. has by his petition humbly represented unto us (amongst other things) that the profits of his said invention had been exceedingly small in comparison with its value, and humbly prayed that we would be pleased to take the case of the petitioner into consideration, and that the petitioner's said letters patent might be extended for the further and additional term of fourteen years, or for such other term as to us should seem fit.

Petition for prolongation.

AND WHEREAS the matter of the said petition having been referred to the Judicial Committee of our Privy Council, their lordships, in pursuance of the statute in such case made and provided, reported to us that (in case we should so think fit) new letters patent ought to be granted to the said X. for the said invention of "improvements in — or —" for which letters patent were granted to the said X., bearing date at Westminster the tenth day of September one thousand eight hundred and seventy-four, No. —. And that such new letters patent should be granted for a term of *ten years* from and after the expiration of the term of the said original letters patent.

Reference to and report of Privy Council.

New letters patent for ten years.

KNOW YE THEREFORE that we, of our especial grace, certain knowledge, and mere motion, do by these presents for us, our heirs and successors, give and grant unto the said X., the original patentee, now of Ipswich, in the county of Suffolk, civil engineer, his executors, administrators, and assigns (hereinafter, together with his executors, administrators, and assigns, or any of them, referred to as the said patentee), our especial licence, full power, sole privilege and authority that the said patentee, by himself, his agents or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention for "improvements in — or —," as described in the letters patent granted to the said X. on the tenth day of September, one thousand eight hundred and seventy-four, and numbered —, within our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, in such manner as to him may seem meet. And that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of *ten years* from the date hereunder written of these presents. And to the end that the said patentee may have and enjoy the sole use and exercise, and the full benefit of the said invention. We do by these presents for us, our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, that they do not at any time during the continuance of the said term of

Grant,

includes Channel Islands.

Provisoes.

ten years, either directly or indirectly, make use of or put in practice the said invention or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof without the consent, licence, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our royal command, and of being answerable to the patentee according to law for his damages thereby occasioned: PROVIDED THAT THESE OUR LETTERS PATENT ARE ON THIS CONDITION, that if at any time during the said term it shall be made to appear to us, our heirs or successors, or any six or more of our Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention was not, at the date of the said original letters patent, a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, or that the said X. was not the first and true inventor thereof within this realm as aforesaid, these our letters patent shall forthwith determine and be void to all intents and purposes, notwithstanding anything hereinbefore contained: PROVIDED ALSO that if the said patentee shall not supply or cause to be supplied for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then and in any of the said cases these our letters patent, and all privileges and advantages whatever hereby granted, shall determine and become void, notwithstanding anything hereinbefore contained. PROVIDED ALSO 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 patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee. IN WITNESS whereof we have caused these our letters patent to be made patent this tenth day of September, one thousand eight hundred and eighty-eight, and to be sealed as of the said tenth day of September, one thousand eight hundred and eighty-eight.

By Her Majesty's Order in Council.

(SEAL.)

X.—CONFIRMATION (a).

Form of Special Act to Confirm Patent.

*(Potter's Patent Act, 1887, 50 & 51 Vict. c. cxxi. (b).)**An Act for rendering valid certain Letters Patent granted to Richard Potter for Improvements in Furnaces for melting Glass. [19th July, 1887.]*

Whereas by letters Patent under the Great Seal of Great Britain bearing date the twenty-second day of June one thousand eight hundred and eighty-two being the forty-sixth year of the reign of her present Majesty Queen Victoria and numbered two thousand nine hundred and seventy-one her Majesty did give and grant unto Richard Potter of Dearne Terrace Stairfoot in the county of York his executors administrators and assigns her special licence full power sole privilege and authority that he the said Richard Potter his executors administrators and assigns and every of them by himself and themselves or by their deputies servants or agents or such others as he the said Richard Potter his 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 of fourteen years from the date of the said letters patent should and lawfully might make use and exercise and vend within the United Kingdom of Great Britain and Ireland the Channel Islands and Isle of Man an invention therein mentioned for "improvements in furnaces for melting glass" in which letters patent is contained a proviso making void the said letters patent if the said Richard Potter his executors and administrators should not particularly describe and ascertain the nature of the said invention and in what manner the same is to be performed by an instrument in writing under their or one of their hands and seals and cause the same to be filed in the Great Seal Patent Office within six calendar months next and immediately after the date of the said recited letters patent and also if the said Richard Potter his executors administrators or assigns should not pay the stamp duty of fifty pounds and produce the said recited letters patent stamped with a proper stamp to that amount at the office of the Commissioners of Patents for inventions before the expiration of three years from the date of the said letters patent which expired on the twenty-second day of June one thousand eight hundred and eighty-five;

And whereas a specification was duly filed by the said Richard Potter in the Great Seal Patent Office within the time limited by the said letters patent whereby the said Richard Potter did particularly describe and ascertain the nature of the said invention and in what manner the same was to be performed;

And whereas by an indenture dated the seventeenth day of February one thousand eight hundred and eighty-three and made between the said Richard Potter of the one part and Hiram Codd and Dan Rylands therein described of the other part and duly registered in the Great Seal Patent Office on the twenty-fifth day of April one thousand eight hundred and eighty-three the said Richard Potter for the considerations therein mentioned assigned transferred and set over to the said Hiram Codd and Dan Rylands the said letters patent upon the terms and conditions therein mentioned;

And whereas by indenture bearing date the sixth day of October one thousand eight hundred and eighty-four and made between the said Hiram

Preamble.

Grant of patent.

Specification filed.

Assignment.

Further assignment.

(a) For a form of petition to the Privy Council for confirmation, see Hindmarch, pp. 642, 643.

(b) See Chap. XVII.

Codd of the one part and the said Dan Rylands of the other part and duly registered in the Patent Office on the twenty-third day of December one thousand eight hundred and eighty-four the said Hiram Codd did for the considerations therein mentioned grant assign release and confirm unto the said Dan Rylands one equal half part or share or all other the share and interest of the said Hiram Codd of in and to the said letters patent and such letters patent are now vested in and belong to the said Dan Rylands exclusively and he is the registered patentee thereof;

Non-payment of stamp duty.

And whereas by the Patents Designs and Trade Marks Act 1883 the time within which the above-mentioned stamp duty or fee of fifty pounds should be paid was extended to the end of the fourth year from the date of the said letters patent which expired on the twenty-second day of June one thousand eight hundred and eighty-six;

Patent declared void in consequence.

And whereas the said Dan Rylands omitted to pay the said stamp duty or fee of fifty pounds and on the first day of October one thousand eight hundred and eighty-six the said letters patent were announced to be void in the official journal published under the provisions of section 40 of the Patents Designs and Trade Marks Act 1883;

Omission discovered.

And whereas the said Dan Rylands discovered the omission to pay the said duty or fee on the fifth day of October one thousand eight hundred and eighty-six and immediately offered payment thereof and of any fine that might be imposed for the omission to pay the same to the Comptroller-General of Patents Designs and Trade Marks (hereinafter called the comptroller) but the time prescribed by section 17 of the Patents Designs and Trade Marks Act 1883 during which the comptroller is empowered to enlarge the time for such payment had already expired viz. on the twenty-second day of September one thousand eight hundred and eighty-six;

Application to Parliament.

And whereas the said Dan Rylands thereupon gave the requisite instructions for an application to Parliament for power to pay the said stamp duty and to renew the said letters patent;

Merits.

And whereas much time has been devoted and considerable sums of money have been expended by the said Dan Rylands in acquiring and developing the said invention for which no adequate and sufficient return has hitherto been received;

Omission to pay duty due to illness of petitioner.

And whereas the omission to pay the said stamp duty or fee of fifty pounds and to apply to the comptroller within the prescribed period for an enlargement of the time for paying the same arose from the serious and continued illness of the said Dan Rylands which sufficiently accounts for the said omissions otherwise than by neglect inadvertence or mistake;

Amount of stamp duty deposited with comptroller.

And whereas the said stamp duty or fee of fifty pounds has now been paid and the total amount of fees (including the prescribed fee for enlargement due and to become due upon the said letters patent) has been deposited with the comptroller and certificates of the comptroller to that effect have been lodged in the office of the clerk of the Parliaments;

And whereas it is expedient that the said letters patent should be rendered valid in manner hereinafter mentioned;

And whereas the purposes aforesaid cannot be effected without the authority of Parliament;

May it therefore please your Majesty that it may be enacted and 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):

Letters patent confirmed.

1. Upon the passing of this Act the said letters patent (a true copy of which is set forth in the schedule to this Act annexed) or a duplicate thereof certified by the comptroller for the purposes of this Act shall be considered deemed and taken to be and to have been as good valid and effectual to all intents and purposes as if all the payments prescribed by the Patents Designs and Trade Marks Act 1883 to be made in respect of the said letters patent either before or after the passing of this Act had been duly made or satisfied.

2. No action or other proceeding shall be commenced or prosecuted nor any damage recovered : Saving rights of other parties.

(1.) In respect of any infringement of the said letters patent which shall have taken place after the first day of October one thousand eight hundred and eighty six and before the passing of this Act ;

(2.) In respect of the use or employment at any time hereafter of any structure process or operation actually made or carried on within the United Kingdom and the Isle of Man or of the use or sale of any article manufactured or made in infringement of the said letters patent after the said first day of October one thousand eight hundred and eighty-six and before the passing of this Act Provided that such use sale or employment is by the person or corporation by or for whom such article was bonâ fide manufactured or made or such structure process or operation was bonâ fide made or carried on his or their executors administrators successors or vendees or his or their assigns respectively ;

(3.) In respect of the use or employment at any time hereafter by the person or corporation entitled for the time being under the preceding sub-section to use or employ any structure process or operation of any improved extended or developed structure process or operation or of the use or sale of any article thereby manufactured or made in infringement of the said letters patent Provided that the use or employment of such improved extended or developed structure process or operation shall be limited to the buildings works or premises of the person or corporation by or for whom such structure process or operation was made or carried on within the meaning of the preceding sub-section his or their executors administrators successors or assigns.

If any person shall within one year after the passing of this Act make an application to the Board of Trade for compensation in respect of money time or labour expended by the applicant upon the subject-matter of the said letters patent on a bonâ fide belief that such letters patent had become and continued to be void it shall be lawful for the said Board after hearing the parties concerned or their agents to assess the amount of such compensation if in their opinion the application ought to be granted and to specify the party by whom and the day on which such compensation shall be paid and if default shall be made in payment of the sum awarded then the said letters patent shall by virtue of this Act become void but the sum awarded shall not in that case be recoverable as .. debt or damages.

3. This Act may be cited as Potter's Patent Act 1887.

Short title.

SCHEDULE referred to in the foregoing Act.

[*Form of Letters Patent.*]

XI.—EXHIBITIONS.

Certificate of Board of Trade that Exhibition is Industrial or International (c).

PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

Upon the application of — of — made to the Board of Trade on or about the — day of — 18— the Board of Trade do hereby certify that the — proposed to be held in the year 18— at — in the county of — is an Industrial [International] Exhibition.

Signed by order of the Board of Trade this — day of — 18—

*Assistant Secretary,
Board of Trade.*

Order in Council granting temporary Protection to Inventions exhibited at the Paris (d) Universal Exhibition, 1889 (e).

At the Court at Windsor.

The 17th day of November, 1888.

Present: The Queen's Most Excellent Majesty in Council.

Whereas the Patents, Designs, and Trade Marks Act, 1883, amongst other things, provides, by section 39, that the exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention, or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely:—

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

And whereas the said Act further provides, by section 57, that the exhibition at an industrial or international exhibition, certified as such by the Board of Trade, or the exhibition elsewhere during the

(c) See Act of 1883, sect. 39, at p. 631.

(e) See Act of 1886, sect. 3, at p. 652.

(d) This is given as an example.

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 her Majesty, by virtue of the authority committed to her by the provisions of the Patents Act, 1886, is empowered by Order in Council from time to time to declare that the provisions of the said Act of 1883 above recited shall apply to any exhibition mentioned in the order in like manner as if it were an industrial or international exhibition certified by the Board of Trade, and to provide that the exhibitor shall be relieved from the conditions specified in the said hereinbefore recited sections of the said Act of 1883:

Now therefore her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said Act of 1886, doth declare, and it is hereby declared that the provisions of the foregoing sections of the said Act of 1883 shall apply to the Paris Universal Exhibition to be held in Paris in the year 1889; and further, that the exhibitor of an invention, a design, or any article to which a design is applied, shall be relieved from the conditions specified in the said hereinbefore recited sections of the said Act of 1883 of giving notice as therein required of his intention to exhibit such invention, design, or article to which a design is applied.

C. L. PEEL.

XII.—WAR OFFICE MEMORANDUM FOR INVENTORS (*f*).

WAR OFFICE,

1st January, 1886.

In consequence of the numerous claims for compensation for loss of time, and for expenses incurred by private individuals in working out inventions of various kinds, as well as for rewards in consequence of the use of such inventions, the Secretary of State for War considers it necessary to make known the following Regulations:—

(a.) With regard to unpatented inventions—

- (1.) Persons who desire to submit any unpatented invention for consideration, should do so by letter addressed to the Under Secretary of State for War. The letter should state the nature of the invention, and whether the person who offers it for consideration desires to make any claim to remuneration in connection with it. In the absence of such a statement, it will be assumed that no such remuneration is expected.

(*f*) See also Act of 1883, sect. 44, at p. 635.

- (2.) Expenses incurred before the submission of an unpatented invention, will not be considered to give a claim for repayment. No liability on behalf of the public will be recognized on account of loss of time, or expenses incurred in connection with an invention after such submission, unless authority for such expenses has been previously given by letter signed by one of the Under Secretaries of State, or the Director of Artillery; and the liability will be strictly confined to the limits of expenditure authorized in such letter.
- (3.) All claims for reward for unpatented inventions will be examined by a Joint Council of the Admiralty and War Office, to be held at the War Office, and if any payment be recommended by the Council and approved by the Secretary of State for War, the sum will, with the concurrence of the Treasury, be included in the estimates, but it will not be due to the Claimant until after the vote is passed by the House of Commons.
- (4.) No claim for reward for an unpatented invention will be held to be established, unless the invention has been adopted into the Service.
- (b.) With regard to patented inventions—
- (5.) By section 27 of the Patents, Designs, and Trade Marks Act, 1883, it is enacted as follows:—
- “A Patent shall have to all intents the like effect as against Her Majesty the Queen, Her Heirs, and Successors, as it has against a subject.
- “But the Officers or Authorities administering any department of the service of the Crown may by themselves, their agents, contractors, or others, at any time after the application, use the invention for the service of the Crown, on terms to be before or after the use thereof agreed on, with the approval of the Treasury, between those Officers or Authorities and the Patentee, or in default of such agreement, on such terms as may be settled by the Treasury, after hearing all parties interested.”
- (6.) Persons desiring to submit patented inventions should proceed on all points as laid down in para. 1.
- (7.) Should there be a statement to the effect that remuneration is expected in the event of the adoption and use of the invention by the Secretary of State for War, his agents, contractors, or others, and should there be such adoption and use, or an intention to adopt and use it, then in default of an agreement between the Secretary of State for War and the Patentee, or his Agent, as to the terms of remuneration, the Treasury will settle the terms after hearing all parties interested.

RALPH THOMPSON.

XIII.—ADMIRALTY CIRCULAR.

By Section 27 of the Patents, Designs, and Trade Marks Act, 1883, it is enacted as follows:—

“ 1. A patent shall have to all intents the like effect as against her Majesty the Queen, her heirs and successors, as it has against a subject.

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

2. All officers or subordinates holding staff appointments, or who may be now or hereafter employed in any administrative, instructional, manufacturing, or experimental department under the Admiralty, or appointed to any of H.M. Ships for service, either in such department, or in any sea reserve, are to understand that one of the conditions subject to which they hold such appointment or employment, is that they shall not take out a patent, nor seek for provisional protection for an invention, without first obtaining the approval of the Admiralty by application through their respective Commanding Officers or heads of their departments.

Each application must contain a general description of the invention for which protection is desired.

3. Permission to patent will not be granted as a matter of course, but each application will be dealt with according to the circumstances of the case. Should permission be granted it will be subject to the following conditions, from which there shall be no appeal by the patentee, either to the Treasury under the above-quoted Section of the Patents Act, 1883, or otherwise:—

a. That if it be at any time desired by the Admiralty the patent shall be absolutely assigned to the Secretary of State for War on such terms as the Admiralty may decide upon, after full consideration of all the circumstances of the case.

b. That the invention may be used by or for the Admiralty, and that the terms of payment, if any, for such use, shall be decided by the Admiralty.

c. In settling terms either for assignment or use, regard shall be had by the Admiralty to any facilities in originating, working out, and perfecting the invention, which the inventor may have enjoyed by reason of his official position; and all payments shall be subject to the approval of the Treasury.

to erect in
patents or
inventions.

XIV.—REGISTER OF PATENT AGENTS RULES, 1889 (g).

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

Register of patent agents (i). Names, &c., of patent agents to be registered.

1. A register shall be kept by the Institute of Patent Agents, subject to the provisions of these rules and to the orders of the Board of Trade, for the registration of patent agents in pursuance of the Act.

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

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

Printed copy of register to be evidence.

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

Appointment of registrar.

4. The institute shall appoint a registrar (k), who shall keep the register in accordance with the provisions of the Act and these rules, and, subject thereto, shall act under the directions of the institute and the Board of Trade.

Registration of patent agents practising before Act 1888.

5. A person who is desirous of being registered in pursuance of the Act, on the ground that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, shall produce or transmit to the Board of Trade a statutory declaration in the Form 2 in Appendix A.; provided that the Board of Trade may in any case in which they shall think fit, require further or other proof that the person had, prior to the passing of the Act, been *bonâ fide* practising as a patent agent. Upon the receipt of such statutory declaration or of such further or other proof to their satisfaction as the case may be, the Board of Trade shall transmit to the registrar a certificate that the person therein named is entitled to be registered in pursuance of the Act, and the registrar shall on the receipt of such certificate cause the name of such person to be entered in the register.

Examinations.

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

(g) See Act of 1888, s. 1.

(h) See Patents Acts, 1885-88, p. 664, and notes thereon.

(i) The side notes are not in the

original.

(k) The Institute have appointed their Secretary, Mr. Howgrave Graham, registrar.

patent law and practice and of the duties of a patent agent as the institute shall from time to time prescribe (l).

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

Exemptions from preliminary examination.

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

Preliminary examinations.

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

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

Holding of examinations and regulations.

- (a) The subjects for and the mode of conducting the examination of candidates;
- (b) The times and places of the examinations, and the notices to be given of examinations;
- (c) The certificates to be given to persons of their having passed the examinations;
- (d) The appointment and removal of examiners, and the remuneration, by fees or otherwise, of the examiners so appointed; and
- (e) Any other matter or thing as to which the institute may think it necessary to make regulations for the purpose of carrying out this rule.

10. The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any person registered.

Alteration in name or address.

11. The registrar shall erase from the register the name of any registered person who is dead.

Names of deceased persons.

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

Names of persons ceasing to practise as patent agents.

(l) This rule gives the Institute practically complete control over the admis-

sion of persons to the profession of patent agent.

- Removal of names from register where registration fees unpaid.
13. If any registered person shall not, within one month from the day on which his annual registration fee becomes payable, pay such fee, the registrar may send to such registered person to his registered address, a notice requiring him, on or before a day to be named in the notice, to pay his annual registration fee; and if such registered patent agent shall not within one month from the day named in such notice pay the registration fee so due from him, the registrar may erase his name from the register: provided that the name of a person erased from the register under this rule may be restored to the register by direction of the institute or the Board of Trade on payment by such person of the fee or fees due from him, together with such further sum of money, not exceeding in amount the annual registration fee, as the institute or the Board of Trade (as the case may be) may in each particular case direct.
- Evidence.
14. In the execution of his duties the registrar shall, subject to these rules, in each case act on such evidence as appears to him sufficient.
- Fraudulent and incorrect entries.
15. The Board of Trade may order the registrar to erase from the register any entry therein which is proved to their satisfaction to have been incorrectly or fraudulently inserted.
- Removal of names of persons convicted of felony, &c.
16. If any registered person shall be convicted in her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony or misdemeanour, or after due inquiry is proved to the satisfaction of the Board of Trade to have been guilty of disgraceful professional conduct, or having been entitled to practise as a solicitor or law agent shall have ceased to be so entitled, the Board of Trade may order the registrar to erase from the register the name of such person. Provided that no person shall be adjudged by the Board of Trade to have been guilty of disgraceful professional conduct unless such person has received notice of, and had an opportunity of defending himself from, any charge brought against him.
- Re-entry of names on register.
17. (1.) Where the Board of Trade direct the erasure from the register of a name of any person, or of any other entry, the name of the person or the entry shall not be again entered in the register, except by order of the Board of Trade.
- (2.) The Board of Trade may in any case in which they think fit restore to the register any name or entry erased therefrom either without fee, or on payment of such fee, not exceeding the registration fee, as the Board of Trade may from time to time fix, and the registrar shall restore the name accordingly.
- (3.) The name of any person erased from the register at the request or with the consent of such person shall, unless it might, if not so erased, have been erased by order of the Board of Trade, be restored to the register by the registrar on his application and on payment of such fee, not exceeding the registration fee, as the institute shall from time to time fix.
- Appointment of committee.
18. For the purpose of exercising in any case the powers of erasing from and of restoring to the register the name of a person, or an entry, the Board of Trade may appoint a committee consisting of such persons as they shall think fit. Every application to the Board of Trade for the erasure from, or restoration to, the register of the name of any patent agent shall be referred for hearing and inquiry to the committee, who shall report thereon to the Board of Trade, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the Board of Trade.
- Appeal to Board of Trade.
19. Any person aggrieved by any order, direction, or refusal of the institute or registrar may appeal to the Board of Trade.
- Procedure on appeal.
20. A person who intends to appeal to the Board of Trade under these rules (in these rules referred to as the appellant) shall, within 14 days from the date of the making or giving of the order, direction, or refusal complained of, leave at the office of the institute a notice in writing signed by him of such his intention.
21. The notice of intention to appeal shall be accompanied by a statement in writing of the grounds of the appeal, and of the case of the appellant in support thereof.

22. The appellant shall also immediately after leaving his notice of appeal at the institute send by post a copy thereof with a copy of the appellant's case in support thereof addressed to the secretary of the Board of Trade, 7, Whitehall Gardens, London.

23. The Board of Trade may thereupon give such directions (if any) as they may think fit for the purpose of the hearing of the appeal.

24. Seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing of the appeal shall be given to the appellant and the institute and the registrar.

25. The appeal may be heard by the president, a secretary, or an assistant secretary of the Board of Trade, and the decision and order thereon of the president, secretary, or assistant secretary, as the case may be, shall be the decision of the Board of Trade on such appeal. On the appeal such decision may be given or order made in reference to the subject-matter of the appeal as the case may require.

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

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

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

29. In these rules, unless the context otherwise requires— Definitions.

"The Act" means the Patents, Designs, and Trade Marks Act, 1888.

"The institute" means the Institute of Patent Agents, acting through the council for the time being.

"The registrar" means the registrar appointed under these rules.

"Registered patent agent" means any agent for obtaining patents in the United Kingdom whose name is registered under the Act and these rules.

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

31. The rules may be cited as the Register of Patents Agents Rules, 1889. Short title.

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

The 11th day of June, 1889.

(m) This rule is not *ultra vires*: *Institute of Patent Agents v. Lockwood* (1894), App. Ca. 347; 11 R. P. C. 374.

APPENDIX A.

Form 1.

FORM OF REGISTER.

Name.	Designation.	Address.	Date of Registration.

FORM 2.

FORM OF STATUTORY DECLARATION.

Register of Patent Agents Rules, 1889.

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

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

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

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

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

Declared at

APPENDIX B.

PARTICULARS OF PRELIMINARY EXAMINATIONS.

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

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

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

APPENDIX C (a).

FEES.

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

Patents, Designs, and Trade Marks Act, 1888.

REGISTER OF PATENT AGENTS RULES, 1891.

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

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

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

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

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

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

(a) See *Institute of Patent Agents v. Lockwood* (1894), App. Ca. 347; 11 R. P. C. 374.

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

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

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

Publication of register.

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

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

Alteration of Appendix B. Commencement and citation.

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

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

By the Board of Trade,

COURTENAY BOYLE,

Assistant Secretary.

Dated the 18th day of November, 1891.

APPENDIX B.

PARTICULARS OF PRELIMINARY EXAMINATIONS.

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

THE FIRST MONOPOLY PATENT. A.D. 1561.

ELIZABETH by the grace of God, etc. To all our Justices officers Ministers and subjectes whatsoever greating. Knowe ye that we for dyverse weightie causes vs moving of our speciall grace and of certen knowledge and mere mocyon have geven and by thes presentes graunted vnto Stephen Groyett and Anthony le Leuryerfull priviledge and auctorities that they and every of them and the survivor of them and not any other by them solves and there servauntes whereof tow at the least shalbe of our leges and subjectes borne within our Realme of England for the space of tenne yeares next ensuyng the date hereof in place and places convenient within this our realme of England not beinge within our Citie of London nor nere to anie the places or mansion houses of vs our heires and successors or of any our nobilltie or Councell at thes present builded to the annoyance of the same shall and may worke and make within this our realme of England white harde sope aswell in greate as in small cakes to be like of goodnes fynes and puritie as the sope is which is made in the sope house at Triana or Syvile in Andelizoi And therefore we do by these presentes straightly charge and comaunde and also prohibitte all other our subjectes aswell denizens as not denizens at theis presentes not vsing within this our Realme the makinge of the saide whitte harde sope that they nor any of them during the said terme of tenne yeares shall within this our realme make or attempte to make any white harde sope upon payne of imprisonment and forfeiture of all suche sope as shalbe made by them or any of them contrary to the tenor hereof The one moitie of whiche forfeiture shalbe to the vse of vs our heires and successors And the other moitie thereof to the partie that will seaze the same or sue for the same in any our Courtes of recorde by informacon writte bill playnte or otherwise Provided alwayes and our pleasure is that all suche sope as by vertue of this our graunte or privilege shalbe made within three Miles of our Citie of London shall and made be viewed and tried from tyme to tyme by the order and appointment of the Mayor and Aldermen of London for the Tyme being And that all suche sope as by vertue hereof shalbe made in any other place of this our Realme more then three myles distaunt from the said Citie of London shall and may be viewed and tryed from tyme to tyme by the order and appointment of suche as the Lorde Chauncellor or keeper of the grete seale of this our realme for the tyme being shall assigne and appointe And if any of the said sope made and offered to sale shalbe founde defectyve vnruly or deceitfully made or wrought contrary to the entent of these presentes that then and from thencefurth this our graunte and privilege shall furwith cease determine and be voide anie thinge before mencioned to the contrary hereof in anie wise notwithstanding Wherefore we will and straightly charge all our said justices officers Ministers and subjects to be ayding and asisting for the due obseruacion of this our graunte and privilege in all things according to the tenor of the same In witness whereof etc. Witness the quene at Westm the third day of Januarie.

De licencia
pro Stephano
Groyett et
Antonio le
Leurier.

per breve de privato sigillo etc.

[Patent Roll. 3 Eliz., part 13, memb. 34.]

The patent being the first of its kind, the consideration of the grant is inadequately expressed—for *divers causes as moving*. The state of the art, however, may be gathered from other sources. The best English soap was the soft mottled Bristol soap; the consistency of which may be gathered from the fact that it was packed in barrels. The hard soda soap of Spain was therefore preferred for the fine laundry work then coming into fashion.

“Some may present thee with a pound or twain
Of Spanish soap to wash thy linen white.”

The grantees being foreigners, the instruction of the native apprentice is insisted upon; and the manufacture is further subjected to the trial of experts appointed by the municipal authorities. Nothing further is known of the history of this grant, which is reproduced from “Engineering,” 22nd June, 1894.

HASTINGS' PATENT. A.D. 1569.

ELIZABETH by the grace of god Quene of England, france and Ireland defendor of the faith &c. To all people to whom theis presentes shall come gretinge Whereas the arte and knowledge of makinge of certen kindes of Draperye or Wollen cloth comonlye called frezeadowes of all sortes suche as have ben or are nowe accustomedlye made in Harlem Leyde Roterdam Amsterdam or Dirgowd in Holland or elles wheare in any other place or places of beyonde the seas is nowe of late by the procurement care deligence greate travaille and expences of our lovinge servaunt John Hastings Esquire attayned vnto erected and sett upp within this our Realme of England which said wollen clothes comonly called frezeadowes contayninge in leingh the double pece xxiiij yardes and the single pece xij yardes and in bredth a yarde three quarters di do varie in makinge and workemanshipp from all sortes of clothes heretofore vsuallye made within our Realme of England but yet for divers respectes and chieffie for the perfecte and true makinge and dyinge of the same have ben had and ben nowe had in great estymacion to the great benefytt of the comon weale of the said Townes of Harlem Leyd Roterdam Amsterdam and Dirgowd in Holland aforesaid We therefore earnestly desiringe as mouche as in us lyeth to advaunce the comon weale of this our Realme of England and to the entent that all sortes of clothes called frezeadowes hereafter to be made within our said Realme of England may be truelye and in all respectes perfectlye made and wrought and thereby growe to be of greate estimacon in forreyn Realmes knowe ye that we of our especiall grace certen knowledge and mere mocion and for other good consideracions vs movinge have gyven and graunted and by theis presentes for vs our heires and successors do gyve and graunte vnto the said

De licencia
pro Johanne
Hastinges.

John Hastings to his heires executors [and admynistrators and assignes and to every suche other percon and persons as the same John Hastings his heires executors admynistrators and assignes or any of them shall name assigne or appointe] full and free libertie lycence power and auctoritie that he and they [by hym and them selves and his and their deputies factors servautes and workemen and every of them] at their owne charges shall and may at all and every tyme and tymes and from tyme to tyme duringe the terme of twentie and one yeres next after the date of their presentes within our Realmes of England and Ireland and within all other our domynions and within every parte of the same at his and their libertie and pleasure use exercyse *practyse practize [sic]* erect sett up and put in use the said devise arte and feate of makinge dressinge dyinge and perfytinge of the said wollen clothes comonlye called frezeadowes of all sortes suche as have byn or are nowe accustomed made in Herlein Leyde Roterdam Amsterdam and Dirgowd in Holland or elles where in any other place or places beyonde the seas and from tyme to tyme duringe the said terme to bye aswell woole as woole felles with all other thinges necessarie to the provision makinge dyinge dressinge and perfytinge of the same clothes And the same clothes so made to utter sell retaile and do awaye at his and their free will and pleasure and to his and their best commoditie and proffytt from tyme to tyme duringe all the said terme of twentie and one yeres savinge alwayes to us our heires and successors all customes subsidies and duties to be due unto us our heires and successors for the same or any parte thereof And fourther of our speciall grace certen knowledge and mere mocion and for the considerations before expressed our will and pleasure ys and we for us our heires and successors do by their presentes fourther graunt to the said John Hastings his heires executors full power and auctoritie from tyme to tyme duringe all the said terme of twentie and one yeres at his and their libertie and pleasure make ordeyne devise establishe alter and change by his and their discrecions good and reasonable orders rules and ordinaunces aswell for the true and perfect makinge workinge dyinge dressinge and perfytinge of the said wollen clothes comonlye called frezeadowes as for the good rule and governamente of suche persons borne in the parties of beyonde the Seas as are or shalbe brought into this our realme of England by the said John Hastings to the intent to practize and put in use the said arte and feate of makinge of frezeadowes and of all other people that shall have to deale or meddle with the makinge workinge dyinge or dressinge of the said clothes comonlye called frezeadowes or any of them or any thinge tendinge or appertayninge thereunto and to put the said orders rules and ordinaunces in due execucion in all pointes from tyme to tyme duringe the said terme of xxj yeres so alwayes that the same orders rules and ordinaunces tend not to the prejudice of our prerogative royall or to the losse hurte damage of us our heires or successors And fourther we will and for us our heires and successors do straightlye charge enjoyne prohibite and commaunde that no person or persons our naturall Subjectes Denyzons or any other person or persons either borne within our Realmes of England and Ireland or elles where within any other of our Domynions or in any other forreyne Realme or Countrey whatsoever of what estate condicion or degree soever they be or shalbe (other then the said John Hastings his heires executors admynistrators and assignes or suche as shalbe by hym or them sett on worke lycensed or aucthorysed) shall or maye hereafter duringe the said terme of xxj yeres practize exercise or by any meanes directlye use or put in worke the said arte feate or devise of makinge dyinge or dressinge of the said Clothes called frezeadowes within our said Realmes and domynions or within any parte of the same upon payne that whosoever contrarye to the tenor and meanyng of their our letters patentes shall practize exercise or sett in work the said arte feate and devise in makinge dyinge or dressinge of frezeadowes shall for every tyme of his or their so doinge forfeyte and lose all and every the same clothes and frezeadowes so made together with one hundreth poundes of lawfull money of England th'one half of the which forfeiture shalbe to us our heires and successors and th'other moytie to the said John Hastings his executors admynistrators and assignes and besydes that shall incurre our indignacion and grevous displeasure and suffer such fourther ymprisonment and punysshment as we are heires and successors or our or their previe Councell shall thinke mete Wherefore we charge and commaund all and singuler Justices of peace Mayours Baylyffes Counstables Offycers Mynisters Wardens Artyficers and Subjectes to whom in this behaulf it shall appertayne that they and every of them be aydinge helpinge and assistinge to the said John Hastings his heires executors admynistrators and assignes Deputies Servautes and workemen in all reasonable thinges wherein they shall have nede of their help and assistaunce touchinge the accomplishment of the effect of their our letters patentes or of any parte or parcell of the same as they and every of them tender our pleasure and will avoyde our indignacion and aunswere for the contrarye at their uttermoste perilles and their our letters patentes shalbe heire suffycient warrant and dyscharge in this behaulf any statute acte ordinaunce proviso &c. In witness &c. witness our self at Westm the twentie and sixthe daye of Maye.

per ipsam Regnam.

[Patent Roll. 11 Eliz., part 2.]

Hastings' case is of great constitutional importance. The grant, which should have been drawn so as to confine the patentee to the sole exercise of the dyeing and finishing certain cloths known as frizadoes, but practically indistinguishable from the broad baizes of the Essex and other weavers, afforded the patentee or his agents a pretext to molest the older industry on the ground that it was included in this patent. The Court of Exchequer appears to have decided in favour of the Coxhall weavers, who proved that the manufacture of baize had existed thirty years before the date of the letters patent; also, that so far as the manufacture of this cloth was concerned, Hastings had actually adopted the methods of the Essex weavers in preference to those imported from abroad. Notwithstanding the adverse decision, Hastings continued to harass the trade—relying, apparently, upon the support of the Crown, which was indirectly concerned in the patent. It had been estimated by the Dyers' Company that if all the cloth sent abroad to be finished were dyed in this country an increased revenue would accrue to the Crown of at least £10,000 per annum. In 1584 an action for trespass was brought in the Lord Mayor's Court, and the defendant was fined for interfering with a weaver within the jurisdiction of the City of London.

MATHEW'S GRANT. A.D. 1571.

ELIZABETH by the grace of god ƿc To all ƿc greetinge Whereas We vnderstand that our welbeloued suante Richarde Mathewe our Cutler and Citezen of our Citie of London hath with his travaille and charges atteyned to the skill of makinge of certain haftes called Turkye haftes for knyves weapons and other thingc by hym lately devised in our Realme who doubtinge lest some other pson mighte practise and counterfayte the like to his hindraunce after his greate chardgc therein expended hath made humble petiƿon to vs to puyde for the same We let you wit that of our especiall grace certen knowledge and mere moeyon We have geven and graunted and by those p̄sentc for vs our heires and successors do gene and graunte vnto the said Richarde Mathewe lycence and aucthorytie by hym self his suantc and such as he shall set aworke to make the said haftes called Turkye haftes for knyfes or for any other weapon or thinge whiche he can devise to be made of dyvers peces of horne of one or of sondry coloures mixed and garnished betwene those peces with yellowe or white plate and for his marke to have vpon the blade and hafte of the same knyfes and other thingc to be so made by hym a half Moone The same to be vttered solde or otherwise disposed as he can agree with the byers florbidinge and phibitinge all other psons with'n this our Realm̄ our subjectc borne or straungers from hensforth to make the like Turkye haftes for knyves or any other thinge made or to be made by hym or his p̄nement of the fashion here expressed nor of peces of horne of that fourme alone without those plates duringe all the tymes of Sixe yeres next folowinge twentie daies after the date hereof nor to sell or vtter any haftes or other thingc of that makinge other then those that are or shalbe made by the said Richarde or by his p̄nement for hym vpon paine that eny pson herein offendinge to forfait to the behoofe of the said Richard Mathewe all and eny the haftes and other thingc of that fashion which any other shall make or cause to be made or counterfayte at any tyme of duringe the said terme without his consent And also vpon payne of forfayture to vs our heires or successors for eny tyme of such offence tenne poundc Willinge and comaundinge aswell all and eny our Officers and namely the Maior and Aldermen of our Cittie of London to be aydinge and assistinge vnto the said Richard Mathewe as nede shall requier that accordinge to this our pleasure and graunte he may quyety enjoy theeffecte thereof as also all other our lovinge subjectc to suffer hym quyety to enjoy the benefyt of the same as they tender our pleasure and will answer to the contry at their vtmost pillc In witnes whereof ƿc Witnes our self at Gorbamburye the xxxth day of July.

p Rico
Mathewe de
liceñ sp̄ali.

p bre de priuato sigillo ƿc.

[Patent Roll. 13 Eliz., part 7, memb. 11 (34).]

Stowe gives the following biographical account of this patentee:—"Richard Mathewe, at Fleetbridge, was the first Englishman that attained the perfection of making of fine knives and knife hafts, and in the 5th Eliz. [5 Eliz. cap. 7] he obtained a prohibition against all strangers and others for bringing any knives into England from beyond the seas, which until that time, were brought into the land by shippes lading from Flanders and other places. Albeit at that time and for many hundred yeeres before there were made in divers parts of this kingdom many coarse and uncomely knives, and at this day the best and finest knives in the world are made in London. Note he attained his skill by travelling and residing in divers nations. His knives were marked with the halfe moone according to his letters patent." There is little to add to Stowe's narrative.

The patent was successfully resisted by the Cutlers' Company before the Privy Council on the plea "that it hath been and will be the overthrow of the cutlers within the City." It was also represented that the enhancement of price was prejudicial to the Queen's subjects (*Lansd. MSS.*). Coke, generally, confirms this version. The case proves that the validity of patents of addition was not at this period firmly established. It is ridiculous to cite the case in support of the maxim that a grant of a known trade is illegal. The common law regarded with great jealousy grants made in respect of a pre-existing trade, although the grant professedly covered the improvement only.

Shortly after this case the Privy Council was invested with the right of summary revocation in case a grant should prove prejudicial or inconvenient—a clause still retained in the modern patent grant—although these functions have long ceased to be exercised by that body.

A Form of Letters Patent shortly before the Statute of Monopolies.

ENGRAVING AND PRINTING MAPS, PLANS, &c. (a).

A.D. 1617. No. 1.

RATHBURNE AND BURGEL' PATENT.

JAMES, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c., to all justices of peace, mayors, sheriffs, bailiffs, constables, and all officers, ministers, and subjects of us, our heirs and successors, to whom it shall or may appertain, and to every of them, greeting.

WHEREAS we are informed that amongst foreign nations there are fair, curious, and artificial descriptions, plots, and maps made and set forth of their principal cities and towns of greatest note, which being exactly drawn out in metal and printed off, are

Style.

Address.

Recitals.

(a) This is the earliest patent or specification to be seen at the Patent Office. The series printed comprise all patents or specifications of inventions from this one, dated 11th March, 1617, to the present day. It is to be observed that this is to some extent a grant of copyright in maps of certain towns, and scarcely the proper subject-matter of a patent for an invention at the present day. There seems, however, to be nothing objectionable in this grant as there was in so many others made before the Statute of Monopolies.

dispersed and sent abroad into all parts, to the great honour and renown of those princes in whose dominions they are, and that of our city of London, being the chief and principal in this our kingdom of England, there hath never been made or taken any true or perfect description, but false and mean draughts cut out in wood, and so dispersed abroad, to the great disparagement and disgrace of so famous and worthy a state: And whereas our loving subject, Aron Rathburne, Gentleman, practitioner in the mathematics, hath a great desire to take a perfect survey as well of the said city of London as of divers other places within this our kingdom of England hereafter mentioned, and to make such exact plots, maps, and descriptions thereof as hath not been hitherto performed by any, and hath humbly besought us that we would be graciously pleased to grant unto him our Royal licence and privilege (the want whereof, as we are informed, hath been the cause that hitherto so curious and laudable a work hath been neglected), as well for the sole making and setting forth of such maps and plots as of such descriptions and books as he shall devise or set forth in way of relation, of any the places hereafter mentioned within this our realm and other our dominions, for some reasonable time, to the end he may reap the fruits of his travel, charges, and expenses, to be sustained in and about the premises.

Grant,

for twenty-one years.
Exclusive monopoly to make maps, &c., of certain cities.

Prohibition.

Power of entry and search in ships and other places,

Know YE, that we, graciously affecting and approving the commendable endeavours of the said Aron, and for his better encouragement therein, that he may receive in recompence thereof the profit of his labours, as reason requireth, of our especial grace, certain knowledge, and mere motion, and at the humble request of the said Aron Rathburne, have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Aron Rathburne and unto our well-beloved subject Roger Burges, their executors, administrators, and assigns, and their or any of their deputies or assigns having authority from them in that behalf, that they only, and none others, shall and may, from time to time and at all times for and during the term of twenty and one years next ensuing the date hereof, within this our realm of England, or any other our dominions, and every or any of them, at their or any of their will and pleasure, make, describe, carve, and grave, or caused to be made, described, carved, and graven, in copper, brass, or other metal, all such and so many maps, plots, or descriptions of the aforesaid city of London, and of the city of Westminster, and the suburbs and adjacent parts of them or either of them, and of our cities of York, Bristol, Norwich, Canterbury, Bath, the two universities, Oxford and Cambridge, and the town and castle of Windsor, together with the suburbs and adjoining places to them, or any of them, as they or any of them shall think most meet and convenient, and the same so made, described, carved, and graven as aforesaid, to imprint and set forth in paper, parchment, cloth, or other materials, and likewise to imprint or cause to be imprinted and set forth all and all manner of descriptions and books which they or any of them shall devise, make, or set forth, for the better manifesting of or describing the said cities and towns, or any of them, or for better understanding of the said maps, plots, or descriptions; and likewise to erect and set up, in any place or places within our said realms or dominions, any engines or devices, and to use any tools or instruments necessary for the making, graving, carving, imprinting, or setting forth of the said maps, plots, descriptions, and books, or any of them, and the same so made and perfected, as well to utter and put to sale within these our dominions as to transport out of this our realm or any other our dominions into any the parts beyond the seas, or otherwise to dispose of the same at their or any of their free will and pleasure, and to their most benefit and profit during the said term of twenty and one years, without the let, hindrance, or interruption of us, our heirs or successors, or any the officers or ministers of us, our heirs or successors, or any other person or persons whatsoever. Wherefore our will and pleasure is, and we do by these presents, for us, our heirs and successors, straightly charge, prohibit, and forbid all and singular bodies politic and corporate, and all and every person and persons, as well our natural born subjects as aliens, denizens, and strangers whatsoever, other than the said Aron Rathburne and Roger Burges, their executors, administrators, deputies, and assigns, and such as shall by them, or some of them, be set on work, licensed, or authorized, that they, or any of them, do not presume, attempt, or take in hand, during the said term of twenty and one years, to make, grave, carve, describe, imprint, set forth, or counterfeit or sell, utter or dispose of, within this our realm, or any other of our dominions, or export out of the same the said maps, plots, descriptions, or books, or any of them, whereof the sole privilege is hereby granted to the said Aron Rathburne and Roger Burges, their executors, administrators, deputies, and assigns, nor shall import or bring, or cause to be imported or brought into this our realm of England, or any other of our dominions, or any part of any of them, any other the like maps, plots, descriptions, or books, or any of them, during the said term of twenty and one years, other than such as shall be made, graven, printed, perfected, and set forth by the said Aron Rathburne and Roger Burges, their executors, administrators, deputies, or assigns, or some of them; nor shall make, erect, set up, or frame any engines or devices, or counterfeit or use any tools or instruments for the making, graving, carving, or imprinting thereof, upon pain of forfeiture of all such maps, plots, descriptions, and books so to be counterfeited, made, graven, carved, imprinted, sold, uttered, imported, or exported contrary to the true meaning of these presents, and upon pain of forfeiture of all such engines, instruments, tools, and devices to be framed, set up, used or exercised, contrary to our meaning herein expressed; and further upon pain of our heavy indignation and displeasure, and of such pains, penalties, and imprisonments, as by the law or statutes of this realm can or may be inflicted upon the offenders for their contempt or disobedience in breaking and contemning our commandment and prerogative royal; and for the better execution of this our grant, privilege, and licence, we do by these presents, for us, our heirs and successors, give and grant full and free licence, power and authority unto the said Aron Rathburne and Roger Burges, their executors, administrators, and assigns, that they, the said Aron Rathburne and Roger Burges, their executors, administrators, and assigns, by themselves, or any of them, or their or any of their deputies, factors, servants, or assigns, shall and may at all times, and from time to time during the said term, with the assistance of a constable or other officer, at convenient times and in convenient and lawful manner, go on board any ship or other vessel, or enter into any place or places where they or any of them shall think good, within this our realm or any other of our dominions, as well within liberties as without, and there by all lawful ways and means to inquire and search for all such plots, maps, descriptions, and books,

and for such frames, engines, devises, tools, and instruments, as by any body or bodies politic or corporate, or any other person or persons, other than the said Aron Rathburne and Roger Burges, their executors, administrators, deputies, factors, or assigns, shall, within the said term of twenty and one years by these presents granted, be made, graven, carved, imprinted, described, set forth, uttered, sold, imported, exported, framed, erected, set up or used contrary to the tenor and true meaning of these our letters patent; and also in due manner to seize, take, and carry away all and every such maps, plots, descriptions, books, engines, tools, and instruments, which they or any of them shall find to be made, carved, graven, imprinted, described, set forth, uttered, sold, imported, exported, framed, erected, set up, made, counterfeited, or used contrary to the true meaning hereof, the one moiety thereof to be to the said Aron Rathburne and Roger Burges, their executors, administrators, and assigns, and the other moiety to be reserved to us, our heirs and successors, to have and to hold the said licences, powers, privileges and authorities aforesaid, unto the said Aron Rathburne and Roger Burges, their executors, administrators, deputies, and assigns, for and during the term of twenty and one years from the day of the date hereof next and immediately following, and fully to be complete and ended; provided always, and our will and pleasure is, that these presents, or any thing therein contained, shall not extend to the prejudice of any person or persons, bodies politic or corporate, for or concerning any matter or thing which they or any of them, by force of any other letters patent, grant or grants, by us or any of our noble progenitors or predecessors, kings or queens of this realm, granted, or by any just or lawful right ought to have or enjoy. And lastly, we do hereby for us, our heirs and successors, will and command all justices of peace, mayors, sheriffs, bailiffs, constables, and all other the officers, ministers, and subjects of us, our heirs and successors, to whom it shall or may appertain, that they and every of them be from time to time aiding, helping, and assisting to the said Aron Rathburne and Roger Burges, their executors, administrators, assigns, deputies, and servants, in the execution of these our letters patent, according to the purport, tenor and true meaning of the same, as they tender our indignation and displeasure, and will avoid the same at their uttermost peril, although express mention, &c.

and seizure.

Proviso.

Command to all persons to assist patentees.

In witness whereof, &c. Witness ourself at Westminster, the eleventh day of March.

By Writ of Privy Seal.

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