

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. (*j*)

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

Inspection of  
and extracts  
from registers.

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. (*j*)

Sealed copies  
to be received  
in evidence.

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

Rectification of  
registers by  
Court.

(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. (*j*)

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

Power for  
Comptroller  
to correct  
clerical errors.

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

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

(*j*) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

(*k*) 51 & 52 Vict. c. 50, s. 22, p. 255 *post*.

(*l*) 51 & 52 Vict. c. 50, s. 23, p. 255 *post*.

(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. (m)*

(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 connection with which he has desired the design or trade mark to be registered. (n) (m)**

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. (m)*

Falsification of entries in registers.

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

Exercise of discretionary power by Comptroller.

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

Power of Comptroller to take directions of law officers.

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

Certificate of Comptroller to be evidence.

96. **A certificate purporting to be under the hand of the Comptroller as to any entry, matter, or thing which he is 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**

(m) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

(n) 51 & 52 Vict. c. 50, s. 24, p. 255 *post*.

contents thereof, and of the matter or thing having been done or left undone. (o)

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

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. (o)

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. (o)

Provision as to days for leaving documents at office.

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

Declaration by infant, lunatic, &c.

100. Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after the same shall respectively have been accepted or allowed at the Patent Office; and certified copies of or extracts from any such documents shall

Transmission of certified printed copies of specifications, &c.

(o) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

be given to any person requiring the same on payment of the prescribed fee ; and any such copy or extract shall be admitted in evidence in all Courts in Scotland and Ireland and in the Isle of Man without further proof of production of the originals.

Power for Board of Trade to make general rules for classifying goods and regulating business of Patent Office.

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 purpose of designs *and trade marks* :
- (c) For making or requiring duplicates or 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 Houses of Parliament, within the next forty days after any rule 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 mean time under such rules or rule, or to the making of any new rules or rule. (p)

102. The Comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act. Annual reports of Comptroller.

102A. (1) All things required or authorised under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

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

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

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

Provided that his application is made, in the case of a patent within seven, twelve (s) 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

(p) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

(q) 51 & 52 Vict. c. 50, s. 25, p. 255 *post*.

(r) 48 & 49 Vict. c. 63, s. 6, p. 246 *post*.

(s) 1 Edw. VII. c. 18, s. 1 (1), p. 257 *post*.

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: (t) Provided that, in the case of trade marks, any trade mark the registration of which had 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 the State.

Provision for colonies and India.

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

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

### Offences.

Penalty on falsely representing articles to be patented.

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

(t) But see 1 Edw. VII. c. 18, s. 1 (2), p. 257 post.

(2) A person shall be deemed, for the purpose 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 (u).

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

Penalty on unauthorised assumption of Royal arms.

*Scotland; Ireland; &c.*

107. In any action for infringement of a patent in Scotland the provisions of this Act, with respect to calling in the aid of an assessor, shall apply, and the action shall be tried without a jury, unless the Court shall otherwise direct, but otherwise nothing shall affect the jurisdiction and forms of process of the courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those courts.

Saving for Courts in Scotland

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

108. In Scotland any offence under this Act to be punishable on summary conviction may be prosecuted in the sheriff court. (u)

Summary proceedings in Scotland.

109. (1) Proceedings in Scotland for revocation of a patent shall be in the form of an action of reduction at the instance of the Lord Advocate, or at the instance of a party having interest with his concurrence, which concurrence may be given on just cause shown only.

Proceedings for revocation of patent in Scotland.

(2) Service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act.

110. All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only.

Reservation of remedies in Ireland.

111. (1) The provisions of this Act conferring a special jurisdiction on the court as defined by this Act, shall not, except so far as

General saving for jurisdiction of Courts.

(u) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

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 any Division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "the Court of Appeal" respectively mean the High Court of Justice in Ireland and Her Majesty's Court of Appeal in Ireland.

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

Isle of Man.

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

(1) Nothing in this Act shall affect the jurisdiction of the courts in the Isle of Man, in proceedings for infringement or in any action or proceeding respecting a patent, design, or trade mark competent to those courts:

(2) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the Court;

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted. (x)

112A. *The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks the registration whereof is applied for in the Manchester office, have the like jurisdiction under this Act as her Majesty's High Court of Justice in England, and the expression 'the Court' in this Act shall be construed and have effect accordingly.*

*"Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases. (y) (x)*

(x) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

(y) 51 & 52 Vict. c. 50, s. 26, p. 256 *post*.



*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 proceedings 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. (z) (a)

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. (a)

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. (a)

Saving for existing rules.

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

Saving for prerogative.

*General Definitions.*

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

General definitions.

(s) See 51 & 52 Vict. c. 50, s. 27, p. 255 *post*.

(a) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

“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. (*v*)

## SCHEDULES.

### THE FIRST SCHEDULE.

#### FORMS OF APPLICATION, &C.

##### *Form A. (c)*

Form of Application.

##### *Form B. (c)*

Form of Provisional Specification.

(*b*) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.

(*c*) For forms A, B, and C, the Board of Trade have, under the powers conferred by s. 101, sub-s. 2, of the Act, substituted the forms A, A1, A2, B and C, which will be found at pp. 345–351 *post*.

*Form C. (d)*  
Form of Complete Specification.

*Form D.*  
Form of Patent.

*Form E.*  
Form of Application of Registration of Design.

*Form F.*  
Form of Application for Registration of Trade Mark.

### THE SECOND SCHEDULE.

Fees on instrument for obtaining Patents and Renewal.

The fees at present in force are set out in the First Schedule to the Patent Rules, 1903, see p. 449 *post*.

### THE THIRD SCHEDULE.

*Enactments repealed.*

21 James I. c. 3. [1623.]	The Statute of Monopolies. In part; namely,— Sections ten, eleven, and twelve.
5 & 6 Will. IV. c. 62. [1835.] In part.	The Statutory Declarations Act, 1835. In part; namely,— Section eleven.
5 & 6 Will. IV. c. 83. [1835.]	An Act to amend the law touching letters patent for inventions.
2 & 3 Vict. c. 67. [1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to amend the law touching letters patent for inventions."
5 & 6 Vict. c. 100. [1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vict. c. 65. [1843.]	An Act to amend the laws relating to the copyright of designs.

(d) For forms A, B, and C, the Board of Trade have, under the powers conferred by s. 101, sub-s. 2, of the Act, substituted the forms A, A1, A2, B and C, which will be found at pp. 345-351 *post*.

7 & 8 Vict. c. 69. (e) [1844.] In part.	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled "An Act for the better administration of justice in His Majesty's Privy Council, and to extend its jurisdiction and powers." In part; namely,— Sections two to five, both included.
13 & 14 Vict. c. 104. [1850.]	An Act to extend and amend the Acts relating to the copyright of designs.
15 & 16 Vict. c. 83. [1852.]	The Patent Law Amendment Act, 1852.
16 & 17 Vict. c. 5. [1853.]	An Act to substitute stamp duties for fees on passing letters patent for inventions, and to provide for the purchase for the public use of certain indexes of specifications.
16 & 17 Vict. c. 115. [1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.
21 & 22 Vict. c. 70. [1858.]	An Act to amend the Act of the fifth and sixth years of Her present Majesty, to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
22 Vict. c. 13. [1859.]	An Act to amend the law concerning patents for inventions with respect to inventions for improvements in instruments and munitions of war.
24 & 25 Vict. c. 73. [1861.]	An Act to amend the law relating to the copyright of designs.
28 & 29 Vict. c. 3. [1865.]	The Industrial Exhibitions Act, 1865.
33 & 34 Vict. c. 27. [1870.]	The Protection of Inventions Act, 1870.
33 & 34 Vict. c. 97. [1870.]	The Stamp Act, 1870. In part; namely,— Section sixty-five, and in the Schedule the words and figures— "Certificate of the registration of a design . . . £5 0 0 And see section 65."
38 & 39 Vict. c. 91. [1875.]	The Trade Marks Registration Act, 1875.
38 & 39 Vict. c. 93. [1875.]	The Copyright of Designs Act, 1875.
39 & 40 Vict. c. 33. [1876.]	The Trade Marks Registration Amendment Act, 1876.
40 & 41 Vict. c. 37. [1877.]	The Trade Marks Registration Extension Act, 1877.
43 & 44 Vict. c. 10. [1880.]	The Great Seal Act, 1880. In part; namely,— Section five.
45 & 46 Vict. c. 72. [1882.]	The Revenue, Friendly Societies, and National Debt Act, 1882. In part; namely,— Section sixteen.

(e) Note.—Sections six and seven of this Act are repealed by the Statute Law Revision (No. 2) Act, 1874.

PATENTS, DESIGNS, &c., 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 Act, 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 s. 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. 5 & 6 Will. IV. c. 62.

3. Whereas under the principal Act a complete specification is required (by section eight) to be left within nine months, and (by section nine) to be accepted within twelve months, from the date of application, and a patent is required by section twelve to be sealed within fifteen months from the date of application, and it is expedient to empower the Comptroller to extend in certain cases the said times ; be it therefore enacted as follows : Amendment of ss. 8, 9, and 12 of 46 & 47 Vict. c. 57.

A complete specification may be left and accepted within such extended times, not exceeding one month and three months respectively after the said nine and twelve months respectively as the Comptroller may on payment of the prescribed fee allow, and where such extension of time has been allowed a further extension of four

months after the said fifteen months shall be allowed for the sealing of the patent; and the principal Act shall have effect as if any time so allowed were added to the said periods specified in the principal Act.

Specifications,  
&c., not to be  
published  
unless applica-  
tion 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 connection 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 per-  
sons 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 s. 103 of  
46 & 47 Vict.  
c. 57.

6. In sub-section one of section one hundred and three of the principal Act the words "date of the application" shall be substituted for the words "date of the protection obtained."

PATENTS ACT, 1886.

49 & 50 VICT. c. 37.

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

[25th June, 1886.]

WHEREAS by section five of the Patents, Designs, and Trade Marks Act, 1883, specifications, whether provisional or complete, must be accompanied by drawings, if required, and doubts have arisen as to whether it is sufficient that a complete specification refers to the drawings by which the provisional specification was accompanied, and it is expedient to remove such doubts :

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

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

Short title and construction.  
46 & 47 Vict. c. 57.  
48 & 49 Vict. c. 63.

2. The requirement of sub-section four of section five of the Patents, Designs, and Trade Marks Act, 1883, as to drawings shall not be deemed to be insufficiently complied with by reason only that, instead of being accompanied by drawings, the complete specification refers to the drawings which accompanied the provisional specification. And no patent hitherto sealed shall be invalid by reason only that the complete specification was not accompanied by drawings, but referred to those which accompanied the provisional specification.

The same drawings may accompany both specifications.

3. Whereas by section thirty-nine of the Patents, Designs, and Trade Marks Act, 1883, as respects patents, and by section fifty-seven of the same Act as respects designs, provision is made that the exhibition of an invention or design at an industrial or international exhibition, certified as such by the Board of Trade, shall not prejudice the rights of the inventor or proprietor thereof, subject to the conditions therein mentioned, one of which is that the exhibitor

Protection of patents and designs exhibited at international exhibitions.

must, before exhibiting the invention, design, or article, or publishing a description of a design, give the Comptroller the prescribed notice of his intention to do so :

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.]

[N.B.—The portions of this Act which have been repealed are printed in italics, and a reference is given to the repealing Act in each case.]

WHEREAS it is expedient to amend the Patents, Designs, and Trade Marks Act, 1883, hereinafter referred to as the principal Act : 46 & 47 Vict. c. 57.

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

1. (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. Register of patent agents.

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

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

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

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

2. For section seven of the principal Act the following section shall be substituted, namely : s. 7, as to applications.

Amendments  
of 46 & 47  
Vict. c. 57.

—  
s. 7, as to  
applications.

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

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

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

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

“(5) If, after an application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made, accompanied by a specification bearing the same of 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 of the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon.”

s. 9, as to dis-  
closure of  
reports of  
examiners.

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.

s. 11, as to  
opposition to  
grant of  
patent.

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.”

s. 18, as to  
amended  
specifications.

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

“(10) The foregoing provisions of this section do not apply when and so long as any action for infringement or proceeding for revocation of a patent is pending.”

s. 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.”

7. (1) In section fifty-eight of the principal Act the words “or cause to be applied” shall be added after the word “apply.” s. 58, as to piracy of registered designs.

(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.”

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.” s. 62, as to application for registration.

(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. (a)

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.” (a) s. 63, as to limit of time for proceeding with application.

10. (1) For section sixty-four of the principal Act the following section shall be substituted, namely: s. 64, as to fancy words

“64. (1) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:

“(a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

“(b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or

“(c) A distinctive device, mark, brand, heading, label, or ticket; or

“(d) An invented word or invented words; or

“(e) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

“(2) There may be added to any one or more of the essential

(a) Repealed by 5 Edw. VII. c. 15, s. 73, p. 282 post.

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.” (b)

s. 67, as to  
colours of  
trade marks.

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. (b)

s. 68, as to  
advertisement  
of applications.

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.” (b)

s. 60, as to  
opposition to  
registration.

13. (1) In sub-section one of section sixty-nine of the principal Act for the words “two months” shall be substituted the words “one month or such further time, not exceeding three months, as the Comptroller may allow.”

(2) In the same sub-section the word “first” shall be omitted.

(3) In sub-section two of the same section for the words “two months” shall be substituted the words “one month.”

(4) For sub-sections three and four of the same section the following sub-sections shall be substituted, namely :

“(3) If the applicant sends such counter-statement the Comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade mark is to be registered, but his decision shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the opponent and the Comptroller, and may make an order determining whether, and subject to what conditions (if any), registration is to be permitted.

“(4) The Board of Trade may, however, if it appears expedient,

(b) Repealed by 5 Edw. VII. c. 15, s. 73, p. 282 post.

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.” (c)

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.” (c) s. 72, as to restrictions on registration.

15. In section seventy-three of the principal Act the word “exclusive” shall be omitted.” (c) s. 73, as to restriction on registration.

16. For sub-section two of section seventy-four of the principal Act the following sub-section shall be substituted, namely: s. 74, as to additions to trade marks.

“(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.” (c)

17. For section seventy-five of the principal Act the following section shall be substituted, namely: s. 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.” (c)

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."* (d)

*Amendments of 46 & 47 Vict. c. 57, s. 79, as to removal of trade mark from the register.*

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."*

(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."* (d)

*s. 81, as to Sheffield marks.*

20. (1) *For sub-section two of section eighty-one of the principal Act, the following sub-section shall be substituted:*

*"(2) The Cutlers' Company shall enter in the Sheffield register, in respect of metal goods, as defined in this section, all the trade marks entered before the first day of January one thousand eight hundred and eighty-nine in respect of metal goods either in the register established under the Trade Marks Registration Act, 1875, or in the register of trade marks under this Act, belonging to persons carrying on business in Hallamshire or within six miles thereof. The Cutlers' Company shall also, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in either of the said other registers."*

*38 & 39 Vict. c. 91.*

(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*

(d) Repealed by 5 Edw. VII. c. 15, s. 73, p. 282 post.

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. (e)

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." (f) s. 87, as to entry of assignments, &c.

22. In section eighty-eight of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to." (f) s. 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." (f) s. 90, as to rectification of register.

24. To section ninety-one of the principal Act the following sub-section shall be added; namely, s. 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 connection with which he has desired the design or trade mark to be registered." (f)

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

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

"(2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be

(e) Repealed by 5 Edw. VII. c. 15, s. 73, p. 282 post.

(f) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 post.

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.” (g)

Jurisdiction of  
Lancashire  
Palatine Court.

26. After section one hundred and twelve of the principal Act the following section shall be added and numbered 112A ; namely,

*“ 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.” (g)*

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.

(g) This section is repealed, so far as it relates to trade marks, by 5 Edw. VII. c. 15, s. 73, p. 282 *post*.



## THE PATENTS ACT, 1901.

1 EDW. VII. c. 18.

*An Act to amend the Law with reference to International Arrangements for Patents.*

[17th August, 1901.]

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

1. (1) In the first proviso to sub-section one of section one hundred and three of the Patents, Designs, and Trade Marks Act, 1883 (which section relates to the time for making applications for protection under international arrangements), the words "twelve months" shall be substituted for the words "seven months."

International arrangements.  
46 & 47 Vict.  
c. 57.

(2) An application under that section shall be accompanied by a complete specification, which, if it be not accepted within the period of twelve months, shall, with the drawings (if any), be open to public inspection at the expiration of that period.

2. (1) This Act may be cited as the Patents Act, 1901, and may be cited and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

Short title,  
construction,  
and com-  
mencement.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and two.

## THE PATENTS ACT, 1902.

2 EDW. VII. c. 34.

*An Act to amend the Law with reference to Applications for Patents and Compulsory Licences, and other matters connected therewith.*

[18th December, 1902.]

Examination  
of previous  
specifications  
in United  
Kingdom on  
applications  
for patents.  
46 & 47 Vict.  
c. 57.

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

1. (1) Where an application for a patent has been made and a complete specification has been deposited by the applicant, the examiner shall forthwith, in addition to the inquiries which he is directed to make by the Patents, Designs, and Trade Marks Act, 1883 (in this Act referred to as the principal Act), make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application and deposited pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of the application.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) The examiner shall report to the Comptroller the result of his investigations in such manner as the Board of Trade may direct.

(4) The provisions of sub-section five of section nine of the principal Act, as amended by any subsequent enactment, shall apply to reports under this section.

(5) If the Comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has

been wholly or in part claimed or described in a previous specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(6) If the Comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection be removed by amending the specification to the satisfaction of the Comptroller, determine whether a reference to any, and, if so, what, prior specifications ought to be made in the specification by way of notice to the public.

(7) An Appeal shall lie from the decision of the Comptroller under this section to the law officer.

(8) Section eight of the principal Act and section three of the Patents, Designs, and Trade Marks (Amendment) Act, 1885 (which regulate the time for depositing a complete specification), shall have effect as if references therein to the period of nine months were references to the period of six months. 48 & 49 Vict.  
c. 63.

(9) The investigations and reports required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Board of Trade or any officer thereof by reason of, or in connection with, any such investigation or report, or any proceeding consequent thereon.

(10) The Board of Trade, with the sanction of the Treasury, may prescribe an additional fee not exceeding one pound in respect of the investigation mentioned in this section, which shall be payable on the sealing of the patent.

(11) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

2. An invention covered by any patent granted on an application to which section one of this Act applies shall not be deemed to have been anticipated by reason only of its publication in a specification deposited pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for a patent therefor, or of its publication in a provisional specification of any date not followed by a complete specification. Limitation  
as to  
anticipation.

3. Section twenty-two of the principal Act (relating to the grant of compulsory licences by the Board of Trade) is hereby repealed, and the following provisions shall be substituted therefor:— Amendment  
of law  
relating to  
compulsory  
licences.

(1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent ;

- (2) The Board of Trade shall consider the petition, and if the parties do not come to an arrangement between themselves, the Board of Trade, if satisfied that a *primâ facie* case has been made out, shall refer the petition to the Judicial Committee of the Privy Council, and, if the Board are not so satisfied, they may dismiss the petition ;
- (3) Where any such petition is referred by the Board of Trade to the Judicial Committee, and it is proved to the satisfaction of the Judicial Committee that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by an Order in Council to grant licences on such terms as the said Committee may think just, or, if the Judicial Committee are of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by Order in Council ;
- Provided that no order of revocation shall be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default ;
- (4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent as exclusive licensee or otherwise, shall be made parties to the proceeding, and the law officer or such other counsel as he may appoint shall be entitled to appear and be heard ;
- (5) If it is proved to the satisfaction of the Judicial Committee that the patent is worked or that the patented article is manufactured exclusively or mainly outside the United Kingdom, then, unless the patentee can show that the reasonable requirements of the public have been satisfied, the petitioner shall be entitled either to an order for a compulsory licence or, subject to the above proviso, to an order for the revocation of the patent ;
- (6) For the purpose of this section the reasonable requirements of the public shall not be deemed to have been satisfied if, by reason of the default of the patentee to work his patent or to manufacture the patented article in the United Kingdom to an adequate extent, or to grant licences on reasonable terms, (a) any existing industry or the establishment of any new industry is unfairly prejudiced, or (b) the demand for the patented article is not reasonably met ;
- (7) An Order in Council directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding ;

- (8) His Majesty in Council may make rules of procedure and practice for regulating proceedings before the Judicial Committee under this section, and, subject thereto, such proceedings shall be regulated according to the existing procedure and practice in patent matters. Any Order in Council or any order made by the Judicial Committee under this Act may be enforced by the High Court as if it were an order of the High Court ;
- (9) The costs of and incidental to all proceedings under this section shall be in the discretion of the Judicial Committee, but in awarding costs on any application for the grant of a licence the Judicial Committee may have regard to any previous request for, or offer of, a licence made either before or after the application to the Committee ;
- (10) For the purposes of this section three members of the Judicial Committee shall constitute a quorum ;
- (11) This section shall apply to patents granted before as well as after the commencement of this Act.

4. In sub-section four of section eighty-two of the principal Act (which relates to the performance of the duties of the Comptroller by other officers under the direction of the Board of Trade) the words "in his absence" shall be repealed. Performance of  
Comptroller's  
duties.

5. This Act may be cited as the Patents Act, 1902, and may be cited and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 to 1901. Short title and  
construction.

## TRADE MARKS ACT, 1905.

5 EDW. VII. c. 15.

*An Act to consolidate and amend the Law relating to Trade Marks.*  
[11th August, 1905.]

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

Short title.  
Commence-  
ment of Act.

1. This Act may be cited as the Trade Marks Act, 1905.
2. This Act shall, save as otherwise expressly provided, come into operation on the first day of April one thousand nine hundred and six.

### PART I.

#### *Definitions.*

Definitions.

3. In and for the purposes of this Act (unless the context otherwise requires) :—
  - A "mark" shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof :
  - A "trade mark" shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, selection, certification, dealing with, or offering for sale :
  - A "registrable trade mark" shall mean a trade mark which is capable of registration under the provisions of this Act :
  - "The register" shall mean the register of trade marks kept under the provisions of this Act :
  - A "registered trade mark" shall mean a trade mark which is actually upon the register :
  - "Prescribed" shall mean, in relation to proceedings before the Court, prescribed by rules of court, and in other cases, prescribed by this Act or the Rules thereunder :

“The Court” shall mean (subject to the provisions for Scotland, Ireland, and the Isle of Man) His Majesty’s High Court of Justice in England.

*Register of Trade Marks.*

4. There shall be kept at the Patent Office for the purposes of this Act a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time be prescribed. The register shall be kept under the control and management of the Comptroller-General of Patents, Designs, and Trade Marks, who is in this Act referred to as the Registrar. Register of trade marks.

5. There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar. Trust not to be entered on register.

6. The register of trade marks existing at the date of the commencement of this Act, and all registers of trade marks kept under previous Acts, which are deemed part of the same book as such register, shall be incorporated with and form part of the register. Subject to the provisions of sections thirty-six and forty-one of this Act the validity of the original entry of any trade mark upon the registers so incorporated shall be determined in accordance with the statutes in force at the date of such entry, and such trade mark shall retain its original date, but for all other purposes it shall be deemed to be a trade mark registered under this Act. Incorporation of existing register.

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

*Registrable Trade Marks.*

8. A trade mark must be registered in respect of particular goods or classes of goods. Trade mark must be for particular goods.

9. A registrable trade mark must contain or consist of at least one of the following essential particulars: Registrable trade marks.

- (1) The name of a company, individual, or firm represented in a special or particular manner;
- (2) The signature of the applicant for registration or some predecessor in his business;
- (3) An invented word or invented words;

- (4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname ;
- (5) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Board of Trade or the Court, be deemed a distinctive mark :

Provided always that any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade mark by the applicant or his predecessors in business before the thirteenth day of August one thousand eight hundred and seventy-five, which has continued to be used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration shall be registrable as a trade mark under this Act.

For the purposes of this section "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons.

In determining whether a trade mark is so adapted, the tribunal may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

Coloured  
trade marks.

10. A trade mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours.

Restriction on  
registration.

11. It shall not be lawful to register as a trade mark or part of a trade mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design.

#### *Registration of Trade Marks.*

Application for  
registration.

12. (1) Any person claiming to be the proprietor of a trade mark who is desirous of registering the same must apply in writing to the Registrar in the prescribed manner.

(2) Subject to the provisions of this Act the Registrar may refuse such application, or may accept it absolutely or subject to conditions, amendments, or modifications.



(3) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Board of Trade or to the Court at the option of the applicant.

(4) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted.

(5) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar, other than those stated by him, except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(6) The Registrar or the Board of Trade or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as they may think fit.

13. When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner. Such advertisement shall set forth all conditions subject to which the application has been accepted. Advertisement of application.

14. (1) Any person may, within the prescribed time from the date of the advertisement of an application for the registration of a trade mark, give notice to the Registrar of opposition to such registration. Opposition to registration.

(2) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(3) The Registrar shall send a copy of such notice to the applicant, and within the prescribed time after the receipt of such notice, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

(4) If the applicant sends such counter-statement, the Registrar shall furnish a copy thereof to the persons giving notice of opposition,

and shall, after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.

(5) The decision of the Registrar shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

(6) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(7) On the hearing of any such appeal any party may either in the manner prescribed or by special leave of the tribunal bring forward further material for the consideration of the tribunal.

(8) In proceedings under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or the Registrar other than those stated by the opponent as hereinabove provided except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(9) In any appeal under this section, the tribunal may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(10) The Registrar, or in the case of an appeal to the Board of Trade the Board of Trade, shall have power in proceedings under this section to award to any party such costs as they may consider reasonable, and to direct how and by what parties they are to be paid.

(11) If a party giving notice of opposition or of appeal neither resides nor carries on business in the United Kingdom, the tribunal may require such party to give security for costs of the proceedings before it relative to such opposition or appeal, and in default of such security being duly given may treat the opposition or appeal as abandoned.

Disclaimers.

15. If a trade mark contains parts not separately registered by the proprietor as trade marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the Board of Trade or the Court, in deciding whether such trade mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such

trade mark, or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration: Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

16. When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed the opposition has been decided in favour of the applicant, the Registrar shall, unless the Board of Trade otherwise direct, register the said trade mark, and the trade mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this Act to be the date of registration. Date of registration.

17. On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand of the Registrar, and sealed with the seal of the Patent Office. Certificate of registration.

18. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in such notice. Non-completion of registration.

#### *Identical Trade Marks.*

19. Except by order of the Court or in the case of trade marks in use before the thirteenth day of August one thousand eight hundred and seventy-five, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive. Identical marks.

20. Where each of several persons claims to be proprietor of the same trade mark, or of nearly identical trade marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or (on appeal) by the Board of Trade. Rival claims to identical marks.

21. In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, Concurrent user.

the Court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as it may think it right to impose.

*Assignment.*

Assignment and transmission of trade marks.

22. A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade mark to assign the right to use the same in any British possession or protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods.

Apportionment of marks on dissolution of partnership.

23. In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Act as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

*Associated Trade Marks.*

Associated trade marks.

24. If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks.

Combined trade marks.

25. If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately he may apply to register the same as separate trade marks. Each such separate trade mark must satisfy all the conditions and shall have all the incidents of an independent trade mark, except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade marks and shall be entered on the register as such, but the user of the whole trade mark shall for the purposes

of this Act be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains.

26. When a person claiming to be the proprietor of several trade marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of—

Series of trade marks.

(a) Statements of the goods for which they are respectively used or proposed to be used ; or

(b) Statements of number, price, quality, or names of places ; or

(c) Other matter of a non-distinctive character which does not substantially affect the identity of the trade mark ; or

(d) Colour ;

seeks to register such trade marks, they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks.

27. Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Act user of a registered trade mark is required to be proved for any purpose, the tribunal may if and so far as it shall think right accept user of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for such user.

Assignment and user of associated trade marks.

### *Renewal of Registration.*

28. The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Act.

Duration of registration.

29. The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration."

Renewal of registration.

30. At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade mark

Procedure on expiry of period of registration.

from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

Status of  
unrenewed  
trade mark.

31. Where a trade mark has been removed from the register for nonpayment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no *bonâ fide* trade user of such trade mark during the two years immediately preceding such removal.

*Correction and Rectification of the Register.*

Correction of  
register.

32. The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name,—

- (1) Correct any error in the name or address of the registered proprietor of a trade mark ; or
- (2) Enter any change in the name or address of the person who is registered as proprietor of a trade mark ; or
- (3) Cancel the entry of a trade mark on the register ; or
- (4) Strike out any goods or classes of goods from those for which a trade mark is registered ; or
- (5) Enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark.

Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

Registration  
of assignments,  
&c.

33. Subject to the provisions of this Act where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, the Registrar shall, on request made in the prescribed manner, and on proof of title to his satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade mark. Any decision of the Registrar under this section shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

Alteration of  
registered  
trade marks.

34. The registered proprietor of any trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the Board of Trade. If leave be granted, the trade mark as altered shall be advertised in the prescribed manner.

35. Subject to the provisions of this Act—

Rectification  
of register.

- (1) The Court may on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, make such order for making, expunging, or varying such entry, as it may think fit :
- (2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register :
- (3) In case of fraud in the registration or transmission of a registered trade mark, the Registrar may himself apply to the Court under the provisions of this section :
- (4) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner who shall upon receipt of such notice rectify the register accordingly.

36. No trade mark which is upon the register at the commencement of this Act and which under this Act is a registrable trade mark shall be removed from the register on the ground that it was not registrable under the Acts in force at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Acts then in force.

Trade marks  
registered  
under previous  
Acts.

37. A registered trade mark may, on the application to the Court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bonâ fide* intention to use the same in connection with such goods, and there has in fact been no *bonâ fide* user of the same in connection therewith, or on the ground that there has been no *bonâ fide* user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods.

Non-user of  
trade mark.

#### *Effect of Registration.*

38. Subject to the provisions of this Act—

- (1) The person for the time being entered in the register as proprietor of a trade mark shall, subject to any rights

Powers of  
registered  
proprietor.

appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment :

(2) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

Rights of proprietor of trade mark.

39. Subject to the provisions of section forty-one of this Act and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered : Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods no rights of exclusive user of such trade mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

Registration to be *prima facie* evidence of validity.

40. In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the fact that a person is registered as proprietor of such trade mark shall be *prima facie* evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same.

Registration to be conclusive after seven years.

41. In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Act, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section eleven of this Act :

Provided that nothing in this Act shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first-mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section twenty-one of this Act.

Unregistered trade mark.

42. No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered



trade mark unless such trade mark was in use before the thirteenth of August one thousand eight hundred and seventy-five, and has been refused registration under this Act. The Registrar may, on request, grant a certificate that such registration has been refused.

43. In an action for the infringement of a trade mark the Court trying the question of infringement shall admit evidence of the usages of the trade in respect to the get-up of the goods for which the trade mark is registered, and of any trade marks or get-up legitimately used in connection with such goods by other persons. Infringement.

44. No registration under this Act shall interfere with any *bonâ fide* use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any *bonâ fide* description of the character or quality of his goods. User of name, address, or description of goods.

45. Nothing in this Act contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof. "Passing-off" action.

#### *Legal Proceedings.*

46. In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the Court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade mark on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless in such subsequent proceeding the Court certifies that he ought not to have the same. Certificate of validity.

47. In any legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court. Unless otherwise directed by the Court, the Registrar in lieu of appearing and being heard may submit to the Court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases, or of such other matters relevant to the issues, and within his knowledge as such Registrar, as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding. Registrar to have notice of proceeding for rectification.

#### *Costs.*

48. In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties. Costs of proceedings before the Court.

*Evidence.*

Mode of giving evidence.

49. In any proceeding under this Act before the Board of Trade or the Registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary, but, in any case in which it shall think it right so to do, the tribunal may (with the consent of the parties) take evidence *vivâ voce* in lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

In case any part of the evidence is taken *vivâ voce* the Board of Trade or the Registrar shall in respect of requiring the attendance of witnesses and taking evidence on oath be in the same position in all respects as an Official Referee of the Supreme Court.

Sealed copies to be evidence.

50. Printed or written copies or extracts of or from the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Certificate of Registrar to be evidence.

51. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Act, or rules made thereunder, to make or do, shall be *primâ facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

Certificate of Board of Trade to be evidence.

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

(2) 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.

## PART II.

*Powers and Duties of Registrar of Trade Marks.*

Exercise of discretionary power by Registrar.

53. Where any discretionary or other power is given to the Registrar by this Act or rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard.

54. Except where expressly given by the provisions of this Act or rules made thereunder there shall be no appeal from a decision of the Registrar otherwise than to the Board of Trade, but the Court, in dealing with any question of the rectification of the register (including all applications under the provisions of section thirty-five of this Act), shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made. Appeal from Registrar.

55. Where by this Act any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, such act may under and in accordance with rules made under this Act or in particular cases by special leave of the Board of Trade be done by or to an agent of such party duly authorised in the prescribed manner. Recognition of agents.

56. The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to His Majesty's Attorney-General or Solicitor-General for England for directions in the matter. Registrar may take directions of law officers.

57. The Comptroller-General of Patents, Designs, and Trade Marks shall in his yearly report on the execution by or under him of the Patents, Designs, and Trade Marks Act, 1883, and Acts amending the same, include a report respecting the execution by or under him of this Act as though it formed a part of or was included in such Acts. Annual reports of Comptroller. 46 & 47 Vict. c. 57.

#### *Powers and Duties of the Board of Trade.*

58. All things required or authorised under this Act to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board or any person authorised in that behalf by the President of the Board. Proceedings before Board of Trade.

59. Where under this Act an appeal is made to the Board of Trade, the Board of Trade may, if they think fit, refer any such appeal to the Court in lieu of hearing and deciding it themselves, but, unless the Board so refer the appeal, it shall be heard and decided by the Board, and the decision of the Board shall be final. Appeals to Board of Trade.

60. (1) Subject to the provisions of this Act the Board of Trade may from time to time make such rules, prescribe such forms, and generally do such things as they think expedient— Power of Board of Trade to make rules.

(a) For regulating the practice under this Act :

(b) For classifying goods for the purposes of registration of trade marks :

(c) For making or requiring duplicates of trade marks and other documents :

(d) For securing and regulating the publishing and selling or distributing in such manner as the Board of Trade think fit, of copies of trade marks and other documents :

(e) Generally, for regulating the business of the office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar, or of the Board of Trade.

(2) Rules made under this section shall, whilst in force, be of the same effect as if they were contained in this Act.

(3) Before making any rules under this section the Board of Trade shall publish notice of their intention to make the rules and of the place where copies of the draft rules may be obtained in such manner as the Board consider most expedient, so as to enable persons affected to make representations to the Board before the rules are finally settled.

(4) Any rules made in pursuance of this section shall be forthwith advertised twice in the Trade Marks Journal, and 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.

(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 mean time under such rules or rule or to the making of any new rules or rule.

#### *Fees.*

Fees.

61. There shall be paid in respect of applications and registration and other matters under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade.

#### *Special Trade Marks.*

Standardiza-  
tion, &c., trade  
marks.

62. Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying.

When so registered such trade mark shall be deemed in all respects to be a registered trade mark, and such association or person to be the proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Board of Trade.

*Sheffield Marks.*

63. With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called the Cutlers' Company), and the marks or devices (in this Act called Sheffield marks) assigned or registered by the master, wardens, searchers, and assistants of that company, the following provisions shall have effect:—

- (1) The Cutlers' Company shall continue to keep at Sheffield the register of trade marks (in this Act called the Sheffield register) kept by them at the date of the commencement of this Act, and, save as otherwise provided by this Act, such register shall for all purposes form part of the register :
- (2) The Cutlers' Company shall, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods as defined in this section, 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 such register before the passing of this Act :
- (3) An application for registration of a trade mark used on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company :
- (4) Every application so made to the Cutlers' Company shall be notified to the Registrar in the prescribed manner, and, unless the Registrar within the prescribed time gives notice to the Cutlers' Company of any objection to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner :
- (5) If the Registrar gives notice of an objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may in the prescribed manner 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 Registrar, 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 Registrar on that day :

- (7) The provisions of this Act, and of any 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 (and notwithstanding anything in any Act relating to the Cutlers' Company), 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 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 Registrar, 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 Registrar by the Cutlers' Company :
- (8) When the Registrar 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 metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company :
- (9) 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 Court :
- (10) 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 :
- (11) 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 Registrar.

#### *Cotton Marks.*

**Cotton marks.** 64. (1) The Manchester Branch of the Trade Marks Registry of the Patent Office (hereinafter called "the Manchester Branch") shall be continued according to its present constitution. A chief officer of the Manchester Branch shall be appointed who shall be styled "the Keeper of Cotton Marks," and shall act under the direction of the Registrar. The present keeper of the Manchester Branch shall be the first Keeper of Cotton Marks.

(2) As regards cotton goods which have hitherto constituted classes 23, 24, and 25, under the classification of goods under the

Patents, Designs, and Trade Marks Acts, 1883 to 1902, the Register of Trade Marks for all such goods, except such as may be prescribed, shall be called "the Manchester Register," and a duplicate thereof shall be kept at the Manchester Branch.

(3) All applications for registration of trade marks for such cotton goods in the said classes (hereinafter referred to as "cotton marks") shall be made to the Manchester Branch.

(4) Every application so made to the Manchester Branch shall be notified to the Registrar in the prescribed manner together with the report of the Keeper of Cotton Marks thereon, and unless the Registrar, after considering the report and hearing, if so required, the applicant, within the prescribed time gives notice to the Keeper of Cotton Marks of objection to the acceptance of the application, it shall be advertised by the Manchester Branch and shall be proceeded with in the prescribed manner.

(5) If the Registrar gives notice of objection as aforesaid the application shall not be proceeded with, but any person aggrieved may in the prescribed manner appeal to the Court or the Board of Trade, at the option of the applicant.

(6) Upon the registration of a trade mark in the Manchester Register the Keeper of Cotton Marks shall upon notice thereof from the Registrar thereupon enter the mark in the duplicate of the Manchester Register, and such registration shall bear date as of the day of application to the Manchester Branch, and shall have the same effect as if the application had been made to the Registrar on that day.

(7) When any mark is removed from or any cancellation or correction made in the Manchester Register notice thereof shall be given by the Registrar to the Keeper of Cotton Marks, who shall alter the duplicate register accordingly.

(8) For the purpose of all proceedings in relation to trade marks entered in the Manchester Register a certificate under the hand of the Keeper of Cotton Marks shall have the same effect as a certificate of the Registrar.

(9) In every application for registration of a cotton mark, if such mark has been used by the applicant or his predecessors in business prior to the date of application, the length of time of such user shall be stated on the application.

(10) As from the passing of this Act—

(a) In respect of cotton piece goods and cotton yarn no mark consisting of a word or words alone (whether invented or otherwise) shall be registered, and no word or words shall be deemed to be distinctive in respect of such goods :

(b) In respect of cotton piece goods no mark consisting of a line heading alone shall be registered, and no line heading shall be deemed to be distinctive in respect of such goods:

(c) No registration of a cotton mark shall give any exclusive right to the use of any word, letter, numeral, line heading, or any combination thereof.

39 & 40 Vict.  
c. 33.

(11) The right of inspection of the Manchester Register shall extend to and include the right to inspect all applications whatsoever that have been since the passing of the Trade Marks Registration Act, 1875, and hereafter shall have been made to the Manchester Branch in respect of cotton goods in classes 23, 24, and 25, whether registered, refused, lapsed, expired, withdrawn, abandoned, cancelled, or pending.

(12) The Keeper of Cotton Marks shall, on request, and on production of a facsimile of the mark, and on payment of the prescribed fee, issue a certified copy of the application for registration of any cotton mark, setting forth in such certificate the length of time of user (if any) of such mark as stated on the application, and any other particulars he may deem necessary.

(13) As regards any rules or forms affecting cotton marks which are proposed by the Board of Trade to be made, the draft of the same shall be sent to the Keeper of Cotton Marks and also to the Manchester Chamber of Commerce. And the said Keeper, and also the said Chamber, shall, if they or either of them so request, be entitled to be heard by the Board of Trade upon such proposed rules before the same are carried into effect.

(14) The existing practice whereby the Keeper of the Manchester Branch consults the Trade and Merchandise Marks Committee appointed by the Manchester Chamber of Commerce upon questions of novelty or difficulty arising on applications to register cotton marks shall be continued by the Keeper of Cotton Marks.

#### *International and Colonial Arrangements.*

International  
and Colonial  
arrangements.  
48 & 49 Vict.  
c. 63.

65. The provisions of sections one hundred and three and one hundred and four of the Patents, Designs, and Trade Marks Act, 1883 (as amended by the Patents, Designs, and Trade Marks (Amendment) Act, 1885), relating to the registration of trade marks both as enacted in such Acts and as applied by any Order in Council made thereunder, shall be construed as applying to trade marks registrable under this Act.

#### *Offences.*

Falsification of  
entries in  
register.

66. If any person makes or causes to be made a false entry in the 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 misdemeanour.

67. (1) Any person who represents a trade mark 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 a trade mark as registered.

(2) A person shall be deemed, for the purposes of this enactment, to represent that a trade mark is registered, if he uses in connection with the trade mark the word "registered," or any words expressing or implying that registration has been obtained for the trade mark.

### *Royal Arms.*

68. If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His Majesty or of a member of the Royal Family, uses in connection with any trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such member of the Royal Family, he may, at the suit of any person who is authorised to use such arms or such device, emblem, or title, or is authorised by the Lord Chamberlain to take proceedings in that behalf, be restrained by injunction or interdict from continuing so to use the same: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark.

Unauthorised assumption of Royal Arms.

### *Courts.*

69. 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 trade marks; and with reference to any such proceedings in Scotland the term "the Court" shall mean the Court of Session; and with reference to any such proceedings in Ireland the term "the Court" shall mean the High Court of Justice in Ireland.

General saving for jurisdiction of Courts.

Isle of Man.

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

(1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man in proceedings for infringement or in any action or proceeding respecting a trade mark competent to those courts :

(2) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour and with or without a fine not exceeding one hundred pounds, at the discretion of the Court :

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Jurisdiction of  
Lancashire  
Palatine Court.

71. 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 Branch, have the like jurisdiction under this Act as His 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.

Offences in  
Scotland.

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

*Repeal ; Savings.*

Repeal and  
saving for  
rules, &c.

73. The enactments described in the schedule to this Act are repealed to the extent mentioned in the third column, but this repeal shall not affect any rule, table of fees, or classification of goods made under any enactment so repealed, but every such rule, table of fees, or classification of goods shall continue in force as if made under this Act until superseded by rules, tables of fees, or classification under this Act.

Application of  
46 & 47 Vict.  
c. 57, ss. 82-84.

74. The provisions of sections eighty-two to eighty-four of the Patents, Designs, and Trade Marks Act, 1883, as amended by any subsequent enactment, shall continue to apply with respect to the administration at the Patent Office of the Law relating to the registration of trade marks, and shall accordingly be construed as if this Act formed part of that Act.

## SCHEDULE.

Section 73.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Sections sixty-two to eighty-one, and, so far as they respectively relate to trade marks, sections eighty-five to ninety-nine, one hundred and one, one hundred and two, one hundred and five, one hundred and eight, and one hundred and eleven to one hundred and seventeen.
51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	Sections eight to twenty, and, so far as they respectively relate to trade marks, sections twenty-one to twenty-six.

**INTERNATIONAL CONVENTION FOR THE PROTECTION  
OF INDUSTRIAL PROPERTY.**

**SIGNED AT PARIS, MARCH 20, 1883.**

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**RATIFICATIONS EXCHANGED AT PARIS, JUNE 6, 1884.**

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**I.**

*International Convention.*

SA Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa Majesté le Roi d'Espagne, le Président de la République Française, le Président de la République de Guatemala, Sa Majesté le Roi d'Italie, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi de Portugal et des Algarves, le Président de la République de Salvador, Sa Majesté le Roi de Serbie, et le Conseil Fédéral de la Confédération Suisse,

Egalement animés du désir d'assurer, d'un common accord, une complète et efficace protection à l'industrie et au commerce des nationaux de leurs Etats respectifs et de contribuer à la garantie des droits des inventeurs et de la loyauté des transactions commerciales, ont résolu de conclure une Convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges : M. le Baron Beyens, Grand Officier de son Ordre Royal de Léopold, Grand Officier de la Légion d'Honneur, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté l'Empereur du Brésil : M. Jules Constant, Comte de Villeneuve, Membre du Conseil de Sa Majesté, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges, Commandeur de l'Ordre du Christ, Officier de son Ordre de la Rose, Chevalier de la Légion d'Honneur, &c. ;

Sa Majesté le Roi d'Espagne : Son Excellence M. le Duc de Fernan-Nuñez, de Montellano et del Arco, Comte de Cervellon,

# INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

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RATIFICATIONS EXCHANGED AT PARIS, JUNE 6, 1884.

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## I.

### *International Convention.*

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

Being equally animated with the desire to secure, by mutual agreement, complete and effectual protection for the industry and commerce of their respective subjects and citizens, and to provide a guarantee for the rights of inventors, and for the loyalty of commercial transactions, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries, that is to say :—

His Majesty the King of the Belgians : the Baron Beyens, Grand Officer of His Majesty's Royal Order of Leopold, Grand Officer of the Legion of Honour, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Paris, &c. ;

His Majesty the Emperor of Brazil : M. Jules Constant, Count de Villeneuve, member of His Majesty's Council, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Belgians, Commander of the Order of Christ, Officer of His Majesty's Order of the Rose, Chevalier of the Legion of Honour, &c. ;

His Majesty the King of Spain : His Excellency the Duke de Fernan-Nuñez, de Montellano et del Arco, Count de Cervellon,

Marquis de Almonacir, Grand d'Espagne de Première Classe, Chevalier de l'Ordre Insigne de la Toison d'Or, Grand-Croix de l'Ordre de Charles III., Chevalier de Calatrava, Grand-Croix de la Légion d'Honneur, &c., Sénateur du Royaume, son Ambassadeur Extraordinaire et Plénipotentiaire à Paris ;

Le Président de la République Française : M. Paul Challemel-Lacour, Sénateur, Ministre des Affaires Etrangères ; M. Hérisson, Député, Ministre du Commerce ; M. Charles Jagerschmidt, Ministre Plénipotentiaire de Première Classe, Officier de l'Ordre National de la Légion d'Honneur, &c. ;

Le Président de la République de Guatemala : M. Crisanto Medina, Officier de la Légion d'Honneur, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté le Roi d'Italie, M. Constantin Ressman, Commandeur de ses Ordres des Saints Maurice et Lazare et de la Couronne d'Italie, Commandeur de la Légion d'Honneur, &c., Conseiller de l'Ambassade d'Italie à Paris ;

Sa Majesté le Roi des Pays-Bas : M. le Baron de Zuylen de Nyevelt, Commandeur de son Ordre du Lion Néerlandais, Grand-Croix de son Ordre Grand Ducal de la Couronne de Chêne et du Lion d'Or de Nassau, Grand Officier de la Légion d'Honneur, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté le Roi de Portugal et des Algarves : M. Jose da Silva Mendes Leal, Conseiller d'Etat, Pair du Royaume, Ministre et Secrétaire d'Etat Honoraire, Grand-Croix de l'Ordre de Saint-Jacques, Chevalier de l'Ordre de la Tour et de l'Epée de Portugal, Grand Officier de la Légion d'Honneur, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ; M. Fernand de Azevedo, Officier de la Légion d'Honneur, &c., Premier Secrétaire de la Légation de Portugal à Paris ;

Le Président de la République de Salvador ; M. Torres-Caicedo, Membre Correspondant de l'Institut de France, Grand Officier de la Légion d'Honneur, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté le Roi de Serbie : M. Sima M. Marinovitch, Chargé d'Affaires par intérim de Serbie, Chevalier de l'Ordre Royal de Takovo, &c. ;

Et le Conseil Fédéral de la Confédération Suisse : M. Charles-Edouard Lardy, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ; M. J. Weibel, Ingénieur à Genève, Président de la Section Suisse de la Commission Permanente pour la Protection de la Propriété Industrielle :

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs,

Marquis de Almonacir, Grandece of Spain First Class, Chevalier of the Distinguished Order of the Golden Fleece, Grand Cross of the Order of Charles III., Chevalier de Calatrava, Grand Cross of the Legion of Honour, Senator of the Kingdom, His Majesty's Ambassador Extraordinary and Plenipotentiary at Paris, &c. ;

The President of the French Republic : M. Paul Challemel-Lacour, Senator, Minister for Foreign Affairs ; M. Hérrison, Deputy, Minister of Commerce ; M. Charles Jagerschmidt, Minister Plenipotentiary of the First Class, Officer of the National Order of the Legion of Honour, &c. ;

The President of the Republic of Guatemala : M. Crisanto Medina, Officer of the Legion of Honour, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c. ;

His Majesty the King of Italy : M. Constantin Ressman, Commander of His Majesty's Orders of Saints Maurice and Lazarus, and of the Crown of Italy, Commander of the Legion of Honour, Councillor of the Italian Embassy at Paris, &c. ;

His Majesty the King of the Netherlands : the Baron de Zuylen de Nyevelt, Commander of His Majesty's Order of the Netherlands Lion, Grand Cross of His Majesty's Grand Ducal Order of the Oaken Crown, and of the Golden Lion of Nassau, Grand Officer of the Legion of Honour, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Paris, &c. ;

His Majesty the King of Portugal and the Algarves : M. Jose da Silva Mendes Leal, Councillor of State, Peer of the Realm, Minister and Honorary Secretary of State, Grand Cross of the Order of St. James, Chevalier of the Order of the Tower and Sword of Portugal, Grand Officer of the Legion of Honour, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Paris, &c. ; M. Fernand de Azevedo, Officer of the Legion of Honour, First Secretary of the Portuguese Legation at Paris, &c. ;

The President of the Republic of Salvador : M. Torres-Cañedo corresponding member of the French Institute, Grand Officer of the Legion of Honour, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c. ;

His Majesty the King of Servia : M. Sima M. Marinovitch, Chargé d'Affaires of Servia *ad interim*, Chevalier of the Royal Order of Takovo, &c. ;

And the Federal Council of the Swiss Confederation ; M. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary, at Paris, &c. ; M. J. Weibel, Engineer at Geneva, President of the Swiss Section of the Permanent Commission for the Protection of Industrial Property :

Who, having communicated to each other their respective full

trouvés en bonne et due forme, sont convenus des Articles suivants :—

#### ARTICLE I.

Les Gouvernements de la Belgique, du Brésil, de l'Espagne, de la France, du Guatemala, de l'Italie, des Pays-Bas, du Portugal, du Salvador, de la Serbie, et de la Suisse sont constitués à l'état d'Union pour la protection de la Propriété Industrielle.

#### ARTICLE II.

Les sujets ou citoyens de chacun des Etats Contractants jouiront, dans tous les autres Etats de l'Union, en ce qui concerne les brevets d'invention, les dessins ou modèles industriels, les marques de fabrique ou de commerce et le nom commercial, des avantages, que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux.

En conséquence, ils auront la même protection que ceux-ci et le même recours légal contre toute atteinte portée à leurs droits, sous réserve de l'accomplissement des formalités et des conditions imposées aux nationaux par la législation intérieure de chaque Etat.

#### ARTICLE III.

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

#### ARTICLE IV.

Celui qui aura régulièrement fait le dépôt d'une demande de brevet d'invention, d'un dessin ou modèle industriel, d'une marque de fabrique ou de commerce, dans l'un des Etats Contractants, jouira, pour effectuer le dépôt dans les autres Etats, et sous réserve des droits de tiers, d'un droit de priorité pendant les délais déterminés ci-après.

En conséquence, le dépôt ultérieurement opéré dans l'un des autres Etats de l'Union avant l'expiration de ces délais ne pourra être invalidé par des faits accomplis dans l'intervalle, soit, notamment, par un autre dépôt, par la publication de l'invention ou son exploitation par un tiers, par la mise en vente d'exemplaires du dessin ou du modèle, par l'emploi de la marque.



powers, found in good and due form, have agreed upon the following Articles :—

#### ARTICLE I.

The Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, Holland, Portugal, Salvador, Servia, and Switzerland constitute themselves into a Union for the Protection of Industrial Property.

#### ARTICLE II.

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

Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each State.

#### ARTICLE III.

Subjects or citizens of States not forming part of the Union, who are domiciled or have industrial or commercial establishments in the territory of any of the States of the Union, shall be assimilated to the subjects or citizens of the contracting States.

#### ARTICLE IV.

Any person who has duly applied for a patent, industrial design or model, or trade-mark in one of the Contracting States, shall enjoy, as regards registration in the other States, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

Consequently, subsequent registration in any of the other States of the Union before expiry of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by use of the trade-mark.

Les délais de priorité mentionnés ci-dessus seront de six mois pour les brevets d'invention, et de trois mois pour les dessins ou modèles industriels, ainsi que pour les marques de fabrique ou de commerce. Ils seront augmentés d'un mois pour les pays d'outre-mer.

#### ARTICLE V.

L'introduction par le breveté, dans le pays où le brevet a été délivré, d'objets fabriqués dans l'un ou l'autre des Etats de l'Union, n'entraînera pas la déchéance.

Toutefois le breveté restera soumis à l'obligation d'exploiter son brevet conformément aux lois du pays où il introduit les objets brevetés.

#### ARTICLE VI.

Toute marque de fabrique ou de commerce régulièrement déposée dans le pays d'origine sera admise au dépôt et protégée telle quelle dans tous les autres pays de l'Union.

Sera considéré comme pays d'origine le pays où le déposant son principal établissement.

Si ce principal établissement n'est point situé dans un des pays de l'Union, sera considéré comme pays d'origine celui auquel appartient le déposant.

Le dépôt pourra être refusé, si l'objet pour lequel il est demandé est considéré comme contraire à la morale ou à l'ordre public.

#### ARTICLE VII.

La nature du produit sur lequel la marque de fabrique ou de commerce doit être apposée ne peut, dans aucun cas, faire obstacle au dépôt de la marque.

#### ARTICLE VIII.

Le nom commercial sera protégé dans tous les pays de l'Union sans obligation de dépôt, qu'il fasse ou non partie d'une marque de fabrique ou du commerce.

#### ARTICLE IX.

Tout produit portant illicitement une marque de fabrique ou de commerce, ou un nom commercial, pourra être saisi à l'importation dans ceux des Etats de l'Union dans lesquels cette marque ou ce nom commercial ont droit à la protection légale.

The above-mentioned terms of priority shall be six months for patents and three months for industrial designs and models and trade-marks. A month longer is allowed for countries beyond sea.

#### ARTICLE V.

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the States of the Union shall not entail forfeiture.

Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects.

#### ARTICLE VI.

Every trade-mark duly registered in the country of origin shall be admitted for registration, and protected in the form originally registered in all the other countries of the Union.

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin.

Registration may be refused if the object for which it is solicited is considered contrary to morality or public order.

#### ARTICLE VII.

The nature of the goods on which the trade-mark is to be used can in no case be an obstacle to the registration of the trade-mark.

#### ARTICLE VIII.

A trade-name shall be protected in all the countries of the Union, without necessity of registration, whether it form part or not of a trade-mark.

#### ARTICLE IX.

All goods illegally bearing a trade-mark or trade-name may be seized on importation into those States of the Union where this mark or name has a right to legal protection.

La seisie aura lieu à la requête soit du Ministère Public, soit de la partie intéressée, conformément à la législation intérieure de chaque Etat.

#### ARTICLE X.

Les dispositions de l'Article précédent seront applicables à tout produit portant faussement, comme indication de provenance, le nom d'une localité déterminée, lorsque cette indication sera jointe à un nom commercial fictif ou emprunté dans une intention frauduleuse.

Est réputé partie intéressée tout fabricant ou commerçant engagé dans la fabrication ou le commerce de ce produit, et établi dans la localité faussement indiquée comme provenance.

#### ARTICLE XI.

Les Hautes Parties Contractantes s'engagent à accorder une protection temporaire aux inventions brevetables, aux dessins ou modèles industriels, ainsi qu'aux marques de fabrique ou de commerce, pour les produits que figureront aux Expositions Internationales officielles ou officiellement reconnues.

#### ARTICLE XII.

Chacune des Hautes Parties Contractantes s'engage à établir un service spécial de la Propriété Industrielle et un dépôt central, pour la communication au public des brevets d'invention, des dessins ou modèles industriels et des marques de fabrique ou de commerce.

#### ARTICLE XIII.

Un office international sera organisé sous le titre de "Bureau International de l'Union pour la Protection de la Propriété Industrielle."

Ce bureau, dont les frais seront supportés par les Administrations de tous les Etats Contractants, sera placé sous la haute autorité de l'Administration Supérieure de la Confédération Suisse, et fonctionnera sous sa surveillance. Les attributions en seront déterminées d'un commun accord entre les Etats de l'Union.

#### ARTICLE XIV.

La présente Convention sera soumise à des révisions périodiques en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

The seizure shall be effected at the request of either the proper Public Department or of the interested party, pursuant to the internal legislation of each country.

#### ARTICLE X.

The provisions of the preceding Article shall apply to all goods falsely bearing the name of any locality as indication of the place of origin, when such indication is associated with a trade-name of a fictitious character or assumed with a fraudulent intention.

Any manufacturer of, or trader in, such goods, established in the locality falsely designated as the place of origin, shall be deemed an interested party.

#### ARTICLE XI.

The High Contracting Parties agree to grant temporary protection to patentable inventions, to industrial designs or models, and trade-marks, for articles exhibited at official or officially recognised International Exhibitions.

#### ARTICLE XII.

Each of the High Contracting Parties agrees to establish a special Government Department for industrial property, and a central office for communication to the public of patents, industrial designs or models, and trade-marks.

#### ARTICLE XIII.

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

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

#### ARTICLE XIV.

The present Convention shall be submitted to periodical revisions, with a view to introducing improvements calculated to perfect the system of the Union.

A cet effet, des Conférences auront lieu successivement, dans l'un des Etats Contractants, entre les Délégués des dits Etats.

La prochaine réunion aura lieu en 1885, à Rome.

#### ARTICLE XV.

Il est entendu que les Hautes Parties Contractantes se réservent respectivement le droit de prendre séparément, entre elles, des arrangements particuliers pour la protection de la Propriété Industrielle, en tant que ces arrangements ne contreviendraient point aux dispositions de la présente Convention.

#### ARTICLE XVI.

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

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

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

#### ARTICLE XVII.

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

#### ARTICLE XVIII.

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

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

#### ARTICLE XIX.

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

To this end, Conferences shall be successively held in one of the Contracting States by Delegates of the said States. The next meeting shall take place in 1885, at Rome.

#### ARTICLE XV.

It is agreed that the High Contracting Parties respectively reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of Industrial Property, in so far as such arrangements do not contravene the provisions of the present Convention.

#### ARTICLE XVI.

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

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

#### ARTICLE XVII.

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

#### ARTICLE XVIII.

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

#### ARTICLE XIX.

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

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

Fait à Paris, le 20 Mars, 1883.

(Signé)

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

## II.

### *Final Protocol.*

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

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

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

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



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

Done at Paris, the 20th March, 1883.

(Signed)

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

## II.

### *Final Protocol.*

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

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

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

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

4. Le paragraphe 1<sup>er</sup> de l'Article V<sup>f</sup>. doit être entendu en ce sens qu'aucune marque de fabrique ou de commerce ne pourra être exclue de la protection dans l'un des Etats de l'Union par le fait seul qu'elle ne satisferait pas, au point de vue des signes qui la composent, aux conditions de la législation de cet Etat, pourvu qu'elle satisfasse, sur ce point, à la législation du pays d'origine et qu'elle ait été, dans ce dernier pays, l'objet d'un dépôt régulier. Sauf cette exception, qui ne concerne que la forme de la marque, et sous réserve des dispositions des autres Articles de la Convention, la législation intérieure de chacun des Etats recevra son application.

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

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

6. Les frais communs de Bureau International institué par l'Article XIII. ne pourront, en aucun cas, dépasser, par année, une somme totale représentant une moyenne de 2000 fr. par chaque Etat Contractant.

Pour déterminer la part contributive de chacun des Etats dans cette somme totale des frais, les Etats Contractants et ceux qui adhèreraient ultérieurement à l'Union seront divisés en six classes contribuant chacune dans la proportion d'un certain nombre d'unités, savoir :—

1 <sup>e</sup> classe	.	.	.	.	.	.	25 unités.
2 <sup>e</sup> classe	.	.	.	.	.	.	20 „
3 <sup>e</sup> classe	.	.	.	.	.	.	15 „
4 <sup>e</sup> classe	.	.	.	.	.	.	10 „
5 <sup>e</sup> classe	.	.	.	.	.	.	5 „
6 <sup>e</sup> classe	.	.	.	.	.	.	3 „

Ces co-efficients seront multipliés par le nombre des Etats de chaque classe, et la somme des produits ainsi obtenus fournira le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donnera le montant de l'unité de dépense.

Les Etats Contractants sont classés ainsi qu'il suit, en vue de la répartition des frais :—

1 <sup>e</sup> classe	.	.	.	.	.	France, Italie.
2 <sup>e</sup> classe	.	.	.	.	.	Espagne.
3 <sup>e</sup> classe	.	.	.	.	.	Belgique, Brésil, Portugal, Suisse.
4 <sup>e</sup> classe	.	.	.	.	.	Pays-Bas.
5 <sup>e</sup> classe	.	.	.	.	.	Serbie.
6 <sup>e</sup> classe	.	.	.	.	.	Guatemala, Salvador.

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

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

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

6. The common expenses of the International Office, instituted by virtue of Article XIII., are in no case to exceed for a single year a total sum representing an average of 2000 fr. for each Contracting State.

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

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

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

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

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

L'Administration Suisse surveillera les dépenses du Bureau International, fera les avances nécessaires et établira le compte annuel, qui sera communiqué à toutes les autres Administrations.

Le Bureau International centralisera les renseignements de toute nature relatifs à la protection de la Propriété Industrielle et les réunira en une statistique générale qui sera distribuée à toutes les Administrations. Il procédera aux études d'utilité commune intéressant l'Union et rédigera, à l'aide des documents qui seront mis à sa disposition par les diverses Administrations, une feuille périodique, en langue Française, sur les questions concernant l'objet de l'Union.

Les numéros de cette feuille, de même que tous les documents publiés par le Bureau International, seront répartis entre les Administrations des Etats de l'Union, dans la proportion du nombre des unités contributives ci-dessus mentionnées. Les exemplaires et documents supplémentaires qui seraient réclamés, soit par les dites Administrations, soit par des Sociétés ou des particuliers, seront payés à part.

Le Bureau International devra se tenir en tout temps à la disposition des membres de l'Union, pour leur fournir, sur les questions relatives au service international de la Propriété Industrielle, les renseignements spéciaux, dont ils pourraient avoir besoin.

L'Administration du pays où doit siéger la prochaine Conférence préparera avec le concours du Bureau International, les travaux de cette Conférence.

Le Directeur du Bureau International assistera aux séances des Conférences et prendra part aux discussions sans voix délibérative. Il fera, sur sa gestion, un Rapport annuel, qui sera communiqué à tous les membres de l'Union.

La langue officielle du Bureau International sera la langue Française.

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

En foi de quoi, les Plénipotentiaires soussignés ont dressé le présent Protocole.

(Signé) BEYENS.

VILLENEUVE.

DUC DE FERNAN-NUÑEZ.

P. CHALLEMEL-LACOUR.

CH. HÉRISSON.

CH. JAGERSCHMIDT.

CRISANTO-MEDINA.

RESSMAN.

Baron DE ZUYLEN DE NYEVELT.

JOSE DA SILVA MENDES LEAL.

F. D'AZEVEDO.

J.-M. TORRES-CAÏCEDO.

SIMA M. MARINOVITCH.

LARDY. J. WEIBEL.

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

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

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

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

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

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

He will furnish an annual Report upon his administration of the office, which shall be communicated to all the members of the Union.

The official language of the International Office will be French.

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

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

(Signed) BEYENS.

VILLENEUVE.

DUC DE FERNAN-NUÑEZ.

P. CHALLEMEL-LACOUR.

CH. HÉRISON.

CH. JAGERSCHMIDT.

CRISANTO-MEDINA.

RESSMAN.

BARON DE ZUYLEN DE NYEVELT.

JOSE DA SILVA MENDES LEAL.

F. D'AZEVEDO.

J.-M. TORRES-CAICEDO.

SIMA M. MARINOVITCH.

LARDY. J. WEIBEL.

## III.

*Accession of Her Majesty's Government to the Convention signed at Paris, March 20, 1883.*

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

[Continued on opposite page.]

## IV.

*Declaration of Acceptance of Accession.*

Sa Majesté la Reine du Royaume Uni de la Grande-Bretagne et d'Irlande ayant accédé à la Convention Internationale, relative à la protection de la Propriété Industrielle, conclue à Paris le 20 Mars, 1883, et suivie d'un Protocol en date du même jour, en vertu de l'Acte d'Accession délivré par son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française; acte dont la teneur suit ici, mot pour mot :—

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

Le Président de la République Française a autorisé le Soussigné, Président du Conseil, Ministre des Affaires Etrangères, à accepter formellement la dite accession, y compris les réserves, qui y sont contenues, concernant l'Ile de Man, les Iles de la Manche et toutes autres possessions de Sa Majesté Britannique, s'engageant, tant en son nom qu'au nom des autres Hautes Parties Contractantes, à concourir à l'accomplissement des obligations stipulées dans la Convention et le Protocole y annexé, qui pourront concerner le Royaume Uni de la Grande-Bretagne et d'Irlande.

En foi de quoi, le Soussigné, dûment autorisé, a dressé le présent Acte d'Acceptation et y a fait apposer son cachet.

Fait à Paris, le 2 Avril, 1884.

(L.S.) (Signé) JULES FERRY.

formally engages as far as regards the President of the French Republic and the other High Contracting Parties to co-operate on her part in the execution of the stipulations contained in the Convention and Protocol aforesaid.

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

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

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

(L.S.) (Signed) LYONS.

#### IV.

##### *Declaration of Acceptance of Accession.*

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

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

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

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

Done at Paris, the 2nd April, 1884.

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

## THE PATENT RULES, 1903.

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1902, the Board of Trade do hereby make the following Rules :—

### *Short Title.*

Short title. 1. These Rules may be cited as the Patents Rules, 1903.

### *Commencement.*

Commencement. 2. These Rules shall come into operation from and immediately after the 12th day of January, 1903.

### *Interpretation.*

Interpretation. 3. In the construction of these Rules—

“United Kingdom” includes the Isle of Man ;

“Foreign Application” means an application by any person for protection of his invention in a Foreign State or British Possession to which by any Order in Council for the time being in force the provisions of section 103 of the Act of 1883 as amended by any subsequent Act have been declared applicable ;

“Convention Application” means an application in the United Kingdom under the provisions of section 103 of the Act of 1883 as amended by any subsequent Act.

Save as aforesaid any words herein used defined by the said Acts shall have the meanings thereby assigned to them respectively.

### *Fees.*

First Schedule. 4. The fees to be paid under the said Acts shall be those specified in the list of fees in the First Schedule to these Rules.

### *Forms.*

Second Schedule. 5. The Forms (a) contained in the Second Schedule to these Rules may, as far as they are applicable, be used in any proceedings under the said Acts or under these Rules and so far as they relate to the

(a) See pp. 345-374 *post*.



same subject-matter shall be substituted for the forms in the First Schedule to the Act of 1883.

*Applications for Patents.*

6. In the case of an application for a patent by the legal representative of a person who has died possessed of an invention, the probate of his will, or the letters of administration granted of his estate and effects, or an official copy of such probate or letters, shall be produced at the Patent Office in proof of the applicant's title as such legal representative and must be supported by such further evidence as the Comptroller may require.

Application by representative of deceased inventor.

7. Every application for a patent shall be accompanied by a statement of an address (hereinafter referred to as "the address for service") to which all notices, requisitions, and communications of every kind may be sent by the Comptroller or by the Board of Trade, and such statement shall thereafter be binding upon the applicant until a substituted address for service shall be furnished by him to the Comptroller. The Comptroller may in any particular case require that the address for service be in the United Kingdom.

Address for service.

8. Applications for patents sent through the post shall, as far as may be practicable, be opened and numbered in the order in which the letters containing the same have been respectively delivered in the ordinary course of post.

Order of recording applications.

Applications left at the Patent Office otherwise than through the post shall be in like manner numbered in the order of their receipt at the Patent Office.

9. [*Rule 5 of the Patent Rules, 1905, is substituted for this Rule, see p. 317 post.*]

Every such application shall, if the applicant notify his desire to that effect to the Comptroller, bear the date of the first application and shall, together therewith, be proceeded with in the manner prescribed by the said Acts and by these Rules, as if every such application had been originally made on that date.

10. An application for extension of time for leaving or accepting a complete specification shall be made on Form U or on Form V, as the case may require, and shall state in detail in what circumstances and upon what grounds such extension is applied for, and the Comptroller may require the applicant to substantiate such allegations by such proof as the Comptroller may think necessary.

Extension of time for leaving and accepting complete specification.

11. On the acceptance of a provisional or complete specification the Comptroller shall give notice thereof to the applicant, and shall advertise the acceptance of every complete specification in the official journal of the Patent Office.

Notice and advertisement of acceptance.

Inspection of complete specification.

12. Upon such acceptance in the case of a complete specification, the application and specification or specifications with the drawings (if any) may be inspected at the Patent Office upon payment of the prescribed fee.

*Applications under the International Convention.*

Convention applications.

13. Every Convention application shall contain a declaration that foreign application has been made for protection of the invention to which such Convention application relates, and shall specify all the Foreign States or British Possessions in which such foreign applications have been made, and the official date or dates thereof respectively. The application must be made within twelve months from the date of the first foreign application, and must be accompanied by a complete specification, and signed by the person or persons by whom such first foreign application was made. If such person, or any of such persons be dead, the application must be signed by the legal representative of such dead person, as well as by the other applicants, if any.

Foreign specification, &c., to accompany application.

14. Every Convention application, in addition to the specification left therewith, must be accompanied by a copy or copies of the specification, and drawings or documents filed or deposited by the applicant in the Patent Office of the Foreign State or British Possession in respect of the first foreign application, duly certified by the official chief or head of the Patent Office of such Foreign State or British Possession as aforesaid, or otherwise verified to the satisfaction of the Comptroller. If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and verified by statutory declaration or otherwise to the satisfaction of the Comptroller.

Public inspection.

15. If the complete specification left with the application be not accepted within twelve months from the date of the first foreign application, it shall, with the drawings, if any, be open to public inspection at the expiration of that period.

Proceedings.

16. Save as aforesaid and as provided by Rule 52 all proceedings in connection with a Convention application shall be taken within the times and in the manner prescribed by the said Acts or these Rules for ordinary applications.

*Size, &c., of Documents.*

17. [Rule 15 of the Patent Rules, 1905, is substituted for this Rule, see p. 320 post.]

*Drawings accompanying Specifications.*

[Rules 16 to 24 of the Patent Rules, 1905, are substituted for Rules 18 to 24, see p. 320 post.]

*Statutory Declarations and Affidavits.*

25. The statutory declarations and affidavits required by these Rules, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject. Every statutory declaration or affidavit shall state the description and true place of abode of the person making the same, and shall be written or printed bookwise, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

Form, &c.,  
of statutory  
declaration  
and affidavit.

26. The statutory declarations and affidavits required by the said Acts and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:—

Manner in  
which, and  
persons before  
whom, declara-  
tion or affidavit  
is to be taken.

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

*Industrial or International Exhibitions.*

27. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held, may, after the Board of Trade have issued a certificate that the exhibition is an industrial or international one, give to the Comptroller notice on Form O of his intention to exhibit, publish, or use the invention, as the case may be. For the purpose of identifying the invention in the event of an application for a patent being subsequently made the inventor shall furnish to the Comptroller a brief description of his invention, accompanied, if necessary, by drawings, and such other information as the Comptroller may in each case require.

Industrial or  
international  
exhibitions.

*Exercise of Discretionary Powers by the Comptroller.*

Exercise of  
discretionary  
powers by  
Comptroller.

28. Before exercising any discretionary power given to the Comptroller by the said Acts or these Rules adversely to the applicant for a patent or for amendment of a specification, the Comptroller shall give ten days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent before the Comptroller.

Notice of  
hearing.

Notice by  
applicant.

29. Within five days from the date when such notice would be delivered in the ordinary course of post, or such longer time as the Comptroller may appoint in such notice, the applicant shall notify in writing to the Comptroller whether or not he intends to be heard upon the matter.

Comptroller  
may require  
statement, &c.

30. Whether the applicant desires to be heard or not, the Comptroller may at any time require him to submit a statement in writing within a time to be notified by the Comptroller, or to attend before him and make oral explanations with respect to such matters as the Comptroller may require.

Decision to be  
notified to  
parties.

31. The decision or determination of the Comptroller in the exercise of any such discretionary power as aforesaid shall be notified by him to the applicant, and to any other person who appears to him to be affected thereby.

*Opposition to Grants of Patents.*

Notice of  
opposition.

32. A notice of opposition to the grant of a patent shall be on Form D, and shall state the ground or grounds on which the person giving such notice (hereinafter called the opponent) intends to oppose the grant, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy, which copy shall be transmitted by the Comptroller to the applicant.

Copy for  
applicant.

Evidence in  
support of  
allegation that  
invention has  
been obtained  
from opponent.

33. Where the ground of an opposition is that the applicant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, unless evidence in support of such allegation be left at the Patent Office within fourteen days after the expiration of two months from the date of the advertisement of the acceptance of the applicant's complete specification, the opposition shall be deemed to be abandoned.

Attendance of  
declarant on  
Comptroller.

34. Where the ground of an opposition is that the applicant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, the Comptroller may request or allow any person who has made a statutory declaration in the matter to which the opposition relates to attend before him at the

hearing of the case and make oral explanations with respect to such matters as the Comptroller may require.

35. Where the ground or one of the grounds of opposition is that the invention has been patented in this country on an application of prior date, the number and date of such prior application shall be specified in the notice. Particulars of prior patent.

36. Except in the case provided for in Rule 33, statutory declarations need not be left in connection with an opposition, but the opponent may within fourteen days after the expiration of two months from the date of the advertisement of the acceptance of the applicant's complete specification, leave at the Patent Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant copies thereof. Opponent's evidence.

37. Within fourteen days from the delivery of such copies, the applicant may leave at the Patent Office statutory declarations in answer, and on so leaving shall deliver to the opponent copies thereof, and within fourteen days from such delivery the opponent may leave at the Patent Office his statutory declarations in reply, and on so leaving shall deliver to the applicant copies thereof. Such last-mentioned declarations shall be confined to matters strictly in reply. Applicant's evidence.  
Evidence in reply.

38. If the opponent does not leave statutory declarations in support of his opposition, the applicant may (if he desires so to do) within three months from the date of the advertisement of the acceptance of his complete specification, leave at the Patent Office statutory declarations in support of his application, and on so leaving shall deliver to the opponent copies thereof. Applicant's evidence if opponent does not leave statutory declarations.

39. Within fourteen days from the delivery of such copies, the opponent may leave at the Patent Office statutory declarations in answer, and on so leaving shall deliver to the applicant copies thereof, and within fourteen days from such delivery the applicant may leave at the Patent Office his statutory declarations in reply, and on so leaving shall deliver to the opponent copies thereof. Such last-mentioned declarations shall be confined to matters strictly in reply. Opponent's evidence.  
Evidence in reply.

40. No further evidence shall be left on either side except by leave, or on the requisition, of the Comptroller. Closing of evidence.

41. On completion of the evidence (if any), or at such other time as he may see fit, the Comptroller shall appoint a time for the hearing of the case, and shall give the parties ten days' notice at the least of such appointment. If either party does not desire to be heard he shall as soon as possible notify the Comptroller to that effect. If either party desires to be heard he must leave Form E at the Patent Office. The Comptroller may refuse to hear either party who has not left Form E prior to the date of hearing. If either party intends to refer at the hearing to any publication other than a specification Hearing.

mentioned in the notice of opposition, he should, unless the same has been referred to in a statutory declaration already filed, give to the other party and to the Comptroller five days' notice at least of his intention, together with details of each publication to which he intends to refer. After hearing the party or parties desirous of being heard or if neither party desires to be heard, then without a hearing the Comptroller shall decide the case and notify his decision to the parties.

*Amendment of Specification.*

Request for  
leave to amend.

42. A request for leave to amend a specification must be signed by the applicant and shall contain an address for service in the United Kingdom. When not made in pursuance of an order of the Court or a judge the request must, where a patent has been sealed, also contain a statement that no action for infringement nor proceeding for revocation of the patent is pending. The request must be accompanied by a duly certified copy of the original specification and drawings, showing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may in each case direct.

Leave by  
Order of Court.

43. Where a request for leave to amend is made in pursuance of an order of the Court or a judge, an office copy of the order shall be left with the request at the Patent Office.

Notice of  
opposition.

44. A notice of opposition to the amendment shall be on Form G and shall state the ground or grounds on which the person giving such notice (hereinafter called the opponent) intends to oppose the amendment, and must be signed by him. Such notice shall state his address for service in the United Kingdom, and shall be accompanied by an unstamped copy, which copy shall be transmitted by the Comptroller to the applicant.

Copy for the  
applicant.

45. Within fourteen days after the expiration of one month from the first advertisement of the application for leave to amend, the opponent may leave at the Patent Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant copies thereof.

Opponent's  
evidence.

Further  
proceedings.

46. Upon such declarations being left, and such copies being delivered, the provisions of Rules 37, 40, and 41 shall apply to the case, and the further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated.

Applicant's  
evidence if  
opponent does

47. If the opponent does not leave statutory declarations in support of his opposition, the applicant may (if he desires so to do) within

two months from the date of the first advertisement of the application for leave to amend leave at the Patent Office statutory declarations in support of his application, and on so leaving shall deliver to the opponent copies thereof. not leave statutory declarations.

48. Upon such declarations being left, and such copies being delivered, the provisions of Rules 39, 40, and 41 shall apply to the case, and further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated. Further proceedings.

49. Where leave to amend is given the applicant shall, if the Comptroller so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings as amended, to be prepared in accordance with Rules 17 to 23. Requirements on amendment.

50. Every amendment of a specification shall be advertised forthwith by the Comptroller in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may direct. Advertisement of amendment.

### *Register of Patents.*

51. Upon the sealing of a patent the Comptroller shall cause to be entered in the Register of Patents the name, address, and calling of the patentee as the grantee thereof, and the title of the invention, together with the address for service. Entry of grant.

52. The patent granted on any Convention application shall be entered in the register as dated of the date on which the first foreign application was made, and the payment of renewal fees, and the expiration of the patent, shall be reckoned as from the date of the first foreign application. Entry in respect of Convention application.

53. If a patentee send to the Comptroller on Form R notice of an alteration in his address, the Comptroller shall cause the register to be altered accordingly, and may require the altered address to be in the United Kingdom. Alteration of address.

54. Where a person becomes entitled to a patent, or to any share or interest therein, by assignment, or by transmission, or other operation of law, a request for the entry of his name in the register as such complete or partial proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the Comptroller, and left at the Patent Office. Request for entry of subsequent proprietorship.

55. Such request shall be on Form L and shall in the case of individuals be made and signed by the person requiring to be registered as proprietor, or by his agent duly authorised to the satisfaction of the Comptroller, and in the case of a body corporate by its agent, authorised in like manner. Form and signature of request.

56. Every such request shall state the name, address, and calling of the person claiming to be entitled to the patent, or to any share Particulars to be stated in request.

or interest therein, as the case may be, and the particulars of the assignment, transmission, or other operation of law, by virtue of which he claims to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom, the patent, or such share or interest therein as aforesaid, has been assigned or transmitted.

Production of documents of title and other proof.

57. Every assignment, and every other document containing, giving effect to, or being evidence of, the transmission of a patent or affecting the proprietorship thereof as claimed by such request, except such documents as are matters of record, shall, unless the Comptroller in his discretion otherwise directs, be produced to him together with the request, and such other proof of title as he may require for his satisfaction.

As to a document which is a matter of record, an official or certified copy thereof shall in like manner be produced to the Comptroller.

Copies for Patent Office.

58. There shall also be left with the request an attested copy of the assignment or other document or copy above required to be produced.

Body corporate.

59. A body corporate may be registered as proprietor by its corporate name.

Entry of Orders of the Privy Council or of the Court.

60. Where an order has been made by his Majesty in Council for the extension of a patent for a further term or for the grant of a new patent, or where an order has been made for the revocation of a patent or the rectification of the register under section 90 of the Act of 1883, or otherwise affecting the validity of proprietorship of the patent, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified or the purport of such order shall otherwise be duly entered in the register, as the case may be.

Entry of date of payment of fees on issue of certificate.

61. Upon the issue of a certificate of payment under Rule 68, the Comptroller shall cause to be entered in the register a record of the date of payment of the fee on such certificate.

Entry of failure to pay fees.

62. If a patentee fails to make any prescribed payment within the prescribed time, or any enlargement thereof duly granted, there shall be duly entered in the register a notification of such failure.

Entry of notification of licence, or other document.

63. An attested copy of every licence granted under a patent, or of any other document purporting to affect the proprietorship of a patent, shall be left at the Patent Office with a request on Form M that a notification thereof may be entered in the register. The accuracy of such copy shall be certified as the Comptroller may direct, and the original document shall at the same time be produced and left at the Patent Office if required for further verification.



64. The register of patents shall be open to the inspection of the public on every week day except Saturday between the hours of ten and four, and on Saturday between the hours of ten and one, except on the days and the times following :—

Hours of inspection register.

(a) Christmas Day, Good Friday, the day observed as His Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays at the Bank of England ; or

(b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office ;

(c) Times when the register is required for any purpose of official use.

65. Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, statutory declarations, and other public documents in the Patent Office, or of or from registers and other books kept there, may be furnished by the Comptroller on payment of the prescribed fee.

Certified copies of documents.

*Payment of Fees for Continuance of Patent.*

66. If a patentee intends at the expiration of the fourth year from the date of his patent to keep the same in force, he shall, before the expiration of the fourth and each succeeding year during the term of the patent, pay the prescribed fee. The patentee may pay the whole or any portion of the aggregate of such prescribed annual fees in advance.

Payment of fees for continuance of patent.

The Form J in the Second Schedule, duly stamped, should be used for the purpose of this payment.

67. An application for an enlargement of the time for making a prescribed payment shall state in detail the circumstances in which the patentee by accident, mistake, or inadvertence has failed to make such payment, and the Comptroller may require the patentee to substantiate by such proof as he may think necessary the allegations contained in the application for enlargement.

Enlargement of time for payments.

68. On due compliance with the terms of Rule 66, and as soon as may be after such respective periods as aforesaid, or any enlargement thereof respectively duly granted, the Comptroller shall issue a certificate that the prescribed payment has been duly made.

Certificate of payment.

*Compulsory Licences and Revocation of Patents.*

69. A petition to the Board of Trade for an order under section 3 of the Patents Act, 1902, shall show clearly the nature of the

Petition for grant of compulsory

licence or  
revocation  
of patent.

petitioner's interest and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order, and the name and address of the patentee and any other person who is alleged in the petition to have made default.

To be left with  
evidence at  
Patent Office.

70. The petition and an examined copy thereof shall be left at the Patent Office accompanied by affidavits or statutory declarations in proof of the allegations contained in the petition together with any other documentary evidence in support, and the petitioner shall simultaneously with, or as soon as may be after the leaving of such petition deliver to the patentee and any other person who is alleged in the petition to have made default, copies of the petition and of such affidavits or statutory declarations and other documentary evidence in support.

Opponent's  
evidence.

71. The persons to whom such copies are delivered by the petitioner, may within fourteen days after being invited to do so by the Board of Trade leave at the Patent Office their affidavits or statutory declarations in answer, and if they do so shall deliver copies thereof to the petitioner; and the petitioner may within fourteen days from such last-mentioned delivery leave at the Patent Office his affidavits or statutory declarations in reply, and if he does so shall deliver copies thereof to the patentee or any other person alleged in the petition to have made default, such last-mentioned affidavits or statutory declarations being confined to matters strictly in reply.

Evidence in  
reply.

The times prescribed by this Rule may be altered or enlarged by the Board of Trade, if they think fit, upon such notice to parties interested and upon such terms, if any, as they may direct.

Closing of  
evidence.

72. No further evidence than as aforesaid may be left by either side at the Patent Office except by leave or on requisition of the Board of Trade and upon such terms, if any, as the Board may think fit.

Power of  
Board of Trade  
to dismiss  
petition.

73. The Board of Trade shall consider the petition and the evidence, with a view to satisfying themselves whether a *prima facie* case has been made out for proceeding further with the petition, and if they are not so satisfied they shall dismiss the petition.

Arrangements  
between  
parties.

74. If they are so satisfied, they shall consider whether there is any probability of an arrangement being come to between the parties, and if it appears to them that there is any reasonable probability that such an arrangement can be come to, they may take such steps as they consider desirable to bring it about, and in the meanwhile may defer the reference of the petition to the Judicial Committee of the Privy Council.

75. If the Board are not of opinion that there is a reasonable probability of any arrangement being come to between the parties, and are satisfied that a *prima facie* case has been made out by the petitioner, they shall refer the petition to the Judicial Committee, with copies of any affidavits, statutory declarations, or other documentary evidence which may have been furnished under the foregoing Rules, and with certified copies of all entries in the Register of Patents relating to the patent in question and any other information in the possession of the Board which it appears to them may be of service to the Judicial Committee in ascertaining what persons should be made parties to the proceedings before the Committee, and the Board shall give written notice to the parties that the petition has been referred to the Judicial Committee.

Reference of  
petition to  
Judicial  
Committee.

#### General.

76. Any document for the amendment of which no special provision is made by the said Acts may be amended, and any irregularity in procedure, which in the opinion of the Comptroller may be obviated without detriment to the interests of any person, may be corrected, if and on such terms as the Comptroller may think fit.

Power of  
amendment,  
&c.

77. The times prescribed by these Rules for doing any act, or taking any proceeding thereunder, other than the times for lodging evidence referred to in Rule 33 or in the procedure in these Rules relating to compulsory licences and revocation of patents, may be enlarged by the Comptroller if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

General power  
to enlarge  
time.

78. Where, under these Rules, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Comptroller, or at the Patent Office, and it is shown to the satisfaction of the Comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Comptroller, with the sanction of the Board of Trade, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration, or evidence.

Power to  
dispense with  
evidence.

79. The Patent Office shall be open to the public every week-day except Saturday between the hours of ten and four, and on Saturday between the hours of ten and one, except on the days following :—

Hours of  
business.

Christmas Day, Good Friday, the day observed as His Majesty's birthday, the days observed as days of public fast or thanksgiving, or as holidays at the Bank of England, and days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office.

Leaving  
documents.

80. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office, or to the Comptroller, or to any other person under these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

*Agency.*

Agency.

81. With the exception of the signing of the following documents, namely, applications for patents, requests for leave to amend applications, specifications, or letters patent, authorisations of agents, notices of oppositions, requests for issue of duplicate letters patent, notices of abandonment of or of intention not to proceed with applications, surrenders of letters patent, and petitions for compulsory licence and revocation of patent, all communications to the Comptroller under the said Acts and these Rules may be signed by and all attendances upon the Comptroller may be made by or through an agent duly authorised to the satisfaction of the Comptroller, and, if he so require it, resident in the United Kingdom. The Comptroller shall not be bound to recognise as such agent, or to receive further communications from any person whose name, by reason of his having been adjudged guilty of disgraceful professional conduct, has been erased from the register of patent agents, kept under the provisions of the Patents, Designs, and Trade Marks Act, 1888, relating to the registration of patent agents, and not since restored. In any particular case, the Comptroller may, if he think fit, require the personal signature or presence of an applicant, opponent, or other person.

*Repeal.*

Repeal.

82. All general rules relative to Patents heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1901, and in force on the 12th day of January, 1903, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such rules, or to any application or other matter then pending.

Dated the 12th day of January, 1903.

G. W. BALFOUR,  
President of the Board of Trade.

## THE PATENT RULES, 1905.

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1902, the Board of Trade do hereby make the following Rules :—

### *Short Title.*

1. These Rules may be cited as the Patents Rules, 1905. Short title.

### *Commencement.*

2. These Rules shall come into operation from and immediately after the 31st day of December, 1904. Commencement.

### *Interpretation.*

3. In the construction of these Rules, any words herein used defined by the said Acts shall have the meanings thereby assigned to them respectively. Interpretation.

### *Application for Patents.*

4. The statement of the invention claimed, with which a complete specification must end, shall be clear and succinct as well as separate and distinct from the body of the specification. Claims.

5. For Rule 9 of the Patents Rules, 1903, the following Rule shall be substituted :—

When a specification comprises several distinct matters, they shall not be deemed to constitute one invention by reason only that they are all applicable to or may form parts of an existing machine, apparatus, or process. One invention.

When a person making application for a patent has included in his specification more than one invention, the Comptroller may require or allow him to amend such application and specification and drawings or any of them so as to apply to one invention only, and the applicant may make application for a separate patent for any invention excluded by such amendment. Applications for separate patents by way of amendment.

Every such last-mentioned application may, if the Comptroller at any time so direct, bear the date of the original application, or such

date between the date of the original application and the date of the application in question, as the Comptroller may direct, and shall otherwise be proceeded with as a substantive application in the manner prescribed by the said Acts and by any Rules thereunder for the time being in force.

Where the Comptroller has required or allowed any application, specification or drawings to be amended as aforesaid, such application shall, if the Comptroller at any time so direct, bear such date, subsequent to the original date of the application and not later than the date when the amendment was made, as the Comptroller shall consider reasonably necessary to give sufficient time for the subsequent procedure relating to such application.

*Procedure under section 1 of the Patents Act, 1902.*

Power of  
Comptroller  
to post-date.

6. If after the leaving of any complete specification the Examiner reports that the nature of the invention is not sufficiently disclosed and defined to enable him to make the investigation prescribed by sub-section 1, and the Comptroller has required amendment of the specification and drawings, or either of them, the application shall, if the Comptroller at any time so direct, bear such date, subsequent to its original date and not later than the date when the requirement is complied with, as the Comptroller may consider reasonably necessary to give sufficient time for the subsequent procedure relating to such application.

Provisional  
report in case  
of complete  
anticipation.

7. When the Examiner in prosecution of the investigation prescribed by sub-section 1, finds that the invention claimed in the specification under examination has been wholly claimed or described in one or more specifications within the meaning of the sub-section in question, he shall, without any further prosecution of the investigation, make a provisional report to that effect to the Comptroller.

If the provisional report of the Examiner made under this Rule be not reversed or altered, it shall be deemed a final report, and the application shall be dealt with as provided by sub-section 6. If, however, such provisional report be reversed or altered, the investigation prescribed by sub-section 1 shall be continued, and a further report shall be made to the Comptroller, and the specification shall be dealt with as provided in sub-section 5 or sub-section 6, as the case may require.

Time for  
leaving  
amended  
specification.

8. The time within which an applicant may leave his amended specification under sub-section 2 shall be two months from the date of the letter informing him that the invention claimed has been wholly or in part claimed or described in any specification or specifications within the meaning of sub-section 1.

In any special case the Comptroller may, if he think fit, enlarge the time prescribed by this Rule. Extension of time.

9. When the applicant for a patent has been informed of the result of the investigation of the Examiner, made under the provisions of sub-section 1, and the time allowed by Rule 8 for amendment of his specification has expired, the Comptroller, if he is not satisfied that no objection exists to the specification on the ground that the invention claimed therein has been wholly or in part claimed or described in a previous specification within the meaning of that sub-section, shall inform the applicant accordingly and appoint a time for hearing him, and shall give him ten days' notice at the least of such appointment. The applicant shall as soon as possible notify the Comptroller whether or not he desires to be heard. The Comptroller shall, after hearing the applicant, or without a hearing, if the applicant has not attended a hearing appointed or has notified that he does not desire to be heard, determine whether reference ought to be made in the applicant's specification to any, and, if so, what, prior specification or specifications by way of notice to the public. Hearing by the Comptroller under sub-section 6.

10. When under sub-section 6 the Comptroller determines that a reference to a prior specification ought to be made by way of notice to the public, the form of reference shall be as follows and shall be inserted after the claims :— Reference to prior specification.

Reference has been directed in pursuance of section 1, sub-section 6, of the Patents Act, 1902, to the following specification of Letters Patent No.                      granted to                      .

Where the reference is inserted as the result of a provisional report under Rule 7, a statement to that effect shall be added to the reference.

#### *Appeal.*

11. Every decision of the Comptroller under the foregoing Rules shall be subject to an appeal to the Law Officer. Appeal to Law Officer.

#### *Sealing of Patent and Payment of Fee.*

12. If the applicant for a patent desires to have a patent sealed on his application, he must, on or before the last day on which a patent can lawfully be sealed, pay the prescribed sealing fee; and if such fee be not paid, no patent shall be sealed. Sealing of patent and payment of fee.

The prescribed sealing fee should be paid by leaving at the Patent Office Form X (a) in the Second Schedule to these Rules, duly stamped.

(a) See p. 375 *post*.

*Fees.*

**First Schedule.** 13. To the fees specified in the First Schedule to the Patents Rules, 1903, shall be added the fee specified in the First Schedule hereto. (b)

*Forms.*

**Second  
Schedule.**

14. To the forms contained in the Second Schedule to the Patents Rules, 1903, shall be added the Form X contained in the Second Schedule hereto ; and in the Form C contained in the first-mentioned Schedule the following direction shall be added in a marginal note, namely :—“ In the preparation of the claim or claims careful attention should be paid to the terms of Rule 4 of the Patents Rules, 1905. Any unnecessary multiplicity of claims or prolixity of language should be avoided.”

*Size, &c., of Document.*

15. For Rule 17 of the Patents Rules, 1903, the following Rule shall be substituted :—

**Size, &c., of  
documents.**

All documents and copies of documents, except drawings, sent to or left at the Patent Office or otherwise furnished to the Comptroller or to the Board of Trade shall be written, type-written, lithographed or printed in the English language (unless otherwise directed) in large and legible characters with deep permanent ink upon strong white paper, and, except in the case of statutory declarations and affidavits, on one side only, of a size of approximately 13 inches by 8 inches, leaving a margin of at least 1½ inches on the left-hand part thereof, and the signatures thereto must be written in a large and legible hand. Duplicate documents shall at any time be left, if required by the Comptroller.

At the top of the first page of a specification a space of about 2 inches should be left blank.

*Drawings accompanying Specifications.*

16. For Rules 18 to 24 of the Patents Rules, 1903, the following Rules shall be substituted :—

As the drawings are printed by a photolithographic process, the character of each original drawing must be brought as nearly as possible to a uniform standard of excellence, suited to the requirements of such process, and calculated to give the best results in the interests of inventors, of the Office, and of the public. The following

(b) See p. 449 post.



requirements should, therefore, be strictly observed, as non-compliance therewith will be certain to cause delay in the progress of an application for a patent.

17. Drawings, when furnished, should accompany the provisional or complete specification to which they refer, except in the case provided for by Rule 24. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specification when printed should appear in the specification itself.

18. Drawings may be made by hand or lithographed, printed, &c. They must be made on pure white, hot-pressed, rolled, or calendered strong paper of smooth surface, good quality, and medium thickness without washes or colours, in such a way as to admit of being clearly reproduced on a reduced scale by photography. Mounted drawings must not be used.

19. Drawings must be on sheets which measure 13 inches from top to bottom and are either from 8 inches to  $8\frac{1}{4}$  inches or from 16 inches to  $16\frac{1}{2}$  inches wide, the narrower sheets being preferable.

If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large drawing is required, it should be continued on subsequent sheets. There is no limit to the number of sheets that may be sent in, but no more sheets should be employed than are necessary and the figures should be numbered consecutively throughout and without regard to the number of sheets. The figures should not be more numerous than is absolutely necessary. They should be separated by a sufficient space to keep them distinct.

20. Drawings must be prepared in accordance with the following requirements:—

- (a) They must be executed with absolutely black ink.
- (b) Each line must be firmly and evenly drawn, sharply defined, and of the same strength throughout.
- (c) Section lines, lines for effect, and shading lines should be as few as possible, and must not be closely drawn.
- (d) Shade lines must not contrast too much in thickness with the general lines of the drawing.
- (e) Sections and shading should not be represented by solid black or washes.
- (f) They should be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus machine, &c., should appear as effects this purpose. If the scale is given, it should be drawn, and not denoted by words.

General.

Requirements as to paper.

Size of drawings and arrangement of figures.

Drawings to be suitable for reproduction.

Reference letters and figures, and index numerals used in conjunction therewith, must be bold, distinct and not less than one-eighth of an inch in height. The same letters should be used in different views of the same parts. Where the reference letters are shown outside the figure, they must be connected with the parts referred to by fine lines.

Drawings to bear name of applicant, &c., but no descriptive matter.

21. Drawings must bear the name of the applicant (and, in the case of drawings left with a complete specification after a provisional specification, the number and year of the application) in the left-hand top corner; the number of sheets of drawings sent, and the consecutive number of each sheet, in the right-hand top corner; and the signature of the applicant or his agent in the right-hand bottom corner. Neither the title of the invention nor any descriptive matter should appear on the drawings.

Copies of drawings.

22. A facsimile or "true copy" of the original drawings must be filed at the same time as the original drawings, prepared strictly in accordance with the above Rules, except that it may be on tracing cloth and the reference letters and figures should be in black-lead pencil.

Marking of originals and true copies.

The words "original" or "true copy" must in each case be marked at the right-hand top corner, under the numbering of the sheet.

Delivery of drawings.

23. Drawings must be delivered at the Patent Office so as to be free from folds, breaks, or creases which would render them unsuitable for reproduction by photography.

Provisional drawings used for complete specifications.

24. If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings for his complete specification, he should refer to them in the complete specification as those left with the provisional specification.

Dated the 20th day of October, 1904.

G. W. BALFOUR,  
President of the Board of Trade.

## RULES REGULATING THE PRACTICE AND PROCEDURE ON APPEAL TO THE LAW OFFICERS.

I. When any person intends to appeal to the law officer from a decision of the Comptroller in any case in which such appeal is given by the Acts, he shall within fourteen days from the date of the decision appealed against file in the Patent Office a notice of such his intention.

Notice of appeal.

II. Such notice shall state the nature of the decision appealed against, and whether the appeal is from the whole, or part only, and if so, what part of such decision.

Requisites of notice of appeal.

III. A copy of such notice of intention to appeal shall be sent by the party so intending to appeal to the law officers' clerk, at Room 549, Royal Courts of Justice, London; and when there has been an opposition before the Comptroller, to the opponent or opponents; and when the Comptroller has refused to seal a patent on the ground that a previous application for a patent for the same invention is pending, to the prior applicant.

Copies of notice of appeal to be sent.

IV. Upon notice of appeal being filed, the Comptroller shall forthwith transmit to the law officers' clerk all the papers relating to the matter of the application in respect of which such appeal is made.

Comptroller to transmit papers to law officers' clerk upon notice of appeal.

V. No appeal shall be entertained of which notice is not given within fourteen days from the date of the decision appealed against, or such further time as the Comptroller may allow, except by special leave, upon application to the law officer.

Notice of appeal not given in specified time.

VI. Seven days' notice, at least, of the time and place appointed for the hearing of any appeal, shall be given by the law officers' clerk unless special leave be given by the law officer that any shorter notice be given.

Seven days' notice of hearing.

VII. Such notice shall in all cases be given to the Comptroller and the appellant; and, when there has been an opposition before the Comptroller, to the opponent or opponents; and, when the Comptroller has refused to seal a patent on the ground that an application for a patent for the same invention is pending, to the prior applicant.

To whom notice of hearing is to be given.

Evidence.

VIII. The evidence used on appeal to the law officer shall be the same as that used at the hearing before the Comptroller; and no further evidence shall be given, save as to matters which have occurred or come to the knowledge of either party, after the date of the decision appealed against, except with the leave of the law officer upon application for that purpose.

Cross-examination.

IX. The law officer shall, at the request of either party, order the attendance at the hearing on appeal, for the purpose of being cross-examined, of any person, who has made a declaration, in the matter to which the appeal relates, unless in the opinion of the law officer there is good ground for not making such order.

Conduct-money.

X. Any person requiring the attendance of a witness for cross-examination shall tender to the witness whose attendance is required a reasonable sum for conduct-money.

Amount of costs to be fixed.

XI. Where the law officer orders that costs shall be paid by any party to another he may fix the amount of such costs, and if he shall not think fit to fix the amount thereof, he shall direct by whom and in what manner the amount of such costs shall be ascertained.

Order for payment of costs.

XII. If any costs so ordered to be paid be not paid within fourteen days after the amount thereof has been so fixed or ascertained, or such shorter period as shall be directed by the law officer, the party to whom such costs are to be paid may apply to the law officer for an order for payment under the provisions of section 38 of the Act.

Documentary evidence.

XIII. All documentary evidence required, or allowed by the law officer to be filed, shall be subject to the same regulations, in all respects, as apply to the procedure before the Comptroller, and shall be filed in the Patent Office, unless the law officer shall order to the contrary.

Sending notices or documents to law officers' clerk.

XIV. Any notice or other document required to be given to the law officers' clerk, under these Rules, may be sent by a prepaid letter through the post.

HENRY JAMES, A.-G.

FARRER HERSCHELL, S.-G.

## PATENT CASES BEFORE THE JUDICIAL COMMITTEE.

NOTE.—*The following Rules must be considered as repealed in so far as they are at variance with the Privy Council Rules, 1898. (a)*

*Rules to be observed in Proceedings before the Right Honourable the Lords of the Judicial Committee of the Privy Council under the Act of the 5th and 6th William IV., intituled "An Act to amend the Law touching Letters Patent for Inventions," cap. 83.*

### RULE I.

A party intending to apply by petition, under section 2 of the said Act, shall give public notice by advertising in the *London Gazette* three times, and in three London papers, and three times in some country paper published in the town where or near to which he carries on any manufacture of anything made according to his specification, or near to or in which he resides, in case he carries on no such manufacture, or published in the county where he carries on such manufacture, or where he lives, in case there shall not be any paper published in such town, that he intends to petition his Majesty under the said section, and shall in such advertisements state the object of such petition, and give notice of the day on which he intends to apply for a time to be fixed for hearing the matter of his petition (which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*), and that on or before such day, notice must be given of any opposition intended to be made to the petition; and any person intending to oppose the said application shall lodge notice to that effect at the Council Office, on or before such day so named in the said advertisements, and having lodged such notice shall be entitled to have from the petitioner four weeks' notice of the time appointed for the hearing.

Advertisement of intention to apply by petition.

### RULE II.

A party intending to apply by petition, under section 4 of the said Act, shall, in the advertisements directed to be published by

Advertisements to give notice of day

(a) p. 328 post.

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

### RULE III.

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

### RULE IV.

Affidavits of advertisements. All petitions must be accompanied with affidavits of advertisements having been inserted according to the provisions of section 4 of the said Act, and the first and second of these Rules and the matters in such affidavits may be disputed by the parties opposing upon the hearing of the petitioner.

### RULE V.

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

### RULE VI.

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

### RULE VII.

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

### RULE VIII.

Taxation of costs. The Registrar of the Privy Council, or other officer to whom it

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

#### RULE IX.

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

All copies mentioned in this Rule must be lodged not less than one week before the day fixed for hearing the application.

The Judicial Committee will hear the Attorney-General, or other counsel, on behalf of the Crown, against granting any application made under either the 2nd or 4th section of the said Act, in case it shall be thought fit to oppose the same on such behalf. Attorney-General or other counsel on behalf of the Crown.

## PRIVY COUNCIL RULES, 1898.

### ORDER IN COUNCIL.

WHEREAS by the 25th section of an Act of Parliament passed in the 46th and 47th years of her Majesty's reign, intituled "The Patents, Designs, and Trade Marks Act, 1883," it is amongst other things enacted that a patentee may, after advertising in manner directed by any rules made under the said section his intention to do so, present a petition to her Majesty in Council, praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent; that if her Majesty shall be pleased to refer any such petition to the Judicial Committee of the Privy Council the said Committee shall proceed to consider the same; and that it shall be lawful for her Majesty in Council to make from time to time rules of procedure and practice for regulating the proceedings on such petitions, and subject thereto such proceedings shall be regulated according to the existing procedure and practice in patent matters of the Judicial Committee:

And whereas her Majesty in Council has deemed it expedient to make rules for regulating proceedings in such petitions:

Her Majesty is therefore pleased by and with the advice of her Privy Council to approve of the several rules and regulations contained in the Schedule hereunto annexed, and to order as it is hereby ordered that on and after January 1, 1898, the same be respectfully observed.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

C. L. PEEL.

#### THE SCHEDULE ABOVE REFERRED TO.

*Rules to be observed in Proceedings before the Judicial Committee of the Privy Council under the Patents, Designs, and Trade Marks Act, 1883, section 25.*

#### I.

Advertisement of intention to apply by petition.

A party intending to apply by petition under section 25 of the Act shall give public notice by advertising three times in the *London Gazette*, and once at least in each of three London newspapers.



If the applicant's principal place of business is situated in the United Kingdom, at a distance of fifteen miles or more from Charing Cross, he shall also advertise once at least in some local newspaper published or circulating in the town or district where such place of business is situated. If the applicant has no place of business, then, if he carries on the manufacture of anything made under his specification at a distance of fifteen miles or more from Charing Cross, he shall advertise once at least in some local newspaper published or circulating in the town or district where he carries on such manufacture. If he has no place of business and carries on no such manufacture, then, if he resides at a distance of fifty miles or more from Charing Cross, he shall advertise once at least in some newspaper published or circulating in the town or district where he resides.

The applicant shall in his advertisements state the object of his petition, and shall give notice of the day on which he intends to apply for a time to be fixed for hearing the matter thereof, which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the *London Gazette*. He shall also give notice that *caveats* must be entered at the Council Office on or before such day so named in the said advertisements.

II.

A petition under section 25 of the Act must be presented within one week from the publication of the last of the advertisements required to be published in the *London Gazette*.

The petition must be accompanied with an affidavit or affidavits of advertisements having been published according to the requirements of the first of these Rules. The statements contained in such affidavit or affidavits may be disputed upon the hearing.

The petitioner shall apply to the Lords of the Committee to fix a time for hearing the petition, and when such time is fixed the petitioner shall forthwith give public notice of the same by advertising once at least in the *London Gazette* and in two London newspapers.

III.

A party presenting a petition under section 25 of the Act must lodge at the Council Office eight printed copies of the specification : but if the specification has not been printed, and if the expense of making eight copies of any drawing therein contained or referred to would be considerable, the lodging of two copies only shall be deemed sufficient.

Petition to be presented within one week of last advertisement, and accompanied with affidavit of advertisement.

Petitioner to apply to fix a time for hearing and to advertise the same.

Papers to be lodged at the council office.

The petitioner shall also lodge at the Council Office eight copies of the balance-sheet of expenditure and receipts relating to the patent in question, which accounts are to be proved on oath before the Lords of the Committee at the hearing. He shall also furnish three copies of the said balance-sheet for the use of the Solicitor to the Treasury, and shall upon receiving two days' notice give the Solicitor to the Treasury or any person deputed by him for the purpose reasonable facilities for inspecting and taking extracts from the books of account by reference to which he proposes to verify the said balance-sheet at the hearing, or from which the materials for making up the said balance-sheet have been derived.

All copies mentioned in this Rule must be lodged and furnished not less than fourteen days before the day fixed for the hearing.

## IV.

**Caveat.** A party intending to oppose a petition under section 25 of the Act must enter a *caveat* at the Council Office before the day on which the petitioner applies for a time to be fixed for hearing the matter thereof, and having entered such *caveat* shall be entitled to have from the petitioner four weeks' notice of the time appointed for the hearing.

**Service of petition.** The petitioner shall serve copies of his petition on all parties entering *caveats* in accordance with this Rule, and no application to fix a time for hearing shall be made without affidavit of such service.

**Grounds of objections to be lodged at council office.** All parties intending to oppose a petition shall within three weeks after such copies are served on them respectively lodge at the Council Office eight printed copies of the grounds of their objections to the granting of the prayer of the petition.

## V.

**Copies of papers lodged.** Parties shall be entitled to have copies of all papers lodged in respect of any petition under section 25 of the Act at their own expense.

**How petitions, &c., are to be printed.** All such petitions and all statements of grounds of objection shall be printed in the form prescribed by the Rules which apply to proceedings before the Judicial Committee of the Privy Council. Balance-sheets of expenditure and receipts shall be printed in a form convenient for binding along with such petitions.

## VI.

**Taxation of costs.** Costs incurred in the matter of any petition under section 25 of the Act shall be taxed by the Registrar of the Privy Council, or

other officer deputed by the Lords of the Judicial Committee of the Privy Council to tax the costs in the matter of any petition, and the Registrar or such other officer shall have authority to allow or disallow in his discretion all payments made to persons of science or skill examined as witnesses.

## VII.

The Lords of the Committee may excuse petitioners and opponents from compliance with any of the requirements of these Rules, and may give such directions in matters of procedure and practice under section 25 of the Act as they shall consider to be just and expedient.

Non-compliance with these rules.

## VIII.

The Lords of the Committee will hear the Attorney-General or other counsel on behalf of the Crown on the question of granting the prayer of any petition under section 25 of the Act. The Attorney-General is not required to give notice of the grounds of any objection he may think fit to take or of any evidence which he may think fit to place before the Lords of the Committee.

Attorney-General or other counsel on behalf of the Crown.

# PRIVY COUNCIL RULES, 1903.

## ORDER IN COUNCIL.

*The 16th day of February, 1903.*

WHEREAS by the third section of an Act of Parliament passed in the second year of his Majesty's reign intituled "The Patents Act, 1902," it is amongst other things enacted that any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative for the revocation of the patent; that the Board of Trade shall in the circumstances set out in this section refer the petition to the Judicial Committee of the Privy Council; and that his Majesty in Council may make rules of procedure and practice for regulating proceedings before the Judicial Committee under this section, and subject thereto such proceedings shall be regulated according to the existing procedure and practice in patent matters:

And whereas his Majesty in Council has deemed it expedient to make rules regulating proceedings in such petitions before the Judicial Committee.

His Majesty is therefore pleased, by and with the advice of his Privy Council, to approve of the several rules and regulations contained in the Schedule hereunto annexed, and to order, as it is hereby ordered, that on and after the making of this Order the same be respectively observed.

A. W. FITZROY.

### THE SCHEDULE ABOVE REFERRED TO.

*Rules to be observed in Proceedings before the Judicial Committee of the Privy Council under the Patents Act, 1902, section 3.*

#### I.

Application to  
fix a time for  
hearing.

On receiving written notice from the Board of Trade that a petition has been referred to the Judicial Committee of the Privy Council, the petitioner shall, after satisfying the requirements of

Rules II. and IV., apply to the Judicial Committee to fix a time for hearing the petition.

## II.

(a) No application to fix a time for hearing the petition shall be made unless the petitioner shall have previously given notice to the patentee, to the opponents, and to any other person claiming an interest in the patent as exclusive licensee or otherwise, that the petition has been referred to the Judicial Committee, that it is his intention to apply to the Judicial Committee on a specified day, which day shall be not less than four weeks from the date when the notice is served or sent, to fix a time for hearing the petition, and that any person desiring to be heard before the Judicial Committee at the time so fixed must enter a *caveat* at the Council Office on or before the day so specified. Notice of application for hearing.

(b) The said notice shall be served in the usual way, but where the person to be served resides or has his principal place of business outside the United Kingdom, it may be sent to him by post in a registered envelope.

## III.

(a) Any person claiming an interest in the patent as exclusive licensee or otherwise, whether he has received the notice prescribed by Rule II. or not, shall, if he desires to be heard before the Judicial Committee, enter a *caveat* at the Council Office on or before the day specified by such notice, provided always that, if he has not received the said notice, or if he resides or has his principal place of business outside the United Kingdom, he may apply to the Judicial Committee to extend the time for entering his *caveat* on the ground that the time limited by such notice is insufficient. Caveat.

(b) Every *caveat* shall specify the *caveator's* address for service, which address shall be within four miles of the Council Office.

## IV.

An application to the Judicial Committee to fix a time for the hearing of the petition shall be accompanied by eight printed copies of the specification, and by an affidavit of the petitioner showing the persons to whom, and the manner in which, the notice prescribed by Rule II. has been given. Documents to accompany application for hearing.

## V.

The time for hearing a petition shall be fixed by an Order of the Judicial Committee, and shall be not less than four weeks from Time for hearing not to be less than four

weeks from application for fixing the same.

the day on which the application for fixing the same is made. The petitioner shall, immediately after the issue of such Order, give public notice thereof by advertising the same once at least in the *London Gazette* and in the *Times*, and in such other newspaper or newspapers (if any) as the Judicial Committee may direct. After completing such advertisements, the petitioner shall forthwith lodge an affidavit thereof at the Council Office.

## VI.

Statements in affidavits may be disputed upon hearing.

The statements contained in the affidavits required by Rules IV. and V. may be disputed upon the hearing.

## VII.

Caveators required to serve notice of objections on petitioner.

The petitioner shall be entitled to be served by the *caveators*, not less than three weeks before the day of hearing, with notice of the grounds of their respective objections, if such grounds are different from or additional to those taken by them in the proceedings before the Board of Trade. Copies of all objections, or additional objections, so served as aforesaid, shall be lodged at the Council Office not less than fourteen days before the day fixed for the hearing.

## VIII.

Form of petitions and other documents, &c.

(a) All petitions and other documents lodged at the Council Office shall (unless the Judicial Committee otherwise direct) be printed in the form prescribed by the Patents Rules of the Board of Trade which are in force for the time being, and the parties shall furnish as many copies of the documents lodged by them as shall be required by the Judicial Committee.

(b) Parties shall be entitled to have copies of all papers lodged in respect of the petition at their own expense.

## IX.

Solicitors and agents.

No solicitor or agent shall be entitled to conduct proceedings under this Act before the Judicial Committee unless he is a solicitor or agent admitted to practice before the Privy Council in accordance with her late Majesty's Order in Council of the 6th March, 1896. Such solicitor or agent shall be allowed the same fees, and the same Council Office fees shall be chargeable in respect of proceedings under this Act, as are prescribed by the general Rules applicable to proceedings before the Judicial Committee.

## X.

Applications to the Judicial Committee to fix a time for hearing the petition and on other matters of procedure shall be addressed in the first instance to the Registrar of the Privy Council, who shall take their Lordships' instructions thereon and communicate the same to the parties. In cases of doubt the Registrar may, or, if so requested by any of the parties, he shall, enter the application for hearing before their Lordships' Board.

Applications for hearing to be addressed to Registrar of Privy Council.

## XI.

The Judicial Committee may excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of procedure and practice and otherwise as they shall consider to be just and expedient.

Power to excuse compliance with rules.

## XII.

(a) Any affidavits, statutory declarations or other documentary evidence which may have been furnished to the Board of Trade, or any copies thereof which may be referred by the Board to the Judicial Committee, may be received in evidence in proceedings under this Act before the Judicial Committee, subject to such cross-examination of any of the deponents as may be permitted by the Judicial Committee. The Judicial Committee may require the production of any original documents, copies of which are tendered in evidence under this Rule.

Evidence.

(b) The parties may tender before the Judicial Committee such further documentary or other evidence as they may be advised.

## XIII.

The Judicial Committee may refer any matters in connection with proceedings under this Act to be examined and reported on in the same manner as matters may be referred by them under section 17 of the Act 3 & 4 Will. IV. c. 41 (Judicial Committee Act, 1833).

Reference of matters to be examined and reported on.

## XIV.

The Judicial Committee will hear the Attorney-General or other counsel on behalf of the Crown on the question of granting the prayer of any petition. Counsel on behalf of the Crown is not required to give notice of the grounds of any objection he may think fit to take or of any evidence which he may think fit to place before the committee.

Attorney-General or other counsel on behalf of the Crown.

## XV.

Costs.

Costs incurred in the matter of any petition under this Act shall be taxed by the Registrar of the Privy Council, or other officer deputed by the Judicial Committee to tax the same, and the Registrar or such other officer shall have authority to allow or disallow in his discretion all payments made to persons of science or skill examined as witnesses.



## REGISTER OF PATENT AGENTS RULES, 1889.

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. 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. Register to be kept.

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

Such list shall be made out alphabetically, according to the surnames of the registered person, 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., (a) with such variations as may be required.

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. Printed copies to be published annually, and to be evidence of contents of Register.

4. The Institute shall appoint a Registrar, 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. Registrar.

(a) p. 376 post.

Registration of persons who were patent agents prior to the passing of this Act.

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. ; (b) 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.

Final qualifying examination for registration.

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 patent law and practice and of the duties of a patent agent as the Institute shall from time to time prescribe.

Exemption of pupils and assistants from preliminary examination.

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.

Qualifications of persons generally for registration.

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—

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

(b) p. 376 *post*.

(c) p. 377 *post*.

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—

Final qualifying examinations to be held by the Institute.

- (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.

Corrections of names and addresses in Register.

11. The Registrar shall erase from the Register the name of any registered person who is dead.

Erasure of 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.

Erasure of names of persons who have ceased to practise.

13. If any registered person shall not, within one month from the day on which his annual registration fee becomes payable, pay such

Erasure of names for non-payment of fees.

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.

Registrar to act on 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.

Erasure of incorrect or fraudulent 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.

Erasure of names of persons convicted of crimes, and persons found guilty of disgraceful conduct.

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.

Restoration of erased name.

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.

18. For the purpose of exercising in any case the powers of erasing from and of restoring to the Registrar 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 Registrar 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.

Inquiry by Board of Trade before erasure of name from Register.

19. Any person aggrieved by any order, direction, or refusal of the Institute or Registrar may appeal to the Board of Trade.

Appeal to Board of Trade.

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 fourteen 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.

Notice of appeal.

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.

Case on appeal.

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.

Transmission of notice of appeal to Board of Trade.

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.

Directions as to hearing of 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.

Notice of hearing of appeal.

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.

Hearing and decision of appeal.

26. The fees set forth in Appendix C. (d) 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.

Fees.

Alteration of regulations.

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 manner aforesaid their disapproval thereof, such regulation shall immediately cease to be of any force or effect.

Report to Board of Trade.

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 registrations 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.

Definitions.

29. In these Rules, unless the context otherwise requires—

“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.

Commencement.

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.

Title.

31. These Rules may be cited as the Register of Patent Agents Rules, 1889.

By the Board of Trade,

COURTENAY BOYLE,

Assistant Secretary, Railway Department.

The 11th day of June, 1889.

## 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."

(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.

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

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

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.

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.

Commence-  
ment and  
citation.

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.



FORMS. (a)

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form A.

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



APPLICATION FOR PATENT.

(a) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ do hereby

(a) Here insert (in full) name, address, and calling of applicant or applicants.

declare that \_\_\_\_\_ in possession of an invention the title of which is (b) \_\_\_\_\_

(b) Here insert title of invention.

that (c) \_\_\_\_\_ claim to be 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.

(c) In the case of more than one applicant, state whether all, or if not, who is or are the inventor or inventors.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(d) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) To be signed by applicant or applicants.

In the case of a Firm, each member of the Firm must sign.

NOTE.—One of the two forms on the back hereof or a separate authorisation of agent should be signed by the applicant or applicants.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

(a) The following forms A to W are contained in the second Schedule to the Patent Rules, 1903.

(1) *Where application is made through an Agent (Rule 81).*

\_\_\_\_\_

\_\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_

\* To be signed by applicant or applicants.

\* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

(2) *Where application is made without an Agent (Rule 7).*

\_\_\_\_\_

\_\_\_\_\_ hereby request that all notices, requisitions, and communications in respect of the within application may be sent to

\_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

† To be signed by applicant or applicants.

† \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form A1.

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



APPLICATION FOR PATENT FOR INVENTIONS COMMUNICATED FROM ABROAD.

I (a) \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby declare that I am in possession of an invention the title of which is (b) \_\_\_\_\_

(a) Here insert (in full) name, address, and calling of applicant.

(b) Here insert title of invention.

which invention has been communicated to me by (c) \_\_\_\_\_

(c) Here insert name, address, and calling of communicator.

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 \_\_\_\_\_ 19 \_\_\_\_\_

(d) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) To be signed by applicant or applicants.

NOTE.—One of the two forms on the back hereof or a separate authorisation of agent should be signed by the applicant or applicants.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

(1) *Where application is made through an Agent (Rule 81).*

\_\_\_\_\_

\_\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_

\* To be signed by applicant or applicants.

\* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(2) *Where application is made without an Agent (Rule 7).*

\_\_\_\_\_

\_\_\_\_\_ hereby request that all notices, requisitions, and communications in respect of the within application may be sent to \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

† To be signed by applicant or applicants.

† \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form A2.

(To be accompanied by two copies of Form C.)



APPLICATION FOR PATENT UNDER INTERNATIONAL AND COLONIAL ARRANGEMENTS.

(a)

(a) Here insert (in full) name, address, and calling of applicant, or of each of the applicants.

do hereby declare that I (or we) have made applications for protection of my (or our) invention of (b)

(b) Here insert title of invention.

in the following Foreign States and on the following official dates, viz. : (c)

(c) Here insert the name of each Foreign State, followed by the official date of the application in each respectively.

and in the following British Possessions and on the following official dates, viz. : (d)

(d) Here insert the name of each British Possession, followed by the official date of the application in each respectively.

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 (e)

(e) Here insert the official date of the earliest foreign application.

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 (f)

(f) Here insert the official date of the earliest foreign application.

(g) \_\_\_\_\_

(g) Signature of applicant or of each of applicants.

NOTE.—One of the two forms at the back hereof, (b) or a separate authorisation of agent, should be signed by the applicant or applicants.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

(b) These forms will be found on the back of Form A2, as issued by the Patent Office.



PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 TO 1902.

Where provisional specification has been left, quote No. and date.

No. \_\_\_\_\_

Date \_\_\_\_\_

PATENT.

Form C.

COMPLETE SPECIFICATION.

(To be furnished in Duplicate—one unstamped.)

(a) \_\_\_\_\_

(a) Here insert title verbally agreeing with that in the application form.

(b) \_\_\_\_\_

(b) Here insert (in full) name, address, and calling of applicant or applicants as in application form.

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 :

(c) \_\_\_\_\_

(c) Here begin full description of invention. The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of at least one inch and a half on the left hand of the paper. The completion of the description should be followed by the words:

" 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: " After which should be written the claim or claims numbered consecutively. In the preparation of the claim or claims careful attention should be paid to the terms of Rule 4 of the Patent Rules, 1905. Any unnecessary multiplicity of claims or prolixity of language should be avoided. The specification and the duplicate thereof must be dated (thus): " Dated this day of \_\_\_\_\_, 19\_\_\_\_, " and signed at the end.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1883 TO 1902.

Form C<sup>1</sup>.

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POSTAL REQUEST FOR PRINTED SPECIFICATION.

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*To the Comptroller-General.*

Please send one copy of Specification, No. \_\_\_\_\_ Year \_\_\_\_\_

to

(Name in full) \_\_\_\_\_

(Address) \_\_\_\_\_

PATENTS,  
7½d.

½d.

*The Comptroller-General,*

*The Patent Office,*

*25, Southampton Buildings,*

*London, W.C.*



PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form D.



FORM OF OPPOSITION TO GRANT OF PATENT.

[To be accompanied by an unstamped copy.]

I \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Here state (in full) name and address.

hereby give notice of my intention to oppose the grant of Letters Patent upon application No. \_\_\_\_\_ of \_\_\_\_\_, applied for by \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

upon the ground † \_\_\_\_\_

† Here state upon which of the grounds of opposition permitted by section 11 of the Act of 1883, as amended by section 4 of the Act of 1888, the grant is opposed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signed) † \_\_\_\_\_

† To be signed by opponent.

My address for service in the United Kingdom is :—

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form E.



FORM OF NOTICE THAT HEARING BEFORE THE  
COMPTROLLER WILL BE ATTENDED.

OPPOSITIONS TO THE GRANT OF PATENTS OR TO AMENDMENTS.

SIR,

(a) Here insert  
address.

of (a)

hereby give notice that the hearing in reference to

will be attended by myself or by some person on

my behalf.

Sir,

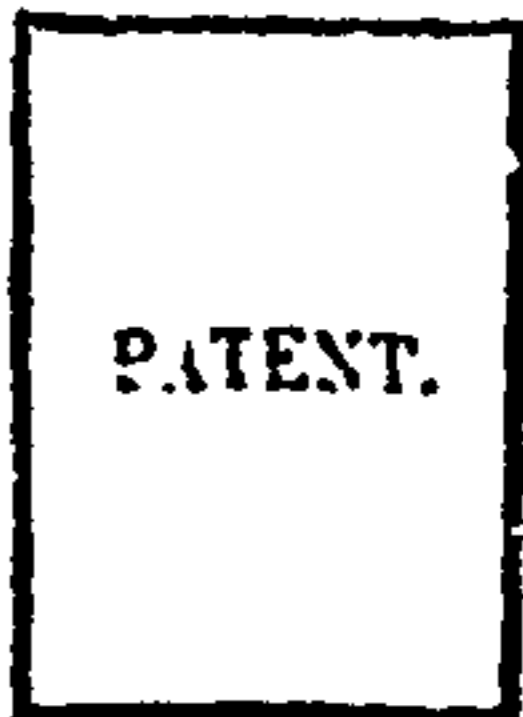
Your obedient Servant,

(Signed)

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London; W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form F.



FORM OF APPLICATION FOR AMENDMENT OF SPECIFICATION.

\* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\* Here state (in full) name and address of applicant or patentee.

seek leave to amend the specification of Letters Patent No. \_\_\_\_\_ of 19 , as shown in red ink in the certified copy of the original specification hereunto annexed.

† I declare that no action for infringement or proceeding for revocation of the Letters Patent in question is pending.

† These words are to be struck out when Letters Patent have not been sealed, or when, if Letters Patent have been sealed, the application is made in pursuance of an order of the Court or a Judge.

My reasons for making this amendment are as follows : † \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

† Here state reasons for seeking amendment; and where the applicant is not the patentee, state what interest he possesses in the Letters Patent.

(Signed) § \_\_\_\_\_

§ To be signed by applicant.

My address for service in the United Kingdom is :—

To the Comptroller,  
 The Patent Office, 25, Southampton Buildings,  
 Chancery Lane, London, W.C.

N.B.—No amendment is permissible that would make the invention substantially larger or substantially different (section 18 of the Act of 1883); nor, so long as any action for infringement or proceeding for revocation of a patent is pending, may the application be made except by leave of the Court or a Judge under section 19 of the Act of 1883. If the application is made by such leave, this should be stated, and an office copy of the Order of the Court or Judge should accompany the application.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form G.



FORM OF OPPOSITION TO AMENDMENT OF SPECIFICATION.

[To be accompanied by an unstamped copy.]

\* Here state (in full) name and address of opponent.

\* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

† Here state reason of opposition.

hereby give notice of objection to the proposed amendment of the specification of Letters Patent No. \_\_\_\_\_ of 1 \_\_\_\_\_ for the following reason: † \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signed) \_\_\_\_\_

My address for service in the United Kingdom is:—

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

PATENTS ACT, 1902.

Form H.



FORM OF APPLICATION FOR GRANT OF COMPULSORY LICENCE OR REVOCATION OF PATENT.

[To be accompanied by an unstamped copy.]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Here state (in full) name and address of applicant.

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

† Here state name and address of patentee, and number and date of his Patent.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signed) \_\_\_\_\_

NOTE.—The petition must clearly set forth the facts of the case and be accompanied by an examined copy thereof. See Form H1.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

## PATENTS ACT, 1902.

Form H1.

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**FORM OF PETITION FOR GRANT OF COMPULSORY LICENCE OR REVOCATION OF PATENT.**


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To the LORDS of the COMMITTEE of PRIVY COUNCIL for TRADE.

(a) Here insert (in full) name, address, and calling. THE PETITION of (a) of \_\_\_\_\_, being a person in the county of \_\_\_\_\_, interested in the matter of this petition as hereinafter described:—

(b) Here insert title of invention. SHEWETH as follows:—

(c) Here state fully the nature of petitioner's interest. 1. A patent dated \_\_\_\_\_ No. \_\_\_\_\_ was duly granted to \_\_\_\_\_ for an invention of (b)

(d) Here state in detail the circumstances of the case under section 3 of the said Act, and show that it arises by reason of the default of the patentee, or as the case may be, of any other person claiming an interest in the Patent as exclusive licensee or otherwise to work his Patent or to manufacture the patented article in the United Kingdom to an adequate extent, or to grant licences on reasonable terms. The statement of the case should give the names and addresses of any persons who are alleged in the petition to have made default. The paragraphs should be numbered consecutively. 2. The nature of my interest in the matter of this petition is as follows:—(c)

3. (d)

The evidence which I propose to leave at the Patent Office accompanying this petition is as follows:—(e)

Having regard to the circumstances above stated, the petitioner alleges that by reason of the aforesaid default the reasonable requirements of the public with respect to the invention patented as above stated have not been satisfied.

Your petitioner therefore prays that an order may be made granting to him a compulsory licence on the terms following, viz.:—(f)

or that the said patent may be revoked.

(Signed) \_\_\_\_\_

(e) Here state what affidavits or statutory declarations together with any other documentary evidence will be left at the Patent Office with the petition, as required by Rule 70. NOTE.—In pursuance of the requirements of Rule 70, the petitioner must deliver to the patentee and to any other person alleged to have made default, copies of the petition and of the affidavits or statutory declarations and other documentary evidence in support.

(f) Here state 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 ACT, 1902.

Form I.



FORM OF OPPOSITION TO PETITION FOR GRANT OF  
COMPULSORY LICENCE OR REVOCATION OF PATENT.

(a) \_\_\_\_\_

(a) Here state  
(in full) name  
and address.

hereby give notice of opposition to the petition of \_\_\_\_\_

for the grant of a compulsory Licence under Patent No. \_\_\_\_\_ of 1 \_\_\_\_\_,  
or the revocation of the said patent. The grounds upon which I oppose  
the said application are as follows, viz. :— (b)

(b) Here state  
fully the grounds  
of opposition.

(Signed) \_\_\_\_\_

NOTE.—In pursuance of the requirements of Rule 71, copies of the  
affidavits or statutory declarations in reply to the evidence left with the  
petition must be delivered to the petitioner.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

[When stamped this Form must be sent at once to the Patent Office.]

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form J.

APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.

\_\_\_\_\_ hereby transmit the fee prescribed for the continuation in force of \* \_\_\_\_\_ Patent No. \_\_\_\_\_, of 1 \_\_\_\_\_ for a further period of \_\_\_\_\_

\* Here insert name of patentee.

† Here insert name and full address.

Name † \_\_\_\_\_

Address \_\_\_\_\_

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

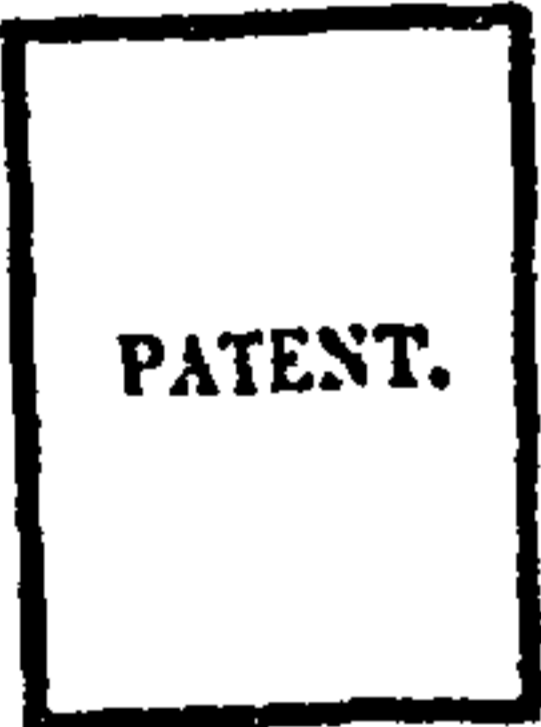
[This part of the Form to be filled in at the Patent Office.]

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No. \_\_\_\_\_ of 1 \_\_\_\_\_  
\_\_\_\_\_ 1 \_\_\_\_\_

This is to certify that \_\_\_\_\_ did this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, make the prescribed payment of £ \_\_\_\_\_ in respect of a period of \_\_\_\_\_ from \_\_\_\_\_ and that by virtue

\* See section 17 of such payment the rights of the patentee remain in force.\*  
of the Patents, Designs, and Trade Marks Act, 1883.



The Patent Office, London.



PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

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 1 .

The circumstances in which the payment was omitted are as follows:—(a)

(a) The circumstances must be stated in detail; see Rule 67.

I am,

Sir,

Your obedient Servant,

(b) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Here insert full address to which receipt is to be sent.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form L.

PATENT.

FORM OF REQUEST TO ENTER NAME UPON THE REGISTER OF PATENTS.

(a) Or We. Here insert (in full) name, address, and description.

I (a) \_\_\_\_\_

(b) My or our. (c) Or names.

hereby request that you will enter (b) \_\_\_\_\_ name (c) in the Register of Patents:—

(d) I or We. (e) Here insert the nature of the claim, e.g., as Assignee.

(d) \_\_\_\_\_ claim to be entitled (e) \_\_\_\_\_

(f) Here give name and address of person to whom Patent was granted.

of the Patent No. \_\_\_\_\_ of 1, granted to (f) \_\_\_\_\_

(g) Here insert title of the invention.

the title of which is (g) \_\_\_\_\_

(h) 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.

by virtue of (h) \_\_\_\_\_

(i) Here insert the nature of the document.

And in proof whereof I transmit the accompanying (i) \_\_\_\_\_ with an attested copy thereof.

I am, Sir, Your obedient Servant,

To the Comptroller, The Patent Office, 25, Southampton Buildings, Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 TO 1902.

Form M.



**FORM OF REQUEST TO ENTER NOTIFICATION OF LICENCE OR OTHER DOCUMENT IN THE REGISTER OF PATENTS.**

SIR,

I HEREBY transmit an attested copy of (a) \_\_\_\_\_

(a) Here insert a description of the nature of the document.

\_\_\_\_\_  
\_\_\_\_\_

under Patent No. \_\_\_\_\_ of 1 \_\_\_\_\_, as well as the original document for verification, and I have to request that a notification thereof may be entered in the Register.

I am,

Sir,

Your obedient Servant,

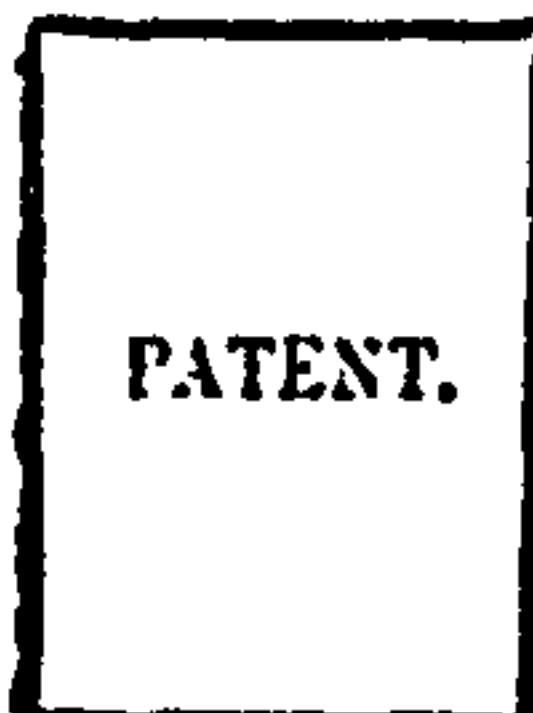
(Signed) \_\_\_\_\_

(b) \_\_\_\_\_

(b) Here insert full address.

\_\_\_\_\_  
\_\_\_\_\_

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.



PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form N.

---

APPLICATION FOR DUPLICATE OF PATENT.

---

Date

SIR,

\* Here insert date, number, full name, and address of grantee.

I REGRET to have to inform you that the Patent dated \*

No.

granted to

† Here insert title of invention. for an invention the title of which is †

‡ Here insert the word "destroyed" or "lost," as the case may be, and state, in full, the circumstances of the case, which must be verified by statutory declaration. has been ‡

§ Here state interest possessed by applicant in the Patent.

I beg therefore to apply for the issue of a duplicate of such Patent. §

(Signature of Patentee.)

To the Comptroller,

The Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form O.



**NOTICE OF INTENDED EXHIBITION OF AN UNPATENTED INVENTION.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Here state (in full) name and address of applicant.

hereby give notice of my intention to exhibit a \_\_\_\_\_  
of \_\_\_\_\_ at the \_\_\_\_\_  
\_\_\_\_\_

Exhibition, which † \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_  
under the provisions of the Patents, Designs, and Trade Marks Acts,  
1883 to 1902.

† State "opened" or "is to open."

‡ \_\_\_\_\_ herewith enclose a brief description of my invention  
\_\_\_\_\_  
\_\_\_\_\_

‡ This description of invention should be accompanied by drawings if necessary.

(Signed) \_\_\_\_\_

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form P.

PATENT.

FORM OF REQUEST FOR CORRECTION OF CLERICAL  
ERROR.

SIR,

(a) or errors.

I HEREBY request that the following clerical error (a) \_\_\_\_\_

(b) Here state  
whether in  
application,  
specification, or  
register.

in the (b) \_\_\_\_\_

No. \_\_\_\_\_ of 1 \_\_\_\_\_, may be corrected in the manner shown in red ink

in the certified copy of the original (b) \_\_\_\_\_

hereunto annexed.

Signature \_\_\_\_\_

Full Address \_\_\_\_\_

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form Q.



**CERTIFICATE OF COMPTROLLER-GENERAL.**

The Patent Office,

London,

19 .

I, \_\_\_\_\_, Comptroller-General of Patents,  
Designs, and Trade Marks, hereby certify

To \* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Here insert  
(in full) name  
and address of  
person requiring  
the certificate.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 TO 1902.  
Form R.

PATENT.

FORM OF NOTICE FOR ALTERATION OF AN ADDRESS  
IN REGISTER.

SIR,

(a) Here state  
(in full) name  
or names and  
address of appli-  
cant or appli-  
cants.

(a) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

hereby request that \_\_\_\_\_ address now upon the Register may be altered  
as follows :—

(b) Here insert  
full address.

(b) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Sir,  
Your obedient Servant,

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.



PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 TO 1902.

Form S.

PATENT.

FORM OF APPLICATION FOR ENTRY OF ORDER OF PRIVY COUNCIL IN REGISTER.

(a) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(a) Here state (in full) name and address of applicant.

hereby transmit an office copy of an Order in Council with reference to (b)

(b) Here state the purport of the order.

Sir,

Your obedient Servant,

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

## PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

PATENT.

Form T.

---

**FORM OF APPEAL TO LAW OFFICER.**


---

(a) Here insert  
(in full) name  
and address of  
appellant.

I, (a) \_\_\_\_\_

(b) Here insert  
"the decision"  
or "that part of  
the decision," as  
the case may be.

hereby give notice of my intention to appeal to the Law Officer from (b)

of the Comptroller of the \_\_\_\_\_ day of \_\_\_\_\_

(c) Here insert  
"refused [or  
allowed] applica-  
tion for Patent,"  
or "refused [or  
allowed] applica-  
tion for leave to  
amend Patent,"  
or otherwise, as  
the case may be.

19 \_\_\_\_\_, whereby he (c) \_\_\_\_\_

(d) Insert  
number and year.

No. (d) \_\_\_\_\_ of the year 1 (d)

Signature \_\_\_\_\_

Date \_\_\_\_\_

N.B.—This notice must be sent to the Comptroller-General at the Patent Office, London, W.C., and a copy of the same to the Law Officers' Clerk at Room 549, Royal Courts of Justice, London.

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PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.  
Form U.



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

Sir,

\_\_\_\_\_ hereby, in respect of application No. \_\_\_\_\_  
dated \_\_\_\_\_, apply for one month's extension of time in  
which to leave a Complete Specification.

The circumstances in and grounds upon which this extension is applied  
for are as follows :-- (a) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(a) The cir-  
cumstances and  
grounds must be  
stated in detail ;  
see Rule 10.

Sir,

Your obedient Servant,

(b) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) To be  
signed by app'i-  
cant or appli-  
cants or his or  
their agent.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

PATENT.

PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.  
Form V.

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

SIR,

\_\_\_\_\_ hereby apply for \_\_\_\_\_ months extension of time  
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:— (a) \_\_\_\_\_

(a) The cir-  
cumstances and  
grounds must be  
stated in detail;  
see Rule 10.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir,

Your obedient Servant,

(b) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) To be  
signed by appli-  
cant or appli-  
cants or his or  
their agent.

To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.

## Form W.

---

**FORM OF PATENT.**

---

EDWARD VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India : To all to whom these presents shall come greeting :

WHEREAS

hath declared that he is in possession of an invention for

that he claims to be the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief :

And whereas the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of his said invention :

And whereas the said inventor (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) hath by and in his complete specification particularly described the nature of his invention :

And whereas We, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request :

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 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 within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them 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 fourteen 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, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen 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 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 is not a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, and Isle of Man, or that the said patentee is 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 pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided ; and also 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, at such times, 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 to be made patent and to be sealed as of the

one thousand nine hundred

and

\* Here is to be inserted the name of the Comptroller-General.

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



PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883 to 1902.

Form X. (a)

PATENT.

---

**FORM OF NOTICE OF DESIRE TO HAVE PATENT  
SEALED.**

---

I (a) desire to have a patent sealed on my (b) Application No.  
of 19 , and I (c) hereby transmit the prescribed fee on sealing.

(a) or We.  
(b) or Our.  
(c) or We.

Name (d) \_\_\_\_\_

(d) Here insert  
name, or names,  
and full address  
or addresses.

Address \_\_\_\_\_

*To the Comptroller,  
The Patent Office, 25, Southampton Buildings,  
Chancery Lane, London, W.C.*

(a) This form is contained in the second Schedule to the Patent Rules, 1905.

## APPENDICES TO PATENT AGENTS RULES, 1889.

## APPENDIX A.

## Form 1.

*Form of Register.*

Name.	Designation.	Address.	Date of Registration.

## Form 2.

*Form of Statutory Declaration. (a)*

## REGISTER OF PATENT AGENTS RULES, 1889.

I, *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.

(*Appendix B to the Patent Agents Rules, 1891, is substituted for this Appendix, see p. 377 post.*)

## APPENDIX C.

(*List of Fees, see p. 449, post.*)

(a) A printed form of this declaration for use of applicants is now also on sale.



## APPENDIX TO THE PATENT AGENTS RULES, [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 at the College of Preceptors (40 & 41 Vict. c. 25, s. 10).
7. The examination resulting in the obtaining of a Whitworth scholarship.

**ASSIGNMENT OF LETTERS PATENT TO-  
GETHER WITH THE BENEFIT OF FUTURE  
IMPROVEMENTS.**

**Parties.** THIS INDENTURE, made the                    day of                    , 18                    ,  
BETWEEN A. B., of, &c. (hereinafter called the assignor), of the one  
part, and C. D., of, &c. (hereinafter called the assignee), of the other  
**Recitals.**                    part. WHEREAS the assignor is the true and first inventor of an  
**True and first** invention of [*title of invention*]. AND WHEREAS by letters patent  
**inventor.**                    dated the                    day of                    , 18                    , and numbered                    ,  
**Patents.**                    the sole and exclusive licence and authority of making, using,  
exercising, and vending in the United Kingdom of Great Britain and  
Ireland and the Isle of Man the said invention of improvements in,  
&c. [*title of invention*], were granted to the assignor, his executors,  
administrators, and assigns, for the term of fourteen years from the  
                  day of                    , 18                    , subject to the payment of the  
fees and the conditions for making void the same as therein provided.  
**Agreement for** AND WHEREAS the assignor has agreed with the assignee to sell to  
**sale.**                    him for the sum of £                    the said invention and letters patent, and  
the exclusive benefit thereof, and of all extensions of the said letters  
patent; and also (subject to the provisions hereinafter contained) of  
all improvements or additions to the said invention or discoveries  
connected with the manufacture of                    , whether the same are  
now known or shall hereafter become or be made known to the  
**Assignment.**                    assignor. NOW THIS INDENTURE WITNESSETH, that in  
pursuance of the said agreement, and in consideration of the sum of  
£                    paid by the assignee to the assignor (the receipt whereof the  
assignor doth hereby acknowledge), the assignor as beneficial owner  
doth hereby assign unto the assignee ALL THOSE the said invention  
and letters patent, and the sole and exclusive benefit thereof, and of  
all extensions thereof, and of all rights, powers, emoluments, and  
advantages whatsoever under or in respect of the said letters patent,  
TO HAVE AND TO HOLD, use, exercise, and enjoy the said invention,  
letters patent, and premises unto the assignee, his executors, adminis-  
**Covenant as to** trators, and assigns, absolutely. AND the assignor doth hereby  
**validity.**                    covenant with the assignee, his executors, administrators, and assigns,  
that, notwithstanding any thing by him the assignor done, omitted,

or knowingly suffered, the said letters patent are now valid and subsisting, and not void or voidable. AND ALSO that he the assignor will from time to time, after making any improvement in or addition to the said invention, or any discovery in connection with the manufacture of \_\_\_\_\_, as well all improvements, additions, or discoveries as aforesaid (if any) now known or which may hereafter become or be made known to him, forthwith give notice thereof in writing to the assignee, his executors, administrators, or assigns, who shall be entitled to the sole and exclusive use and benefit thereof. AND ALSO WILL, as and when reasonably required by the assignee, his executors, administrators, or assigns, communicate and explain to him or them, or to his or their agents, such improvement, addition, or discovery, the assignee, his executors, administrators, or assigns, paying all costs, charges, and expenses (if any) thereby actually incurred. AND WILL, at the expense of the assignee, his executors, administrators, or assigns, if he or they shall so require, either alone or conjointly with the assignee, his executors, administrators, or assigns, apply for and obtain letters patent in respect of such improvement, addition, or discovery, and execute and do all such assurances and things as shall be necessary or convenient for vesting the same letters patent, and the sole and exclusive benefit thereof, in the assignee, his executors, administrators, or assigns, as by him or them shall be reasonably required. AND WILL, at the expense of the assignee, his executors, administrators, or assigns, execute and do all such assurances and things as shall be reasonably required for enabling him or them to obtain, hold, and enjoy the exclusive benefit of any extension of the terms comprised in the letters patent hereby assigned, or, as far as practicable, of any term which may be comprised in any letters patent which may hereafter be vested in the assignor, either solely or jointly with the assignee, his executors, administrators, or assigns, according to the covenant in this behalf hereinbefore contained.

Covenant to  
assign future  
improvements.

Covenant to  
assign exten-  
sion of terms  
of patents.

In Witness, &c.

**NON-ASSIGNABLE LICENCE TO USE AND  
EXERCISE A PATENTED INVENTION  
WITHIN A DISTRICT.**

**Parties.** THIS INDENTURE, made the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_,  
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. **Recital of grant of patent.** WHEREAS, by letters patent dated the \_\_\_\_\_ day of \_\_\_\_\_,  
18 \_\_\_\_\_, and numbered \_\_\_\_\_, the sole and exclusive licence and  
authority of making, using, exercising, and vending in the United  
Kingdom of Great Britain and Ireland and the Isle of Man the said  
invention of improvements, &c. [*title of patent*], were granted to the  
licensor, his executors, administrators, and assigns, for the term of  
fourteen years from the date thereof, subject to the payment of the  
fees, and the conditions for making void the same, as therein pro-  
vided. **Recital of agreement for licence.** AND WHEREAS the licensor has agreed to grant the licensee  
a licence to use and exercise the said invention within the district  
hereinafter described, upon the terms hereinafter appearing. **Grant of licence.** NOW  
THIS INDENTURE WITNESSETH that in pursuance of the said  
agreement, and in consideration of the royalties hereinafter reserved  
and made payable to the licensor, and the covenants on the part of  
the licensee hereinafter contained, the licensor doth hereby grant unto  
the licensee full liberty, licence, power, and authority, within the  
district, being [*define the district*], to use and exercise the said inven-  
tion during the term of \_\_\_\_\_ years from the date hereof, and to  
sell and dispose of all \_\_\_\_\_ manufactured according to the said  
invention, when and as the licensee shall think fit, for his absolute  
use and benefit. **Covenants.** AND it is hereby mutually covenanted and agreed  
between and by the parties hereto as follows, namely:—  
**Payment of royalties.** 1. The licensee shall, and will, pay to the licensor, his executors,  
administrators, and assigns, yearly during the said term of \_\_\_\_\_  
years, and so in proportion for any less time than a year, the sum of  
£ \_\_\_\_\_, as a fixed or minimum royalty in the nature of rent, by  
equal quarterly payments, on the \_\_\_\_\_ day of \_\_\_\_\_, the  
\_\_\_\_\_ day of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, and the \_\_\_\_\_ day  
of \_\_\_\_\_ in each year, the first of such payments to be made  
on the \_\_\_\_\_ day of \_\_\_\_\_ next; and shall, and will, also pay

to the licensor, his executors, administrators, or assigns, in respect of every  manufactured by the licensee according to the said invention, in every half-year of the said term, commencing on the  day of  and the  day of , the royalty or sum of £ , to become due and to be paid at the end of two calendar months after the expiration of the half-year during which the same shall have been manufactured or made as aforesaid.

2. The licensee shall, and will, at all times during the continuance of this licence, keep, at his usual place of business, all proper books of account, and make true and complete entries therein, at the earliest opportunities, of all particulars necessary or convenient for the purposes hereof, of all  manufactured or made by him according to the said invention, and produce the said books to the licensor, his executors, administrators, or assigns, or his or their agent, at all reasonable times, for inspection and the taking of copies or extracts therefrom; and shall, and will, at his, the licensee's, own expense, obtain and give to the licensor, his executors, administrators, or assigns, or his or their agent, all such information as to any item or matter contained, or which ought to be contained, therein as shall be reasonably required. Accounts.

3. The licensee shall, and will, at the end of each half-year in the first paragraph mentioned, deliver or send to the licensor, his executors, administrators, or assigns, a statement in writing of the number of  manufactured or made by the licensee in such half-year, and the amount of royalties payable in respect thereof, as in the first paragraph mentioned; and will, if and when required by the licensor, his executors, administrators, or assigns, but at the expense of the licensee, verify, or procure some suitable person in his employ to verify, the said statement, or any part or parts thereof, by statutory declaration. Statements of accounts.

4. The licensor, his executors, administrators, or assigns, shall be at liberty, at any time during the continuance of this licence, to enter upon any factory or place of business of the licensee in which the manufacture of  shall be carried on, at any reasonable hour of the daytime, to inspect the same, and the works thereof, and all  manufactured, or in course of manufacture, in such factory or place. Inspection of premises.

5. The licensor shall, and will, whenever so required, give to the licensee such assistance and information respecting the said invention and the mode of working the same, and all processes connected therewith, as may be necessary for enabling him to use and exercise the said invention to the greatest advantage. Assistance from licensor.

6. In the event of the said letters patent being infringed during Infringements.

the continuance of this licence, the licensor, his executors, administrators, or assigns, shall, and will, after notice of such infringement, at his or their own costs, take all necessary proceedings for effectually protecting and defending the same; and in default of his or their so doing, the licensee shall be at liberty, by notice in writing given to or left at the usual or last known place of business or residence of the licensor, his executors, administrators, or assigns, to determine this licence.

Validity of  
patent.

7. The licensee shall not at any time during the continuance of this licence dispute the validity of the said letters patent.

Alienation.

8. The licensee shall not, without the written consent of the licensor, his executors, administrators, or assigns, first had and obtained, assign, mortgage, charge, or grant sub-licences in respect of, or otherwise deal or part with the possession or control of, this licence, or attempt so to do.

Termination.

9. This licence may be determined at any time after the first six calendar months by either party, on giving to the other party, or leaving at his usual or last known place of business or residence, three calendar months' previous notice in writing of his intention so to do; and, at the expiration of such notice, these presents, and all covenants, agreements, and provisions therein contained, shall cease and be void, but without prejudice to the remedies of either party for the recovery of any moneys then due to him hereunder.

In Witness, &c.

## MORTGAGE OF LETTERS PATENT.

THIS INDENTURE, made the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, Parties.  
BETWEEN A. B. (hereinafter called the mortgagor, which expression shall include his executors, administrators, and assigns where the context so admits), of the one part, and C. D. (hereinafter called the mortgagee, which expression shall include his executors, administrators, and assigns where the context so admits), of the other part.

WHEREAS the mortgagor was the true and first inventor of certain Recitals. improvements in, &c. [*title of invention*]. AND WHEREAS, by letters True and first patent dated the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and num- inventor. bered \_\_\_\_\_, the sole and exclusive licence and authority of making, Grant of using, exercising, and vending in the United Kingdom of Great patent. Britain and Ireland and the Isle of Man the said invention of improvements, &c. [*title of invention*] were granted to the mortgagor for the term of fourteen years from the date thereof, subject to the payment of the fees and the conditions for making void the same as therein mentioned. AND WHEREAS the mortgagor has applied to Request for the mortgagee for a loan of £ \_\_\_\_\_, and the mortgagee has agreed to loan. lend to the mortgagor the said sum of £ \_\_\_\_\_ upon having the repayment thereof, together with interest thereon at the rate hereinafter mentioned, secured in manner hereinafter appearing. NOW Covenant of THIS INDENTURE WITNESSETH, that in pursuance of the repayment. said agreement, and in consideration of the sum of £ \_\_\_\_\_ now paid by the mortgagee to the mortgagor (the receipt whereof the mortgagor doth hereby acknowledge), the mortgagor doth hereby covenant with the mortgagee that he, the mortgagor, will on the \_\_\_\_\_ day of \_\_\_\_\_ next [*first day for payment of interest*] pay to the mortgagee the sum of £ \_\_\_\_\_ [*the sum advanced*], together with interest for the same in the meantime at the rate of \_\_\_\_\_ per centum per annum from the date hereof. AND will, in case and so long as the said sum of £ \_\_\_\_\_ or any part thereof shall remain unpaid, pay to the mortgagee interest for the same at the rate aforesaid by equal half-yearly [*or quarterly*] payments on the \_\_\_\_\_ day of \_\_\_\_\_, &c. [*half-yearly or quarterly days*], in every year. AND THIS INDENTURE ALSO WITNESSETH, Assignment. that, in further pursuance of the said agreement and in consideration

of the premises, the mortgagor as beneficial owner doth hereby assign and transfer unto the mortgagee ALL THAT the said invention of improvements in, &c. [*title*], and the said letters patent for the same, and the full and exclusive benefit thereof (and of any and every improvement, extension, or renewal thereof), and the right to apply for and obtain an extension or renewal thereof, and all rights, powers, and benefits to the said invention and letters patent, belonging, To HOLD the said invention, letters patent, and premises unto the mortgagee, subject to the proviso for redemption hereinafter contained. PROVIDED ALWAYS, and it is hereby agreed and declared, that if the mortgagor shall pay to the mortgagee the sum of £ [*sum advanced*], together with interest for the same at the aforesaid rate of            per centum per annum, on the            day of next [*date of first payment of interest*], the mortgagee shall at any time thereafter, upon the request and at the cost of the mortgagor, reassign the said premises hereinbefore assigned, to the mortgagor, or as he shall direct. AND the mortgagor doth hereby covenant with the mortgagee that he, the mortgagor, will, so long as any money shall remain on the security of these presents, pay the fees required by law for keeping the said letters patent on foot one calendar month at least before the latest time allowed by law for payment of the same respectively, and will do all other acts and things as may be necessary to maintaining the said letters patent, and will send or deliver to the mortgagee the receipt for every such payment immediately after the same shall have been made. AND

**Habendum.**

**Covenants.**

**Payment of fees.**

**Infringements.**

**Power to mortgagee to pay fees.**

FURTHER, that he, the mortgagor, will from time to time, so long as any money shall remain on the security of these presents, use his best endeavours to discover any infringement now or hereafter to be made of the said letters patent, or any extension thereof, and communicate to the mortgagee every suspected or ascertained infringement aforesaid, and if, and when, required in writing by the mortgagee so to do, will either himself commence or take and prosecute or defend all legal or other proceedings necessary or suitable for the protection of the said letters patent, or the recovery of damages for, or restraining, the infringement thereof, or permit the mortgagee to take such proceedings, and, in the event of the mortgagor taking such proceedings will do everything in his power for the purpose of making such proceedings successful, and will, whatever the event of any such proceedings, pay on demand the costs of the mortgagee (if any) relating thereto, as between solicitor and client. AND FURTHER, that in case the mortgagor shall neglect or refuse to make the payments aforesaid, or any of them, it shall be lawful for the mortgagee to pay the same. AND that all moneys and expenses (if any) paid by the mortgagee for or in respect of any



renewal fees or other charges, or any proceedings or other matters aforesaid, together with interest for the same at the rate of per centum per annum from the time, or respective times, of the same having been made or expended, shall be repaid by the mortgagor to the mortgagee on demand, and shall in the meantime, and until repayment thereof, be charged on the premises hereby assigned. PROVIDED ALWAYS, and it is hereby agreed and declared, that at any time, or times, before the mortgagee shall have become entitled to exercise the power of sale vested in him by virtue of these presents and the statute in that behalf, it shall be lawful for the mortgagor himself to use and exercise the said invention without interruption from the mortgagee, and, in the name and as the attorney of the mortgagee, to grant licences for the use of the said invention and letters patent for such periods, and upon such conditions, as he shall think fit, but so that the mortgagor shall not be authorised to enter into any covenants in the name of the mortgagee, or to subject him to any personal liability, and so that no exclusive licence shall be granted without the consent in writing of the mortgagee, and so that on every such licence there be reserved the best rent or royalty that can conveniently be obtained without taking anything in the nature of a fine or a premium. AND it shall be lawful for the mortgagee, at any time, or times, after he shall have become entitled to exercise the power of sale aforesaid, to grant licences for the use of the said invention and letters patent for such periods, and upon such conditions, and in such manner as he may think fit, and in consideration of a sum, or sums, in gross, or any rents or royalties, or otherwise.

Power to  
mortgagor to  
use invention.

Licences.

In Witness, &c.

## ACTION OF INFRINGEMENT.

### INDORSEMENT ON WRIT. (a)

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.

### ANOTHER FORM.

1. For an injunction to restrain the defendant his servants and agents from infringing the plaintiff's letters patent dated the day of 19 and numbered

2. For damages for such infringement or at the option of the plaintiff an account of all profits derived by the defendant from such infringement.

3. For the delivery up to the plaintiff or the destruction of all articles in the possession of the defendant made in such infringement.

4. For costs.

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### STATEMENT OF CLAIM. (b)

**Infringement.** The defendant has infringed the plaintiff's patent No. 14,084 granted for the term of fourteen years from the 21st May, 1880, for certain improvements in the manufacture of iron and steel whereof the plaintiff was the first inventor.

**Injunction and damages.** The plaintiff claims an injunction to restrain the defendant from further infringement and £100 damages.

Particulars of breaches are delivered herewith.

Place of trial Durham.

(Signed)

Delivered

(a) See R. S. C. 1883, Appendix A., part iii. sec. iv.  
(b) R. S. C. 1883, Appendix C., Form 6.