

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

FORM U.



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

[See p. 97, Rule 50, p. 111, and Fee, p. 151 (37).]

SIR,

\_\_\_\_\_ hereby apply for extension of time for one  
month in which to leave a Complete Specification upon application,  
dated \_\_\_\_\_

The circumstances in and grounds upon which this extension is  
applied for are as follows (a):— \_\_\_\_\_

(a) See Rule 50  
[p. 111].

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\_\_\_\_\_

Sir,  
Your obedient Servant,

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

(b) To be signed  
by applicant or  
applicants or his  
or their agent.

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

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

FORM V.

PATENT.

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

[See Rule 50, p. 111, and Fee, p. 151 (38)].

SIR,

\_\_\_\_\_ hereby apply for extension of time for  
month \_\_\_\_\_ for the acceptance of the Complete Specification upon  
application No. \_\_\_\_\_ dated \_\_\_\_\_

(a) See Rule 50.

The circumstances in and grounds upon which this extension is  
applied for are as follows (a) :—

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Sir,

Your obedient Servant,

(b)

(b) To be signed  
by applicant or  
applicants or his  
or their agent.

\_\_\_\_\_  
\_\_\_\_\_

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

31st March 1890.

M. E. HICKS-BEACH,  
President of the Board of Trade.

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## THE PATENTS RULES, 1892.

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By virtue of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules :—

1. These Rules may be cited as the Patents Rules, 1892.
2. These Rules shall come into operation from and immediately after the 1st of March 1892.

### *Fees.*

3. To the fees specified in the First Schedule to the Patents Rules, 1890, shall be added the fee specified in the First Schedule hereto. [See p. 118, and Form C1, p. 148.]

### *Forms.*

4. To the forms specified in the Second Schedule to the Patents Rules, 1890 [p. 119], shall be added the form specified in the Second Schedule hereto [p. 148].

19th day of February 1892.

(Signed) **M. E. HICKS-BEACH,**  
President of the Board of Trade.

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**FIRST SCHEDULE.**  

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**Fee.**

**33a. On Postal Request for printed copy Specification £0 0 8**  
**[Added to First Schedule, p. 117.]**

**(Signed) M. E. HICKS-BEACH,**  
**President of the Board of Trade.**

**Approved—**

**(Signed) W. H. WALROND,**  
**HERBERT ELSTACE MAXWELL,**  
**Lords Commissioners of**  
**Her Majesty's Treasury.**

**19th February 1892.**

## SECOND SCHEDULE.

FORM.

[See pp 93, 146, 147.]

## PATENTS FORM C1.

*To the Comptroller-General.*

(Obverse.)

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

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

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

PATENTS,  
7½d.

(Reverse.)

½d.

*The Comptroller-General,**Patent Office,**25, Southampton Buildings,**London, W.C.*(Signed) M. E. HICKS-BEACH,  
President of the Board of Trade.

## PATENTS RULES, 1892.

### (SECOND SET).

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By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883-88, the Board of Trade do hereby make the following Rules:—

#### *Short Title.*

1. These Rules may be cited as the Patents Rules, 1892 (Second Set).

#### *Commencement.*

2. These Rules shall come into operation from and immediately after the 30th day of September 1892.

#### *Certificates of Payment or Renewal.*

3. Rules 45, 46, & 47 of the Patents Rules, 1890, are hereby repealed. [See p. 110.]

#### *Payment of Annual Fees for Continuance of Patent.*

4. 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.

The Form J in the Second Schedule, duly stamped, should be used for the purpose of this payment. [See p. 133.]

#### *Fees.*

5. For the fees specified in the First Schedule to the Patents Rules, 1890, shall be substituted the fees specified in the schedule hereto.

M. E. HICKS-BEACH,  
President of the Board of Trade.

4th July 1892.

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## SCHEDULE.

[For Old Scale, *see* p. 117.]LIST OF FEES PAYABLE ON AND IN CONNEXION WITH  
LETTERS PATENT.*Up to Sealing.*

	£	s.	d.	£	s.	d.
1. On application for provisional protection - - - - -	1	0	0			
2. On filing complete specification - - - - -	3	0	0			
	<hr/>			4	0	0
	or					
3. On filing complete specification with first application - - - - -				4	0	0
4. On appeal from comptroller to law officer. By appellant - - - - -				3	0	0
	<hr/>					
5. On notice of opposition to grant of patent. By opponent - - - - -				0	10	0
6. On hearing by comptroller. By applicant and by opponent respectively - - - - -				1	0	0
	<hr/>					
On application to amend specification:—						
7. Up to sealing. By applicant - - - - -				1	10	0
8. After sealing. By patentee - - - - -				3	0	0
9. On notice of opposition to amendment. By opponent - - - - -				0	10	0
10. On hearing by comptroller. By applicant and by opponent respectively - - - - -				1	0	0
11. On application to amend specification during action or proceeding. By patentee - - - - -				3	0	0
	<hr/>					
12. On application to the Board of Trade for a compulsory license. By person applying - - - - -				5	0	0
13. On opposition to grant of compulsory license. By patentee - - - - -				5	0	0
On certificate of renewal:—						
14. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year - - - - -				5	0	0
15. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year - - - - -				6	0	0
16. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year - - - - -				7	0	0
17. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year - - - - -				8	0	0
18. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year - - - - -				9	0	0

	£	s.	d.
19. Before the expiration of the 9th year from the date of the patent and in respect of the 10th year - - - - -	10	0	0
20. Before the expiration of the 10th year from the date of the patent and in respect of the 11th year - - - - -	11	0	0
21. Before the expiration of the 11th year from the date of the patent and in respect of the 12th year - - - - -	12	0	0
22. Before the expiration of the 12th year from the date of the patent and in respect of the 13th year - - - - -	13	0	0
23. Before the expiration of the 13th year from the date of the patent and in respect of the 14th year - - - - -	14	0	0
On enlargement of time for payment of renewal fees :—			
24. Not exceeding one month - - - - -	1	0	0
25. „ two months - - - - -	3	0	0
26. „ three months - - - - -	5	0	0
<hr/>			
27. For every entry of an assignment, transmission, agreement, license, or extension of patent -	0	10	0
28. For duplicate of letters patent - - - each	2	0	0
29. On notice to comptroller of intended exhibition of a patent under section 89 - - - -	0	10	0
30. Search or inspection fee - - - - each	0	1	0
31. For office copies - - - - every 100 words (but never less than one shilling).	0	0	4
32. For office copies of drawings, cost according to agreement.			
33. For certifying office copies, MSS. or printed, each [33a. See pp. 93, 145, 147, 8d.]	0	1	0
34. On request to comptroller to correct a clerical error			
up to sealing	0	5	0
after sealing	1	0	0
35. For certificate of comptroller under section 96 -	0	5	0
36. For altering address in register - - - -	0	5	0
37. For enlargement of time for filing complete specification, not exceeding one month - - -	2	0	0
38. For enlargement of time for acceptance of complete specification :—			
Not exceeding one month - - - - -	2	0	0
„ two months - - - - -	4	0	0
„ three months - - - - -	6	0	0

M. E. HICKS-BEACH,

4th July 1896.

President of the Board of Trade.

Approved :

SIDNEY HERBERT,

HERBERT EUSTACE MAXWELL,

Lords Commissioners of

Her Majesty's Treasury.



## Patent Office.

### INSTRUCTIONS to Persons who wish to REGISTER DESIGNS.

[See Judicial Sanction of Instructions, p. 189. The Rules are given p. 157, *et seq.*]

#### *Preliminary.*

1. The Patents, Designs, and Trade Marks Acts, 1883 to 1888, and the Rules thereunder in relation to the registration of designs, should be carefully studied.

Copies of the Acts and Designs Rules can be purchased at the Patent Office, Sale Branch [see address below]. Money sent by post should be remitted by Postal or Post Office Order.

Price of the Act of 1883, 1s. 7½*d.*; by post, 1s. 9*d.* Act of 1888, 1½*d.*; by post, 2*d.* Price of the Designs Rules, 1890, 6*d.*; by post, 6½*d.* Price of Lace Designs Rules, 1893, 1*d.*; by post, 1½*d.*

2. In order to obtain registration application must be made to the comptroller in pursuance of Rules Nos. 6–11 of the Designs Rules, 1890.

Applications sent by post should be addressed—

The Comptroller, Patent Office, Designs Branch, 25, Southampton Buildings, Chancery Lane, London, W.C.

3. A design to be capable of registration must be *new or original*, and not previously published in the United Kingdom. See section 47 (I.) of the Act, 1883, p. 54.

For the definition of a Design see section 60 of the Act of 1883, p. 58.

*NOTE.*—As many inventors imagine that mechanical inventions can be protected by Registration as Designs, it may be stated that improvements in the construction, arrangement, or application of machinery can only be protected by a Patent.

#### *Applications.*

5. Stamped Forms of Application to register can be obtained at the following places:—

(a) The Inland Revenue Office, Royal Courts of Justice, London. (R. om No. 6.)

(b) The following Post Offices in London:—

The General Post Office, E.C.; the District Post Offices: Lombard Street, E.C.; 195, Whitechapel Road, E.; 239, Borough High Street, S.E.; Charing Cross, W.C.; 28, Eversholt Street, Camden Town, N.W.; and the Post Office, 12, Parliament Street, S.W.

## (c.) The chief Post Office of:—

ENGLAND AND WALES.		
Accrington.	Hartlepool.	Stalybridge.
Altrincham.	Huddersfield.	Stockport.
Ashton-under-Lyne.	Hull.	Stoke-on-Trent.
Barnsley.	Ipswich.	Stourbridge.
Barrow-in-Furness.	Keighley.	Stourport.
Bath.	Kendal.	Sunderland.
Bedford.	Kidderminster.	Swansea.
Beverley.	Knaresbro'.	Tamworth.
Birkenhead.	Knutsford.	Truro.
Birmingham.	Lancaster.	Tunstall.
Blackburn.	Leamington.	Wakefield.
Bolton.	Leeds.	Walsall.
Bradford.	Leicester.	Warrington.
Brighton.	Lichfield.	Wednesbury.
Bristol.	Lincoln.	West Bromwich.
Bromsgrove.	Liverpool.	Whitby.
Burnley.	Macclesfield.	Widnes.
Burslem.	Manchester.	Wigan.
Burton-on-Trent.	Middlesborough.	Wolverhampton.
Bury.	Nantwich.	Wolverton.
Cambridge.	Newcastle.	Woolwich.
Cardiff.	Newport (Mon.).	York.
Carlisle.	Northallerton.	
Chatham.	Northampton.	SCOTLAND.
Chester.	Nottingham.	Aberdeen.
Clitheroe.	Nuneaton.	Dumbarton.
Congleton.	Oldbury.	Dundee.
Coventry.	Oldham.	Edinburgh.
Crewe.	Patrington.	Glasgow.
Croydon.	Plymouth.	Greenock.
Darlaston.	Pontefract.	Inverness.
Derby.	Portsmouth.	Lanark.
Dewsbury.	Prescot.	Leith.
Doncaster.	Preston.	Paisley.
Dorchester.	Reading.	Perth.
Driffield.	Redditch.	Renfrew.
Droitwich.	Richmond (Yorks.).	
Dudley.	Ripon.	IRELAND.
Durham.	Rochdale.	Belfast.
Exeter.	Rotherham.	Cork.
Gateshead.	Rugby.	Dublin.
Goole.	Saiford.	Dundalk.
Greenwich.	St. Helens.	Galway.
Guildford.	Scarborough.	Limerick.
Halifax.	Sedgley.	Londonderry.
	Sheffield.	Waterford.
	Southampton.	Wexford.
	Stafford.	

*NOTE.*—Forms are not supplied by the Patent Office, but can be purchased on personal application at the Inland Revenue

*Office, Royal Courts of Justice (Room No. 6), or at a few days' notice at any Money Order Office in the United Kingdom upon pre-payment of the value of the stamp.*

*If it should not be convenient to apply in person in either of the ways specified, the stamped forms can be ordered by applicants at home or abroad by post from the Controller of Stamps, Room 7, Inland Revenue Office, Somerset House, London, W.C. In that case a banker's draft or a Money or Postal Order, payable to the Commissioners of Inland Revenue and crossed Bank of England, for the value of the stamp, and for the cost of postage and registration, to be forwarded with the application.*

6. An application consists of the following:—

- (1.) The form of application, Form E. or Form O. [pp. 165–175], properly filled up\* and signed by the applicant or his authorised agent, and three exactly similar drawings, photographs, or specimens of the design.

In the case of a Lace Design the proper forms are Form E1 [p. 179] (Single Design) and Form O1 (Set) [p. 180].

- (a.) If it be desired to secure a date of registration at once, one sketch of the design (sufficiently definite to identify the same) may be sent with the application form. In this case the design, if accepted, will eventually be registered as of the date on which such sketch was received; but no certificate of registration can be issued until three exact drawings, photographs, or specimens have been sent in substitution for the sketch.

### *The Drawings or Photographs.*

7. The drawings, &c., accompanying an application must be sent in triplicate, each representation of each design or set to be upon ordinary foolscap paper, and not on cardboard (on one side only) of the size of 13 in. by 8 in.

8. When sketches, drawings, or tracings are furnished, they should be in ink, or if in pencil they must be fixed. Drawings on tracing paper cannot be received, unless mounted on ordinary foolscap paper.

9. Rough sketches cannot be accepted.

10. When the design is to be applied to a set, each of the drawings accompanying the application, or the sketch, if a sketch is sent, should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

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\* Applicants should be *especially careful* to give correctly their full name and address, with their trade, business, or occupation; also to fill in, after the words "Statement of nature of Design," the words "for the Pattern," "for the Shape or Configuration," or "for the Ornament," or for any two or more such purposes, as the case may be, adding, when necessary, a short technical description of the article with the part or parts claimed as new or original specially defined.

11. When specimens of the design are furnished in lieu of drawings or photographs, they must be of such a nature as can be pasted into books; the dimensions of each specimen must not exceed 12 in. by 21 in., and each must, when necessary, be mounted upon ordinary foolscap paper of the size above mentioned. Each representation of a design in Classes 13 and 14 should show the complete pattern and a portion of the repeat, and ought not to be of less size than 7 in. by 3 in.

12. Only two views of the same design can be accepted, unless in the case of a design for a set. Each view should be designated in writing (*i.e.*, front view, side view). Both views should be on one and the same half sheet of foolscap paper.

13. A request for search under rule 35 of Designs Rules, 1890, must be accompanied by two representations of the design to be searched for. [*See p. 162 and Form 174.*]

14. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in Class 13 or Class 14, cause each such article to be marked with the abbreviation "Regd.", and shall, if such article is included in any of the Classes 1 to 12, cause each such article to be marked with the abbreviation "Rd.", and also, in the case of articles other than lace, with the number appearing on the certificate of registration. *See p. 177.*

15. The attention of applicants is called to the fact that by section 58 of the Act of 1883, p. 57, the protection afforded to a registered design is restricted to the particular class or classes of goods in which the design is registered.

By section 47 (sub-section 4) of the Act of 1883, p. 54, the same design may be registered in more than one class. In such case a separate application, together with three representations, is necessary for each class.

### 16. *List of Classes.*

[*See p. 176.*]

1. Articles composed wholly or chiefly of metal, not included in Class 2.

2. Jewellery.

3. Articles composed wholly or chiefly of wood, bone, ivory, papier maché, or other solid substances not included in other classes.

4. Articles composed wholly or chiefly of glass, earthenware or porcelain, bricks, tiles, or cement.

5. Articles composed wholly or chiefly of paper (except hangings).

6. Articles composed wholly or chiefly of leather, including bookbinding, of all materials.

7. Paper-hangings.

8. Carpets and rugs in all materials, floorecloths, and oilcloths.

9. Lace, hosiery.

10. Millinery and wearing apparel, including boots and shoes.

11. Ornamental needlework on muslin or other textile fabrics.
12. Goods not included in other classes.
13. Printed or woven designs on textile piece goods.
14.         "                 "                 handkerchiefs and shawls.

17. The following is a list of the stamped forms to be had at the places mentioned in paragraph 5 :—

*Designs.*

Letter.	Title of Form.	Fee.
		£ s. d.
E	Application for Registration of Single Design in any one of the Classes 1 to 12, not being Lace Designs -	0 10 0
E	Application for Registration of Single Design in Class 13 or 14 - - - - -	0 1 0
E1	Application for Registration of Single <i>Lace</i> Design in Class 9 - - - - -	0 1 0
F	Appeal to Board of Trade on Refusal of Comptroller to Register a Design - - - - -	1 0 0
H	Application for Copy of Certificate of Registration of Design - - - - -	0 1 0
I	Request for certificate for use in Legal Proceedings -	0 5 0
K	Request to enter Name of subsequent Proprietor of Design, with Declaration in support thereof -	} Same as Regis- tration Fee.
K1	Request to enter Name of subsequent Proprietor of a <i>Lace</i> Design or set of <i>Lace</i> Designs - - - - -	
L	Notice of intended Exhibition of an Unregistered Design - - - - -	0 5 0
M	Request for Correction of Clerical Error or Address -	0 5 0
N	Request for Search under section 53 of Act of 1883, or Rule 35 of Designs Rules, 1890 - - - - -	0 5 0
O	Application for Registration of Design for "Set" of articles, not being <i>Lace</i> - - - - -	1 0 0
O1	Application for registration of Design to be applied to a "Set" of <i>Lace</i> articles - - - - -	0 2 0

N.B.—Forms E and O are kept on sale at the places named in paragraph 5. The other forms must be bespoke of the Postmasters at those places.

Forms E1 and O1 are specially kept on sale at the Chief Post Office at Nottingham.

The Patent Office, Designs Branch, is open from 10 a.m. to 4 p.m.

The Patent Office, Designs Branch,  
London.

C. N. DALTON,  
Comptroller-General.

## Designs Rules, 1890.

[It will be noted that the Statute applies to all designs which are within it, whether they add to the UTILITY of the article to which they are applied, or whether they do not. The question of UTILITY is wholly immaterial in considering the question of design. See *Walker, Hunter & Co. v. Falkirk Iron Company*, 1887, 14 R. 1072, 4 R.P.C. 390, and *Hecla Foundry Company v. Walker, Hunter & Co.*, H.L., 1889, 14 App. Cas. 550, 6 R.P.C. 554.]

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules:—

### *Preliminary.*

1. These rules may be cited as the Designs Rules, 1890, and shall come into operation from and immediately after the 31st day of March, 1890.

### *Interpretation.*

2. 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.

### *Fees.*

3. The fees to be paid under the said Act, so far as it relates to applications for and registration of designs, shall be the fees specified in the First Schedule hereto. Fees.

### *Forms.*

4. An application for the registration of a design shall be made in the Form E. or Form O. in the Second Schedule hereto [pp. 165, 175]. The remaining forms in such schedule may be used in all cases to which they are applicable. [Repealed, but the forms retained, p. 177.] Forms.

[See *Clarke's Design*, 1896, 13 R.P.C. 351.]

### *Classification of Goods.*

5. For the purposes of the registration of designs and of these rules, goods are classified in the manner appearing in the Third Schedule hereto. Classification of goods.

### *Application for Registration.*

6. All communications between an applicant for the registration of a design and the comptroller or the Board of Trade, as the case may be, may be made by or through an agent duly authorised to the satisfaction of the comptroller. Agents.

Address of  
Comptroller.

7. An application for the registration of a design shall, with the prescribed fee, be left at the Patent Office, Designs Branch, or be sent prepaid by post, addressed to the Comptroller at the Patent Office (Designs Branch), 25, Southampton Buildings, Chancery Lane, London.

Size of papers.

8. An application for the registration of a design, and all drawings, sketches, photographs, or tracings of a design, and all other documents sent to or left at the Patent Office (Designs Branch), or otherwise furnished to the comptroller or to the Board of Trade, shall be written, printed, copied, or drawn upon strong wide-ruled foolscap paper (on one side only), of the size of 13 inches by 8 inches, leaving a margin of not less than one inch and a half on the left-hand part thereof, and the signature of the applicants or agents thereto must be written in a large and legible hand.

The comptroller may in any particular case vary the requirements of this rule as he may think fit.

Sketches and  
drawings.

Nature of  
design.

9. An application for the registration of a design shall be accompanied by a sketch or drawing, or by three exactly similar drawings, photographs, or tracings of the design, or by three specimens of the design, and shall, in describing the nature of the design, state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable.

When sketches, drawings, or tracings are furnished they must be fixed.

When the articles to which designs are applied are not of a kind which can be pasted into books, drawings, photographs, or tracings of such designs shall be furnished.

[See *in re* Clarke's Registered Design, *Clarke v. Julius Sax & Co.*, 1896, 11 R.P.C., 357. See as to discretion of comptroller s. 47 of the Act, *ante* p. 54.]

Notice of  
registration.

10. If the comptroller determines to register a design, he shall as soon as may be send to the applicant a certificate of such registration in the prescribed form, sealed with the seal of the Patent Office.

Applications  
may be sent  
by post.

11. 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 respectively 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.

#### *Exercise of Discretionary Powers.*

Hearing by  
comptroller.

12. Before exercising any discretionary power given to the comptroller by the said Acts adversely to the applicant for

registration of a design the comptroller shall (if so required by the applicant within one month from the date of the comptroller's objection) give the applicant an opportunity of being heard personally, or by his agent, by sending the applicant ten day's notice of a time when he may be so heard.

[See as to discretion of comptroller, s. 47 of the Act, *ante* p. 54.]

13. Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the comptroller whether or not he intends to be heard upon the matter. Hearing by  
comptroller.

14. The decision or determination of the comptroller in the exercise of any such discretionary power as aforesaid shall be notified to the applicant. Notification of  
comptroller's  
decision.

### *Appeal to the Board of Trade.*

15. Where the comptroller refuses to register a design, and the applicant intends to appeal to the Board of Trade from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Patent Office, Designs Branch, a notice of such his intention. [See Form F, p. 166.] Notice of  
appeal to Board  
of Trade.

16. Such notice shall be accompanied by a statement of the grounds of appeal, and of the applicant's case in support thereof. Statement on  
appeal.

17. The applicant shall forthwith on leaving such notice send a copy thereof to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London. Notice to  
Secretary of  
Board of Trade.

18. 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 for the Board of Trade. Directions by  
Board of Trade.

19. 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 comptroller and the applicant. Notice of time  
of hearing.

[There does not appear to be any appeal from the Board of Trade. See Clarke's Design, 1896, 13 R.P.C. p. 357.]

In Clarke's Registered Design, *Clarke v. Julius Sax & Co.*, 1896, 13 R.P.C. p. 357 an application for an order to expunge a registered design from the register, on the ground that it ought never to have been registered, Lindley, L. J., said :—

“ The Patents, Designs, and Trade Marks Act, 1883, repealed and amended the previous statutes relating to copyright in designs, and replaced them by a series of enactments contained in Parts 3 and 5 of that Act.

“ These enactments, amended by another Act passed in 1888 [51 & 52 Vict. c. 50], are those which have to be considered.

“ The sections which are material on the present occasion are contained in the Act of 1883, and are ss. 47, 50, 52, 53, 55, 58, 60 and 90. Rules were made in 1890 and 1893 for carrying the Act into effect. These made rules and forms for application for registration, and a classification of goods. The important rules are 4, 5, 9, 12, 15. [See pp. 157-8.]



The applicant for registration must state the nature of his design, and whether it is applicable for pattern or shape. (See Rule 9 and Form E.) Ornament is not mentioned in the rule nor in the form, although it is alluded to in s. 50 of the Act.

"There is no provision for notice to the public of an application to register, and no opportunity is given for any opposition by the public to the registration. The comptroller, however, has considerable discretion in the matter [see s. 47 of the Act, p. 54], and he can refuse the application; but in that case he must give notice to the applicant, and hear what he has to say [s. 94, p. 72, and Rules 12 and 13, pp. 158-9, respectively], and the applicant can appeal from the comptroller's decision to the Board of Trade [s. 47, sub-s. 6, p. 54, and Rules 15 and 19, p. 159, respectively.]

"There is no appeal from the Board of Trade. Moreover, the register of a design is not open to public inspection until the copyright in it has expired. [S. 52, modified by the Act of 1888, s. 6, pp. 55-6. See also R. 35, p. 162.]

"It is obvious that this procedure enables anyone to register anything which he calls a design, and which the comptroller may pass. It is obvious that, however vigilant the comptroller may be, he is very likely to pass something which may in fact be neither new nor original, or something which may have been previously published in the United Kingdom. The only protection afforded to the public against an abuse of the Act and the acquisition of mischievous monopolies for designs which are neither new nor original, but which have escaped the vigilance of the comptroller and been improperly registered, is the protection of a court, when its aid is invoked by the registered owner of the design against an alleged infringer, or by a person aggrieved who applies under s. 90 of the Act, p. 71, to expunge a registered design from the register." The design was ordered to be expunged from the register.

But when the comptroller refused to register "Electrozone" as an invented word (see s. 10(d) of the Act of 1888 substituted for s. 64 of the Act of 1883, p. 60), and an appeal was made to the Board of Trade, the Board of Trade referred the appeal to the Court.

### *Register of Designs.*

Registering  
design.

20. Upon the sealing of a certificate of registration the comptroller shall cause to be entered in the register of designs the name, address, and description of the registered proprietor, and the date upon which the application for registration was received by the comptroller, which day shall be deemed to be the date of the registration. [See Form G, p. 167.]

Subsequent  
proprietors.

21. Where a person becomes entitled to the copyright in a registered design, or to any share or interest therein, by assignment, transmission, or other operation of law, or where a person acquires any right to apply the design either exclusively or otherwise, a request for the entry of his name in the register as such proprietor of the design, or as having acquired such right, as the case may be (hereinafter called the claimant), shall be addressed to the comptroller, and left at the Patent Office, Designs Branch. [See Form K, p. 171.]

Signature to  
request.

22. Every such request shall, in the case of an individual, be made and signed by the person required to be registered as proprietor; and in the case of a firm or partnership, by some one or more members of such firm or partnership, or, in either case, by his or their agent respectively duly authorised to the satisfaction of the comptroller; and in the case of a body corporate, by their agent authorised in like manner.

23. Every such request shall state the name, address, and description of the claimant, and the particulars of the assignment, transmission, or other operation of law by virtue of which the request is made, so as to show the manner in which and the person or persons to whom the design has been assigned or transmitted, or the person or persons who has or have acquired such right as aforesaid, as the case may be. Particulars in request.

24. Every such request shall be accompanied by a statutory declaration to be thereunder written verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the design or the right to apply the same, as the case may be, as claimed by such request. Statutory declaration with request.

25. The claimant shall furnish to the comptroller such other proof of title as he may require for his satisfaction. Proof of title if required.

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

27. Four clear days' notice of every application to the Court under section 90, p. 71, of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, for rectification of the Register of Designs shall be given to the comptroller. Notice to comptroller of application to rectify register.

28. Where an order has been made by the Court, under section 90 of the said Acts, 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. Notice of order of Court.

#### *Power to Dispense with Evidence.*

29. Where under these rules any person is required to do any act or thing, or to sign any document, or 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. Comptroller's discretion as to evidence.

#### *Amendments.*

30. Any document, drawings, sketches, or tracings for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which, in the Amendments.

opinion of the comptroller, may be obviated without detriment to the interests of any person may be corrected, if the comptroller think fit, and upon such terms as he may direct. [Form M., p. 173.]

#### *Enlargement of Time.*

Enlargement  
of time.

31. The time prescribed by these rules for doing any act or taking any proceeding thereunder may be enlarged by the comptroller, if he think fit, and upon such terms as he may direct.

#### *Marking Goods.*

Registration  
mark.

32. Before the delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the classes one to twelve in the Third Schedule hereto, cause each such article to be marked with the abbreviation "R" and the number appearing on the certificate of registration, and shall, if such article is included in the classes thirteen or fourteen in the Third Schedule hereto, cause each such article to be marked with the abbreviation "REG." [Repealed, see p. 177.]

#### *Inspection.*

Office hours.

33. On such days and during such hours as the comptroller shall from time to time determine and notify by a placard posted at the Patent Office any person paying the prescribed fee may, on production of the number of any design of which the copyright has ceased, inspect such design, and any person paying the prescribed fee may take a copy or copies of such design.

#### *Certificate by Comptroller.*

Certificate,  
legal pro-  
ceeding.

34. Where a certificate is required for the purpose of any legal proceeding or other special purpose as to any entry, matter, or thing which the comptroller is authorised by the said Act or these Rules to make or do, the comptroller may, on a request in writing and on payment of the prescribed fee, give such certificate, which shall also specify on the face of it the purpose for which it has been requested as aforesaid.

#### *Searches on Production of Sketch of Design.*

Search.

35. The comptroller may, on receipt of the prescribed fee, make searches among the designs registered at the Patent Office, and inform any person requesting him so to do whether a particular design produced by such person, and to be applied to goods in any particular class, is or is not identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing. [See Form N., p. 174, and S. 53 of the Act, p. 56.]

#### *Industrial and International Exhibitions.*

Notice of  
exhibition.

36. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial or international

exhibition, or of publishing a description of a design during the period of the holding of the exhibition, shall, after having obtained from the Board of Trade a certificate that the exhibition is an industrial or international one, give to the comptroller seven days' notice in writing of his intention to exhibit the design or article, or to publish a description of the design, as the case may be.

For the purpose of identifying the design in the event of an application to register the same being subsequently made, the applicant shall furnish to the comptroller a brief description of the nature of the design, accompanied by a sketch or drawing thereof, and such other information as the comptroller may in each case require. [See Form L., p. 172.]

### *Repeal.*

37. All general rules as to the registration of designs heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1888, and in force on the 31st day of March, 1890, shall be, and they are hereby, repealed, as from that date, without prejudice, nevertheless, to any proceeding which may have been taken under such rules. Repeal of  
previous Rules.

M. E. HICKS-BEACH,  
President of the Board of Trade.

31st March 1890.

## SCHEDULES.

### FIRST SCHEDULE.

#### FEES.

	£	s.	d.
1. On application to register one design, to be applied to single articles in each class, except Classes 13 and 14. [Repealed, see p. 177]	0	10	0
2. On application to register one design, to be applied to single articles in Classes 13 and 14. [See p. 177]	0	1	0
3. On application to register one design, to be applied to a set of articles for each class of registration. [See p. 177]	1	0	0
3A. [See p. 178.]			
4. On notice of appeal to Board of Trade against refusal of Comptroller to register	1	0	0
5. Copy of certificate of registration each copy	0	1	0
6. On request for certificate of Comptroller for legal proceedings or other special purpose	0	5	0
7. On request to enter name of subsequent proprietor. Same as registration fee.			
8. On notice to Comptroller of intended exhibition of an unregistered design	0	5	0

	£	s.	d.
9. Inspection of design in any case in which inspection is permitted by the Patents, Designs, and Trade Marks Acts, 1833 to 1888, and the Designs Rules thereunder - For each quarter of an hour	0	1	0
10. Copy of one such design - Cost according to agreement.			
11. On request to correct clerical error - - -	0	5	0
12. On request for search under section 53 [p. 56] -	0	5	0
13. On request to enter new address - - -	0	5	0
14. For office copy - Every 100 words (but never less than 1s.)	0	0	4
15. For certifying office copies, MSS. or printed -	0	1	0

NOTE.—The term “set” to include any number of articles ordinarily on sale together, irrespective of the varieties of size and arrangement in which the particular design may be shown on each separate article.

M. E. HICKS-BEACH.

Approved, 31st March 1890.

## SECOND SCHEDULE.

### FORMS.

[See also p. 178.]

	Page
Form of Application to Register - - - -	165
„ Appeal to Board of Trade - - - -	166
„ Certificate of Registration - - - -	167
„ Application for Copy of Certificate of Registration -	168
„ Request for Certificate for use in Legal Proceedings	169
„ Certificate for use in Legal Proceedings - - -	170
„ Request to enter Name of subsequent Proprietor -	171
„ [Request to enter Name of subsequent Proprietor of a Lace Design or Set of Lace Designs] - -	181
„ Notice of intending Exhibition of Unregistered Design - - - - -	172
„ Request for correction of Clerical Error or for entry of New Address - - - -	173
„ Request for Search under Section 53 - - - -	174
„ Application to Register for a Set of Articles - -	175
„ [Application for Registration of a Lace Design in Class 9] - - - - -	179
„ [Application for Registration of a Lace Design applied to a Set] - - - - -	180

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

DESIGNS.

E.

[See Form O., p. 175 and p. 154 (1); Rule 4, p. 177;  
and Fee, p. 178.]

APPLICATION FOR REGISTRATION OF DESIGN IN  
CLASSES

You are hereby requested to register the accompanying Design

(a) Here insert legibly the name, address and description of the individual or firm.

in Class \_\_\_\_\_, in the name of (a) \_\_\_\_\_

of \_\_\_\_\_

who claims to be the proprietor thereof, and to return the same to

(b) Such as whether it is applicable for the pattern or for the shape.

Statement of nature of Design (b) \_\_\_\_\_

(c) To be signed by the applicant.

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

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 .

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

PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1683 TO 1888.

DESIGNS.

**F.**

[See Rule 15, p. 159, and Fee, p. 163.]

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APPEAL TO BOARD OF TRADE ON REFUSAL OF COMPTROLLER TO  
REGISTER A DESIGN.

---

[To be accompanied by an unstamped copy.]

SIR,

I HEREBY appeal against your decision upon my application  
to register \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(a) The statement of the case to be written upon foolscap paper (on one side only), with a margin of two inches on the left-hand side thereof.

and beg to submit my case (a) for the decision of the Board of Trade.

I am, Sir,

Your obedient Servant,

The Comptroller,  
Patent Office, Designs Branch,  
25, Southampton Buildings,  
Chancery Lane, London, W.C.

---

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

G.

[See Rule 20, p. 160, and Fee, p. 163. See Form H.]

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CERTIFICATE OF REGISTRATION OF DESIGN.

---

(Ra. No. \_\_\_\_\_.)

Patent Office, Designs Branch,  
25, Southampton Buildings,  
Chancery Lane, London, W.C.

This is to certify that the Design of which this is a copy was registered this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_, in pursuance of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, in respect of the application of such Design to articles in Class \_\_\_\_\_, for which a copyright of five years is granted.

---

Seal  
of Patent  
Office.



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

DESIGNS.

**H.**

[See Form G.]

---

APPLICATION FOR COPY OF CERTIFICATE OF REGISTRATION  
OF DESIGN.

---

SIR,

I HEREBY request you to furnish me with a copy Certificate  
of Registration of Design No. \_\_\_\_\_ in Class \_\_\_\_\_.

(Signed) \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_.

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

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

DESIGNS.

I.

[See Rule 34, p. 162, and Fee, p. 163.]

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

SIR,

I HEREBY request you to send me for the purpose of use in

the suit of (a) \_\_\_\_\_

(a) Here state the title of the legal proceeding or the other purpose for which the Certificate is required.

a certificate that the Design of which a copy is herein enclosed

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

(b) Here state the entry, matter, or thing which the writer wishes certified.

(Signed) \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_ 189\_\_ .

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

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

DESIGNS.

J.

[See Form I., p. 169.]

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

In the matter of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

I, \_\_\_\_\_ Comptroller-General of Patents,  
Designs, and Trade Marks, hereby certify that \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
189\_\_.

\_\_\_\_\_  
Comptroller.

Patent Office, Designs Branch,  
25, Southampton Buildings, London.

Seal.

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

## K.

[See Rule 21, p. 160, and Fee, p. 163.]

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF DESIGN,  
WITH DECLARATION IN SUPPORT THEREOF.

DESIGNS.

[a] or We.  
Here insert  
name, full ad-  
dress, and de-  
scription.

I, [a] \_\_\_\_\_

[b] My or our.  
[c] or Names.

hereby request that you will enter [b] \_\_\_\_\_ name [c] \_\_\_\_\_ in the  
Register of Designs as Proprietor \_\_\_\_\_ of the Design No. \_\_\_\_\_ in  
Class \_\_\_\_\_.

[d] I am, or We  
are.

[d] \_\_\_\_\_ entitled as to the said Design \_\_\_\_\_

[e] Here state  
whether design  
transmitted by  
death, marriage,  
bankruptcy, or  
other operation  
of law, and if  
entitled by as-  
signment, state  
the particulars  
thereof as, e.g.,  
"by deed dated  
the \_\_\_\_\_ day of  
\_\_\_\_\_ 1885 made  
between So-and-  
so of the one  
part."

[e] \_\_\_\_\_

[f] This para-  
graph is not re-  
quired when the  
declaration is  
made out of the  
United Kingdom.

And I do solemnly and sincerely declare that the above several  
statements are true, and the particulars above set out comprise  
every material fact and document affecting the proprietorship of  
the said Design as above claimed.

[f] And I make this solemn declaration conscientiously believ-  
ing the same to be true, and by virtue of the provisions of the  
Statutory Declarations Act, 1835.

[g] \_\_\_\_\_

Declared at \_\_\_\_\_

[g] To be signed  
here by the per-  
son making the  
declaration.

this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

Before me,

[h] \_\_\_\_\_

[h] Signature  
and title of the  
authority before  
whom the decla-  
ration is made.

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

DESIGNS.

**PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1883 to 1888.**

**L.**

[See Rule 36, p. 162, and Fee, p. 163.]

**NOTICE OF INTENDED EXHIBITION OF AN UNREGISTERED DESIGN.**

(a) Here state name and address of applicant.

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

hereby give notice of my intention to exhibit a \_\_\_\_\_

of \_\_\_\_\_ at the \_\_\_\_\_

(b) State "opened" or "is to open."

Exhibition, which (b) \_\_\_\_\_

of \_\_\_\_\_ 189 \_\_\_\_\_, under the provisions of the

(c) Insert brief description of Design, with drawing.

Patents, Designs, and Trade Marks Acts of 1883 to 1888 (c) \_\_\_\_\_

herewith enclose a \_\_\_\_\_

(Signed) \_\_\_\_\_

Dated the \_\_\_\_\_ day \_\_\_\_\_ 189 \_\_\_\_\_.

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

DESIGNS.

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

**M.**

[See Rule 30, p. 161, Fee (11), p. 164.]

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REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR  
ENTRY OF NEW ADDRESS.

---

SIR,

I hereby request that \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signed) \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

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

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

N.

[See Instruction 13, p. 155; Rule 35, p. 162; and Fee (12), p. 164.]

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REQUEST FOR SEARCH UNDER SECTION 53.

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SIR,

I hereby request that a search may be made in Class

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(Signed) \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_.

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

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

O.

[See Form E., p. 165 and p. 154; Rule 3, p. 177; and  
Fee, p. 178 (3).]

APPLICATION FOR REGISTRATION OF DESIGN TO BE APPLIED TO A SET.

(a) Here set out the trade description of the articles in the set, as "A toilet set."

(b) Here insert legibly the name, address, and description of the individual or firm.

(c) Such as whether it is applicable for the pattern or for the shape.

(d) To be signed by the applicant.

You are hereby requested to register the accompanying Design  
for (a) \_\_\_\_\_

\_\_\_\_\_ being a set of articles in Class \_\_\_\_\_

in the name of (b) \_\_\_\_\_

of \_\_\_\_\_

who claims to be the proprietor thereof, and to return the same to

Statement of nature of Design (c) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_.

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



**THIRD SCHEDULE.**

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[See p. 155.]

**CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES.****Classes.**

1. Articles composed wholly or chiefly of metal, not included in Class 2.
2. Jewellery.
3. Articles composed wholly or chiefly of wood, bone, ivory, papier maché, or other solid substances not included in other classes.
4. Articles composed wholly or chiefly of glass, earthenware, or porcelain, bricks, tiles, or cement.
5. Articles composed wholly or chiefly of paper (except hangings).
6. Articles composed wholly or chiefly of leather, including bookbinding, of all materials.
7. Paper-hangings.
8. Carpets and rugs in all materials, floorcloths, and oilcloths.
9. Lace, hosiery.
10. Millinery and wearing apparel, including boots and shoes.
11. Ornamental needlework on muslin or other textile fabrics.
12. Goods not included in other classes.
13. Printed or woven designs on textile piece goods.
14. Printed or woven designs on handkerchiefs and shawls.

M. E. HICKS-BEACH,  
President of the Board of Trade.

31st March 1890.

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## DESIGNS RULES, 1893.

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By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883-1888, the Board of Trade do hereby make the following Rules:—

1. These Rules may be cited as the Designs Rules, 1893, and shall come into operation from and immediately after the 30th day of November 1893. Title and commencement.

2. For the fees numbered 1, 2, and 3, specified in the First Schedule [p. 163] to the Designs Rules, 1890, shall be substituted the fees specified in the First Schedule hereto. Fees.

3. For Rule 4 of the Designs Rules, 1890, p. 157, shall be substituted the following Rule:— Forms.

4. An application for the registration of a design for articles not being lace shall be made in the Form E or Form O in the Second Schedule hereto. An application for one design to be applied to lace shall be made in the Form E1 [p. 179] in the Second Schedule hereto, and for one design to be applied to a set of lace articles shall be made in the Form O1 [p. 180] in the Second Schedule hereto. A request for registration of the name of any subsequent proprietor of a lace design or set of lace designs shall be made in the Form K1 [p. 181] in the Second Schedule hereto. The remaining forms in such Schedule may be used in all cases to which they are applicable.

4. To the forms specified in the Second Schedule [p. 164-5] to the Designs Rules, 1890, shall be added the forms specified in the Second Schedule hereto.

5. For Rule 32 of the Designs Rules, 1890, shall be substituted the following Rule [see old Rule, p. 162]:— Registration Marks.

32. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in Class 13 or Class 14 in the Third Schedule hereto, cause each such article to be marked with the abbreviation Regd., and shall, if such article is included in any of the Classes 1 to 12 in the Third Schedule hereto, cause each such article to be marked with the abbreviation Rd., and also, in the case of articles other than lace, with the number appearing on the certificate of registration.

A. J. MUNDELLA,  
President of the Board of Trade.

18th November 1893.

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### SCHEDULE I.

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#### FEEs.

[See other Fees, p. 163.]

	£	s.	d.
1. On application to register one design to be applied to single articles in each class not being lace, and except articles in Classes 13 and 14 -	0	10	0
2. On application to register one design to be applied to lace, or to single articles in Classes 13 and 14 -	0	1	0
3. On application to register one design to be applied to a set of articles, not being lace, for each class of registration -	1	0	0
3a. On application to register one design to be applied to a set of lace articles -	0	2	0

Approved.

A. J. MUNDELLA.  
President of the Board of Trade.

For the Lords Commissioners of Her Majesty's Treasury.  
18th November 1893.

FRANK MOWATT.

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### SCHEDULE II.

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#### FORMS.

[See also Forms on p. 164.]

- E1.—Application for Registration of a Lace Design in Class 9.  
 O1.—Application for Registration of a Lace Design to be applied to a Set.  
 K1.—Request to enter name of Subsequent Proprietor of a Lace Design or Set of Lace Designs.
-

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

FORM E1.

[See p. 154; Rule 4, p. 177; and Fee, p. 178.]

APPLICATION FOR REGISTRATION OF A LACE DESIGN IN CLASS 9  
[p. 176].

You are hereby requested to register, without search, the  
accompanying Design in Class 9 in the name of (a) \_\_\_\_\_

(a) Here insert legibly the name, address, and description of the individual or firm.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

who claims to be the proprietor thereof, and to return the same to

\_\_\_\_\_  
\_\_\_\_\_

The nature of the design is the pattern.

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

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_

(b) To be signed by the applicant or his agent duly authorised. When signed by an agent there should be added to the signature "Agent duly authorised by authorisation dated the \_\_\_\_\_ day of 189 \_\_\_\_\_"

To the Comptroller.  
The Patent Office (Designs Branch),  
25, Southampton Buildings,  
London, W.C.

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

FORM 01.

[See Rule 4, p. 177; and for Fee (3a), p. 178.]

DESIGNS.

APPLICATION FOR REGISTRATION OF A LACE DESIGN TO BE APPLIED  
TO A SET.

You are hereby required to register, without search, the  
accompanying Design for a Set of Lace Articles in Class 9 in the

(a) Here insert  
legibly the name,  
address, and de-  
scription of the  
individual or  
firm.

name of (a) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

who claims to be the proprietor thereof, and to return the same to  
\_\_\_\_\_  
\_\_\_\_\_

The nature of the design is the pattern.

(b) To be signed  
by the applicant  
or his agent  
duly authorised.  
When signed by  
an agent there  
should be added  
to the signature  
"Agent duly au-  
thorised by au-  
thorization dated  
the \_\_\_\_\_ day of  
189 \_\_\_\_\_."

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

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

To the Comptroller,  
The Patent Office (Designs Branch),  
25, Southampton Buildings,  
London, W.C.

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

DESIGNS.

FORM K1.

[See Rule 4, p. 177; and Fee (3a), p. 178, and p. 163 (7).]

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF A LACE  
DESIGN OR SET OF LACE DESIGNS.

The Comptroller is requested to enter the name of (a) \_\_\_\_\_

(a) Here insert legibly the name, address, and description of the individual or firm.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

in respect of the proprietorship of the Registered Lace Design  
or set of Lace Designs No. \_\_\_\_\_ in Class 9 in place of the name  
of \_\_\_\_\_

at present appearing in the Register.

(b) To be signed by the Registered Proprietor and by the Assignee.

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

\_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

To the Comptroller,  
The Patent Office (Designs Branch),  
25, Southampton Buildings,  
London, W.C.

A. J. MUNDELIA,  
President of the Board of Trade.

18th November 1893.

## Patent Office.

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### INSTRUCTIONS to PERSONS who wish to REGISTER TRADE MARKS.

[See the Rules which follow these Instructions.]

[See also Judicial sanction to Instructions generally.]

#### *Preliminary.*

1. All communications relating to Trade Marks, not being marks in Classes 23, 24, or 25, or Sheffield marks, should be addressed to the Comptroller, Patent Office, Trade Marks Branch. All applications should be in the English language.

They may be made by post, or left at the Patent Office, Trade Marks Branch, 25, Southampton Buildings, Chancery Lane, London, W.C. (*See also* paragraphs 8 and 33.)

2. The fees in relation to Trade Marks Registration cannot be received at the Patent Office. They should be paid in exchange for the *stamped forms* required, which may be obtained at the following places:—

(a.) The Inland Revenue Office, Royal Courts of Justice, London (Room No. 6).

(b.) The following Post Offices in London:—

The General Post Office, E.C.

District Post Office, Lombard Street, E.C.

” 195, Whitechapel Road, E.

” 239, Borough High Street, S.E.

” Charing Cross, W.C.

” 28, Eversholt Street, Camden Town, N.W.

Post Office, 12, Parliament Street, S.W., or

(c.) The Chief Post Office of the undermentioned cities and towns:—[Then follow nearly all the large towns in England and Wales. *See list, p. 153.*]

*NOTE.*—Arrangements have also been made by which any of the forms required may be ordered at any Money Order Office in the United Kingdom not included in the above List.

3. The following is a list of the stamped forms under the Patents, Designs, and Trade Marks Acts, 1883–1888, which

relate to Trade Marks, and which may be obtained at the places mentioned above:—

*Trade Marks.*

Letter.	Title of Form.	Fee.
		£ s. d.
E	Application for Hearing by Comptroller - -	1 0 0
F	Application for Registration of Trade Mark -	0 5 0
G	Additional Representation Form - - -	No stamp.
H	Appeal to Board of Trade from Decision of Comptroller	1 0 0
I	Registration Fee - - - - -	1 0 0
J	Notice of Opposition to Application for Registration -	1 0 0
K	Request to enter Name of Subsequent Proprietor, with Declaration in support thereof.	1 0 0
L	Request for Certificate of Refusal to Register a Trade Mark.	1 0 0
M	Notice of Application for Alteration of Address -	0 5 0
N	Notice of Order of Court for Alteration or Rectification of Register.	0 10 0
O	Application to Cancel Entry of Mark on Register -	0 5 0
Q	Request for Correction of Clerical Error or for Amendment of Application under Section 91.	0 5 0
R	Request for Certificate of Registration for use Abroad	0 5 0
S	Request for Certificate of Registration for use in Legal Proceedings.	1 0 0
T	Application for Settlement of a Special Case - -	2 0 0
T1	Request for General Certificate of Comptroller -	0 5 0
V	Request for Copy of Official Notification - -	0 2 0
W	Appeal from Cutlers' Company at Sheffield to Comptroller.	1 0 0
X	Fee for Continuance of Trade Mark at expiration of fourteen years.	1 0 0
Y	Additional Fee where fee is paid within three months after the expiration of fourteen years.	0 10 0
Z	Additional Fee for Restoration of Trade Mark where removed for non-payment of fee.	1 0 0
	[See Fees, First Schedule to Rules, p. 203.]	

Of the above forms, those bearing the letters F, G, and I are kept in stock at the various offices named in paragraph 2. Any of the others when required must be bespoken.

If it should not be convenient to apply in person at any of the above offices, the forms may be ordered by persons in this country or abroad *by post* from the Controller of Stamps, Room No. 7, Inland Revenue Office, Somerset House, London, W.C.

An application by post for forms must be accompanied by a banker's draft, or by a money order or postal order, payable to the Commissioners of Inland Revenue, and crossed "Bank of England," for the value of the stamp together with the cost of the postage and of the *registration* of the letter in which the forms will be forwarded to the applicant.

*Sale of Official Publications.*

4. The Patents, Designs, and Trade Marks Acts, 1883-1888, and the Trade Marks Rules, 1890, should be carefully studied. Copies of the Acts and of the Rules can be purchased at the Sale Branch of the Patent Office. The price of the Acts and Rules



together is 2s. 6d., postage, 2d.; of the Acts alone, 2s., postage, 1½d.; and of the Rules alone, 6d., postage, 1d. Sums exceeding 1s. should be remitted by Postal Order or Post Office Order.

5. Copies of the *Trade Marks Journal* may also be obtained from the Sale Branch of the Patent Office.

The price of the *Trade Marks Journal* is :—

Nos. 1 to 509 (Years 1876 to 1887)	- 1s. per number.
Nos. 510 to 561 (Year 1888)	- 1s. 6d. „
No. 562 and following numbers from 1 January 1889,	6d.

### *Definition of a Trade Mark.*

6. The definition of a Trade Mark is given in the 64th section of the Acts [*ante*, p. 60, as follows] :—

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

- (a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or
- (b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a Trade Mark; or
- (c.) A distinctive device, mark, brand, heading, label, or ticket; or
- (d.) An invented word or invented words; or
- (e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

“ (2.) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

“ (3.) Provided as follows :—

- (i.) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof;
- (ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five may be registered as a trade mark under this part of this Act.”

*Searches.*

7. A person wishing to adopt a trade mark should, before engraving a block and circulating impressions of the mark among his customers, make a search or a formal application at the Trade Marks Branch of the Patent Office with the view of ascertaining whether his proposed mark is already registered, or whether, from its being calculated to deceive by a resemblance to other marks already on record, it would be refused registration under the 72nd section of the Acts, p. 63.

The fee payable by a person making a search amongst the classified representations of trade marks is 1s. for each quarter of an hour. The fee for a formal application is 5s. See paragraphs 9 and 3 of these instructions as to the mode of making a formal application.

The comptroller does not undertake to make searches amongst the trade marks recorded at his office, *except in connexion with formal applications for registration.*

*Applications for Registration.*

8. Applications sent by post should be addressed—

The Comptroller,  
The Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London, W.C.

In the case of marks claimed in Classes 23, 24, or 25 [see p. 234], applications should be addressed—

The Comptroller,  
Manchester Trade Marks Branch,  
48, Royal Exchange,  
Manchester.

Agents and other persons who may be interested in more than one application are particularly requested to make communications relating to different applications in *separate* letters.

9. An application for the registration of a trade mark consists of:—

(a.) An application form (Form *F*) [p. 207] bearing an impressed stamp of 5s. (see paragraph 3).

(The applicant should, before filling up the form, carefully read the marginal notes.)

(b.) Certain additional representations of the trade mark, mounted on forms (Form *G*) [p. 208] (see paragraphs 3 [p. 183] and 15 [p. 186]).

10. A *separate* application form is required for *each* class in cases where the same trade mark is claimed in more than one class of goods.

11. If the mark be the property of a firm, the Form *F* should be signed by a member of the firm, who should add, after his

signature "a member of the firm;" if of a company, by the secretary or other principal officer, who should add, after his signature and designation, "for the company."

12 Applications may be made by agents in the names of and on behalf of the owners of trade marks. The agent must be duly authorised by the owner or owners; the necessary authority should be signed by the owner or owners.

Applications made by agents should have, after the name of the agent, the description "agent."

13. When 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 must give the comptroller an address for service in the United Kingdom.

14. When the mark consists of or includes words printed in other than Roman characters, there should be given upon the forms a translation of such words, signed by the applicant or his agent.

In the case of marks claimed in Classes 23, 24, or 25, the applicant should state by what name the particular mark claimed would be referred to in the invoices of his house.

#### *Additional Representations of Mark.*

15. Each of the additional representations should be placed in the centre of a separate Form G. [p. 208].

In the case of a trade mark which is not claimed in Classes 23 to 35, *two* additional representations are required for *each* class claimed.

In the case of a trade mark claimed in any one or more of the Classes 23 to 25, *four* additional representations should be sent for *each* of such classes. In the case of a trade mark claimed in any one or more of the Classes 26 to 35, *three* additional representations should be sent for each of such classes.

The representations of the mark on the Forms G must agree *in every respect* with each other, and with that on the Form F. [p. 207].

16. Representations of a mark of a large size may be folded. In that case they must, however, be backed with linen and firmly affixed to the forms. Representations must in no case be executed *in pencil*. They should be not only of a durable nature, but of such a kind as will admit of their being preserved and bound together in volumes as records of the property of the owners.

#### *Series of Trade Marks.*

17. By Section 66 [p. 61] of the Acts, the comptroller is empowered to register under one registration a series of trade marks which, whilst they resemble each other in the material particulars, differ from each other in respect of the statements

of the goods for which they are used, of the statements of numbers, of the statements of price, of the statements of quality, or of the statements of names of places. When an application is made for such a series, a representation of *each* of the marks included in the series must be affixed to the Form *F*, and also to each of the Forms *G*. [See Rule 14, p. 194.]

#### *Common or Open Marks.*

18. In the case of a trade mark used before the 13th August 1875, common or open marks of any kind may be registered in connexion with it; but in the case of a trade mark not so used, common or open marks consisting of *a word or combination of words only* can be registered as a part of the mark.

In each case the applicant for entry of such common particular or particulars must disclaim the right to the exclusive use of the same in a note at the foot of the Application Form, such note to be signed by the applicant or his agent.

See section 74 of the Acts, sub-section 3, for definition of common marks [p. 63].

#### *Classification of Goods.*

19. A Guide to the Classification of Goods under the Trade Marks Rules can be obtained on application at the Patent Office, Trade Marks Branch, and should be asked for if the applicant feels any difficulty in determining to which of the classes set out in the Third Schedule [p. 230] to the Rules the goods for which he uses his mark belong.

#### *Advertisement in the "Trade Marks Journal."*

20. A trade mark cannot in any case be entered upon the register until one month after its advertisement in the official paper.

21. A wood-block or electrotype must be furnished for each mark in each class claimed, except in the case of Class 23A (cotton yarn and sewing cotton, not on spools or reels), and Classes 24 and 25, for which no blocks or electrotypes are required.

A wood-block or electrotype will be required for an application in Class 23 whenever it is in respect of, or covers, sewing cotton on spools or reels.

No block or electrotype should be forwarded until a formal demand for it is sent by the comptroller.

22. In the case of a series of trade marks differing only in respect of the particulars mentioned in section 66, p. 61, of the Acts, a wood-block or electrotype must be furnished for each mark in the series, for each class claimed.

23. The wood-blocks or electrotypes furnished must correspond *exactly* with the representations, must afford *perfectly distinct*

impressions of the marks, and must be upon a scale sufficiently large to reproduce the marks faithfully. Worn or mutilated blocks or electrotypes cannot be accepted.

24. The largest space available for the insertion of any single block or electrotype is five and a half inches broad by seven and a half inches deep.

When a block or electrotype *exceeds two inches in depth or breadth*, a charge for additional space is made, at the rate of two shillings for every inch or part of an inch in depth or breadth beyond the two inches.

25. The number given by the comptroller should *not* be cut on the face of the block or electrotype, but should be *marked upon the side* in such a manner as to secure its identification.

26. All blocks or electrotypes should be sent to the Patent Office, Trade Marks Branch, together with the paper marked "Form 2," and with the representation of the mark sent for the guidance of the applicant in preparing the block or electrotype.

27. The blocks or electrotypes supplied for the advertisement of trade marks cannot in any case be returned to applicants.

#### *Restrictions on Registration.*

28. Ornamental or coloured groundwork, such as tartans or checks, cannot be claimed as part of a mark unless such groundwork be included within the mark by some border or lines.

29. The words "registered," "registered design," "copyright," "entered at Stationer's Hall," "to counterfeit this is forgery," will not be registered under the Acts, and should not, therefore, appear upon the representations of trade marks forming part of an application.

30. The following will not be registered as trade marks, or as prominent parts of trade marks, unless the marks have been used before 13th August 1875 :—

The Royal Arms, or arms so nearly resembling them as to be calculated to deceive.

#### *Instructions.*

In *re König and Ebhardt's Trade Mark*, 1896, 13 R.P.C. 449, the comptroller refused registration to a trade mark of a shield surmounted by a crown, with the words "Urbi et Orbi" on the shield, (1) "because of the similarity of the device in question to the Royal Crown."

(2.) "Under s. 72 of the Acts of 1883-88, in view of previous trade marks"; and then he set out a very considerable number of trade marks, all registered in Class 39.

Stirling, J., dealt first with the second objection, and as the various owners of the trade marks named had been communicated with, he held that the application might stand if the application was confined to the registration of "account books, ruled paper, and other paper used in books"; that, so modified, the application would be free from objection as regards the other trade marks, and would not fall within s. 72 of the Act.

Secondly, Stirling, J., said: "I next come to consider the other ground assigned by the comptroller, namely, the similarity of the device in question to the *Royal Crown*. That relates to the crown or coronet which appears surmounting the shield on the trade mark or device proposed to

“ be registered. As it is correctly pointed out on behalf of the applicants,  
 “ there is no positive rule which is binding upon the Court, or upon the Board  
 “ of Trade, with reference to this matter.

“ Nevertheless, in all the series of instructions which have been issued by  
 “ the comptroller to persons intending to apply for the registration of trade  
 “ marks, from a date very shortly after the coming into operation of the first  
 “ of the Trade Marks Acts, there have been provisions which relate to this  
 “ matter, and the present instructions thus run [his Lordship read  
 “ Instruction 30: *see above*].

“ These instructions have been perfectly well known to all applicants for  
 “ trade marks ever since, I may say, 1875. They have been largely acted  
 “ upon, and it appears from the evidence in the present case that trade marks  
 “ have been refused to be registered on the ground that representations of  
 “ the Royal Crown formed part of them. Whether or not these are  
 “ absolutely binding on the Court, I should be very slow indeed to depart  
 “ from a practice which has been established now for nearly 20 years without  
 “ dispute.

“ It seems to me that I might, if I were to suggest that that practice ought  
 “ to be departed from, work great injustice, because many persons who have  
 “ abstained from putting forward representations of the Royal Crown as part  
 “ of their trade mark might feel themselves aggrieved by a sudden change of  
 “ the practice which has been so long established. I therefore do not  
 “ propose to decide this case on the ground that there ought to be any  
 “ departure from the practice which is indicated in these instructions.

“ But, in truth, I am not really asked to depart from these instructions.  
 “ What was contended before me was that the coronet or crown which  
 “ surmounts the shield in the trade mark proposed to be registered was not  
 “ really a representation of the Royal Crown. Now, what is the Royal  
 “ Crown? It seems to me that, according to the ordinary use of the term,  
 “ the Royal Crown would mean the crown which appears on the Royal Arms,  
 “ and is perfectly well known and familiar to us—a crown the nature of  
 “ which may be sufficiently indicated for this purpose by saying that it is a  
 “ circlet surmounted by two arches. The applicants' crown or coronet, which  
 “ appears above the shield here, has got no arches at all. It closely resembles,  
 “ though it is not accurately, a representation of a marquis' coronet. If  
 “ these instructions had extended to crowns and coronets of all shapes and  
 “ forms, then I should probably have held that the practice ought to be  
 “ adhered to, and that registration ought not to be granted; but it seems to  
 “ me that the only question that is open to me is whether it so closely  
 “ resembles the Royal Crown that it would be likely to be mistaken for it,  
 “ and I confess it seems to me that it does not. I was referred to the  
 “ representation of Her Majesty which appears on the current coinage and  
 “ upon postal orders, and there, doubtless, Her Majesty is represented as  
 “ wearing what may be described as a circlet, but that does not appear to  
 “ me to be according to the ordinary acceptation of the term the Royal  
 “ Crown.”

His Lordship then thought it right that there should be a disclaimer on the part of the applicants to any exclusive right to this coronet or crown, and that it might very well be made a part of the terms on which the application should be permitted to proceed, and that the applicants should also disclaim the exclusive right to use the words “Urbi et Orbi,” and that the disclaimer should be put upon the register; and with that the application was allowed to proceed.

Representations of Her Majesty the Queen, or of any member of the Royal Family.

Representations of the Royal Crown.

The national arms or flags of Great Britain.

31. When there appears on the face of a trade mark an indication of the goods to which the mark is applied, the claim for its registration must be in respect of *these goods only*.

*Oppositions.*

32. Notice of opposition to the registration of a trade mark (Form *J*) [p. 211] must be filed within one month (or such further time, not exceeding three months, as the comptroller may allow) from the date of advertisement of the mark in the *Trade Marks Journal*.

The applicant's counter-statement must be filed within one month from the date of receipt of the opponent's notice of opposition.

The opponent's evidence, in support of the opposition, must be filed within two months after the expiration of one month (or such further time, not exceeding three months, as the comptroller may allow) from the date of advertisement of the mark in the *Trade Marks Journal*, and a copy forthwith sent to the applicant.

The applicant's evidence must be filed within one month from the delivery of the opponent's evidence, and a copy forthwith sent to the opponent.

The opponent's evidence in reply must be filed within seven days from the delivery of the applicant's evidence, and a copy forthwith sent to the applicant.

On the completion of the evidence either party may apply (upon Form *E*) [p. 206] for the case to be heard by the comptroller.

*Form of Counter-Statement.*

The following is a form of counter-statement :—

Patents, Designs, and Trade Marks Acts, 1883-1888.  
Trade Marks.

In the matter of an Application, No.           ,  
and of the opposition thereto, No.           .

In reply to the notice of opposition in this matter by  
of           , I give notice by way of counter-statement that  
I rely for my application on the following grounds :—

(To be dated and signed by the *Applicant* or his *Solicitor*.)

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

*Cutlers' Company.*

33. By Section 81 [p. 66] of the Acts, application for the registration of trade marks used on metal goods shall, if made by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company. See Rules 56 to 59 [p. 201].

Applications made to the Cutlers' Company in pursuance of section 81 of the Acts should be made on Form *F* [p. 207], the address in the left-hand corner to be, "To the Cutlers' Company, Sheffield," instead of "To the Comptroller," and should be left at, or sent by post to, the Cutlers' Hall, Sheffield.

Each application should be accompanied by an unstamped copy on foolscap paper. See Rule 56.

Applications sent by post should be addressed—  
 The Law Clerk to the Cutlers' Company,  
 The Cutlers' Hall,  
 Sheffield.

#### *Manchester Office.*

34. For the convenience of merchants and manufacturers engaged in the cotton trade, and for the purpose of facilitating the recording of trade marks used in respect of cotton goods, an office is open at 48, Royal Exchange, Manchester, where searches can be made, on payment of 1s. for each quarter of an hour, for marks in classes of textiles from Class 23 to Class 35 [p. 234].

#### *Certificates.*

35. The comptroller's certificate in relation to a trade mark is of four kinds, viz. :—

- (i.) For use in legal proceedings.
- (ii.) For use in applying for registration in foreign countries.
- (iii.) Of any application made and of proceedings thereon.
- (iv.) A certificate of refusal of a mark in use before 13th August 1875, and not registerable.

36. A person desirous of obtaining any of the above certificates should forward Form *S* [p. 220], Form *R* [p. 219], Form *Tt* [p. 222], or Form *L* [p. 213] (see paragraph 3, p. 183), as the case may be, to the comptroller, giving the comptroller's official number of the mark, and stating whether the certificate is required for use in legal proceedings, or for use in applying for the registration of the mark in a foreign country, or for what other purpose.

37. In every case where a certificate is required in respect of a cotton mark, or in respect of any trade mark of which the representations or specimens forming part of the application for registration are *coloured*, or in respect of an application made, or in respect of an application refused, two unmounted copies of the mark must be supplied, agreeing *in every respect* with the representations forming part of the application for registration. Special attention should be paid to this requirement, as the certificate cannot in any such case be prepared until these unmounted copies are received by the comptroller.

#### *Registration of subsequent Proprietors of Registered Trade Marks.*

38. The request and declaration to be made by a subsequent proprietor on application for the registration in his name of a registered trade mark must be made on Form *K*, p. 212.

COMPTROLLER.

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## TRADE MARKS RULES, 1890.

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[These Rules must be treated, for all purposes of construction or obligation or otherwise, exactly as if they were contained in the Acts themselves. *Institute of Patent Agents v. Lockwood*, H.L. 1894, A.C. 347.]

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By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules:—

### *Preliminary.*

1. These Rules may be cited as the Trade Marks Rules, 1890, and shall come into operation from and immediately after the 31st day of December 1889.

### *Interpretation.*

**Interpretation.** 2. In the construction of these Rules any words herein used defined by the said Acts shall have the meanings thereby assigned to them respectively.

### *Fees.*

**Fees.** 3. The fees to be paid in pursuance of the said Acts, so far as they relate to trade marks, shall be the fees specified in the First Schedule hereto.

### *Forms.*

**Forms.** 4. The Form F. in the First Schedule to the Patents, Designs, and Trade Marks Act, 1883, shall be altered or amended by the substitution therefor of the Form F. in the Second Schedule to these Rules.

5.—(1.) An application for registration of a trade mark shall be made in the Form F. [p. 207] in the Second Schedule to these Rules.

(2.) The remaining forms in such Schedule may be used in all cases to which they are applicable [see list, p. 205].

### *Classification of Goods.*

**Classification of goods.** 6. For the purposes of trade marks registration and of these Rules goods are classified in the manner appearing in the Third Schedule hereto [p. 230].

If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the comptroller.

### *Application for Registration.*

**Application by firm.** 7. An application for registration of a trade mark, if made by any firm or partnership, may be signed by some one or more members of such firm or partnership, as the case may be.

If the application be made by a body corporate it may be signed by the secretary or other principal officer of such body corporate.

8. Where a trade mark for registration of which application is made is in classes 23, 24, or 25 [p. 234] of the Third Schedule to these Rules, the applicant shall address and send his application to the Manchester Trade Marks Branch, 48, Royal Exchange, Manchester. Other applications (except applications which under section 81 of the said Acts should be made to the Cutlers' Company) shall be addressed and sent to the Patent Office, Trade Marks Branch, 25, Southampton Buildings, Chancery Lane, London, W.C. Address of application.

9. An application for registration and all other communications between the applicant and the comptroller may be made by or through an agent duly authorised to the satisfaction of the comptroller. Agency.

10. On receipt of the application the comptroller shall furnish the applicant with an acknowledgment thereof. Acknowledgment of application.

11. Where application is made to register a trade mark which was used by the applicant or his predecessors in business before the 13th of August 1875, the application shall contain a statement of the time during which and of the person by whom it has been so used in respect of the goods mentioned in the application. Contents of form of application.

12. Subject to any other directions that may be given by the comptroller, all applications, notices, counter-statements, representations of marks, papers having representations affixed, or other documents required by the said Acts or by these Rules to be left with or sent to the comptroller or to the Cutlers' Company, shall be upon foolscap paper of a size of 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than one inch and a half. Size, &c., of documents.

13. Subject to any other directions that may be given by the comptroller, three representations of each trade mark, except in the case of marks applied for in classes 23 to 35 inclusive, must be supplied upon paper of the size aforesaid, and must be of a durable nature. One of such representations must be made upon or affixed to the form of application, the others upon separate half-sheets. In the case of trade marks exceeding the limits of the foolscap paper of the size aforesaid, such marks may be pasted and folded upon the sheets of foolscap. Representations of trade mark.

In the case of marks applied for in classes 23 to 35 inclusive the applicant shall supply four representations of each mark for each class.

Where a drawing or other representation or specimen cannot be given in manner aforesaid, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the comptroller may think most convenient.

The comptroller may, if dissatisfied with the representation of a trade mark, require a fresh representation, either before he proceeds with the application or before he registers the trade mark.

The comptroller may also, in exceptional cases, deposit in the Patent Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

Representations of a series of trade marks.

14. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 66 of the said Acts, a representation of each trade mark of the series shall be made or affixed upon the form of application and also upon each of the separate half-sheets of paper aforesaid [p. 186.]

Translation of foreign characters.

15. Wherever a mark consists of or includes words printed in other than Roman character, there shall be given at the foot or on the back of each representation a translation of such words, signed by the applicant or his agent.

Mode of sending notices, &c.

16. Any application, statement, 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 respectively 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.

#### *Exercise of Discretionary Powers.*

Hearing by comptroller.

17. Before exercising any discretionary power given to the comptroller by the said Acts adversely to the applicant for registration of a trade mark, the comptroller shall (if so required by the applicant within one month from the date of the comptroller's objection) give the applicant an opportunity of being heard personally or by his agent by sending the applicant ten days' notice of a time when he may be so heard.

Notice of wish to be heard before comptroller.

18. Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the comptroller whether or not he intends to be heard upon the matter.

Notification of decision.

19. The decision of the comptroller in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

[See in re König and Ebhardt's Trade Mark, 1896, 13 R.P.C. 449.]

#### *Appeal to the Board of Trade.*

Notice of appeal.

20. When any person intends to appeal to the Board of Trade from a decision of the comptroller in any case in which an

appeal is given by the said Acts, he shall, within one month from the date of the decision appealed against, leave at the Patent Office, Trade Marks Branch, a notice of such his intention. [See Form H, p. 209.]

21. Such notice shall be accompanied by a statement in writing of the grounds of appeal, and of the appellant's case in support thereof. **Grounds of appeal to be stated.**

22. A copy of the notice of intention to appeal, accompanied by a statement of the case, shall also be forthwith sent to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London; and where there has been an opposition before the comptroller to the opponent or applicant as the case may be. **Transmission of notice.**

23. The Board of Trade may thereupon give such directions (if any) as they may think fit with respect to evidence, or otherwise, for the purpose of the hearing of the appeal by the Board of Trade, or for the purpose of their referring the appeal to the Court to hear and determine the same. **Directions by Board.**

24. Where the Board of Trade intend to hear the appeal, 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, shall be given to the comptroller and to the appellant, and where there has been an opposition before the comptroller to the opponent or applicant as the case may be. **Hearing of appeal.**

25. No appeal shall be entertained of which notice has not been given within one month from the date of the decision appealed against, or such further time as the comptroller may allow, except by special leave of the Board of Trade. **No appeal unless notice duly given.**

26. Subject to the directions and leave of the Board of Trade, the evidence to be used on an appeal to the Board of Trade in the matter of an opposition shall be the same as that used at the hearing before the comptroller. **Evidence on appeal.**

#### *Advertisement of Application.*

27. Every application shall be advertised by the comptroller in the official paper, during such times, and in such manner as the comptroller may direct, unless he refuse to entertain the application. **Advertisement of application.**

If no representation of the trade mark be inserted in the official paper in connexion with the advertisement of an application, the comptroller shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

28. The official paper for the purposes of these Rules shall be some paper published under the direction of the Board of Trade, or such other paper as such Board may from time to time direct. **Definition of official paper.**

Means of advertising trade mark to be supplied to official paper.

29. For the purposes of such advertisement the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of the trade mark, of such dimensions as may from time to time be directed by the comptroller, or with such other information or means of advertising the trade mark as may be required by the comptroller; and the comptroller, if dissatisfied with the block or electrotype furnished by the applicant or his agent, may require a fresh block or electrotype before proceeding with the advertisement.

Advertisement of series.

30. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 66 of the said Acts, the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of any or of each of the trade marks constituting the series; and the comptroller may, if he thinks fit, insert with the advertisement of the application a statement of the manner in respect of which the several trade marks differ from one another.

#### *Opposition to Registration.*

Notice of opposition.

31.—(1.) A notice of opposition to the registration of a trade mark shall state the ground or grounds on which the opponent intends to oppose the registration, and be signed by him or by his solicitor, and shall also contain an address for service in the United Kingdom, and shall be in the Form J. in the Second Schedule to these Rules, with such variations as circumstances may require. [See p. 190, Form J, p. 211.]

[“Persons aggrieved” may be American trade mark owners whose consent to registration in England has not been obtained. *European Blair Camera Company Trade Mark*, 1896, 13 R.P.C. 600.]

Opposition of the ground of trade mark already on the register.

(2.) Where the ground, or one of the grounds, of opposition is that the applicant is applying for the registration of a trade mark identical with one already on the register with respect to the same goods or description of goods, or having such resemblance to a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive, the notice shall state the date of registration, and the number on the register of such trade mark already on the register.

[Misstatements made on the register to the public will cause the trade marks to be struck off. *Gordon and Dilworth's Trade Mark, "Tomato Catsup"*, 1896, 13 R.P.C. 629.]

Opponent's evidence.

(3.) Within two months after the expiration of one month or such further time not exceeding three months as the comptroller may allow from the date of the advertisement of the application, the opponent shall leave at the Patent Office, Trade Marks Branch, such evidence by way of statutory declaration as he may desire to adduce in support of his opposition and deliver to the applicant copies thereof.

(4.) \*Within one month from the delivery of the opponent's copies of his statutory declarations the applicant shall leave at the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in answer, and deliver to the opponent copies thereof, and within seven days from such delivery the opponent shall leave at the Patent Office, Trade Marks Branch, his evidence by way of statutory declaration in reply and deliver to the applicant copies thereof. Such last-mentioned evidence shall be confined to matters strictly in reply.

Applicant's evidence.

Evidence in reply.

(5.) No further evidence shall be left on either side except by leave of the comptroller, upon the written consent of the parties duly notified to him, or by special leave of the comptroller given on an application made to him.

Closing of evidence.

(6.) Either party making such application shall give notice thereof to the opposite party, who shall be entitled to oppose the application.

Applications for leave to adduce further evidence.

(7.) On the completion of the evidence the comptroller shall, upon application by either party, upon Form E. [p. 206] in the Second Schedule to these Rules, and upon payment of the prescribed fee, appoint a time for the hearing of the case, and shall give the parties at least seven days' notice of such appointment.

Appointment of time for hearing.

(8.) On the hearing of the case no opposition shall be allowed in respect of any ground not stated in the notice of opposition, and where the ground or one of the grounds of opposition is that registration is being applied for in respect of a trade mark identical with one already on the register with respect to the same goods or description of goods, or having such resemblance to a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive, the opposition shall not be allowed upon such ground, unless the date of registration and the number on the register of the said trade mark already on the register have been duly specified in the notice of opposition.

Disallowance of opposition in certain cases.

(9.) The decision of the comptroller in the case shall be notified to the parties.

Decision to be notified to parties.

### *Register of Trade Marks.*

3. As soon as may be after the expiration of one month from the date of the advertisement of the application, the comptroller shall, subject to opposition to the application, and the determination thereof, if he is satisfied that the applicant is entitled to registration, and on payment of the prescribed fee, enter the name, address, and description of the applicant in the register of trade marks as the registered proprietor of the trade mark in respect of the particular goods or classes of goods described in his application.

Time of registration of trade marks.

\* The counter-statement required by the Acts must also be delivered by the applicant within one month from the date of the receipt of the opponent's notice of opposition.

Where applicant dies before registration, the trade mark may be registered for successor to goodwill of business.

33. In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been entered on the register, the comptroller, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place in the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business, if such ownership be proved to the satisfaction of the comptroller.

Entries to be made in register.

34. Upon registering any trade mark the comptroller shall enter in the register the date on which the application for registration was received by the comptroller and such other particulars as he may think necessary.

Notice of registration.

35. The comptroller shall send notice to the applicant of the registration of his trade mark, together with a reference to the advertisement of such trade mark in the official paper.

Request by subsequent proprietor.

36. Where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, a request for the entry of his name in the register as proprietor of the trade mark shall be addressed to the Comptroller, and left at the Patent Office, Trade Marks Branch. [See Form K, p. 212.]

Signature of request.

37. Such request shall in the case of an individual be made and signed by the person requiring to be registered as proprietor, and in the case of a firm or partnership by some one or more members of such firm or partnership, or in either case by his or their agent respectively duly authorised to the satisfaction of the comptroller, and in the case of a body corporate by their agent, authorised in like manner.

Contents of request.

38. Every such request shall state the name, address, and description of the person claiming to be entitled to the trade mark (herein-after called the claimant), and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom the trade mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted in connexion with the goodwill of the business concerned in the particular goods or classes of goods for which the trade mark has been registered.

Declaration to accompany request.

39. Every such request shall be accompanied by a statutory declaration to be thereunder written, verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the trade mark as claimed by such request.

Further proof of title if required.

40. The claimant shall furnish to the comptroller such other proof of title and of the existence and ownership of such goodwill as aforesaid as he may require for his satisfaction.

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

42. The term "applicant" in Rules 17, 18, and 19 shall include each of several persons claiming to be registered as proprietor of the same trade mark. Definition of applicant.

43. Whether all such persons so claiming require to be heard before the comptroller or not, he may, before exercising the discretion vested in him by section 71 of the said Acts, require such persons, or any or either of them, to submit a statement in writing within a time to be notified by him, or to attend before him and make oral explanations with respect to such matters as the comptroller may require. Comptroller may require statement from rival claimants.

44. Where each of several persons claims to be registered as proprietor of the same trade mark, and the comptroller refuses to register any of them until their rights have been determined according to law, the manner in which the rights of such claimants may be submitted to the Court by the comptroller, or if the comptroller so require, by the claimants, shall, unless the Court otherwise order, be by a special case; and such special case shall be filed and proceeded with in like manner as any other special case submitted to the Court, or in such other manner as the Court may direct. Submission to Court of conflicting claims.

45. Where the special case is to be submitted by the parties it may be agreed to by them, or if they differ, may be settled by the comptroller on payment of the prescribed fees. Settlement of special case.

46. Where an order has been made by the Court in either of the following case, viz.:— Order of Court.

(a) allowing an appeal under section 62 [p. 59] of the said Acts;

(b) disallowing an opposition to registration under section 69 [p. 62]; or,

(c) under the provisions of sections 72, 90, or 92 [pp. 63, 71-2] of the said Acts,

the person in whose favour such order has been made, or such one of them, if more than one, as the comptroller may direct, shall forthwith leave at the Patent Office, Trade Marks Branch, an office copy of such order. The register shall thereupon be rectified or altered, or the purport of such order shall otherwise be duly entered in the register, as the case may be.

47. Where a trade mark has been removed from the register for nonpayment of the prescribed fee or otherwise, under the provisions of section 79 of the said Acts [p. 65], the comptroller shall cause to be entered in the register a record of such removal and the cause thereof. Removal of mark from register.

48. If the registered proprietor of a trade mark send to the comptroller, together with the prescribed fee [see fee (12), p. 203], notice of an alteration in his address, the comptroller shall alter the register accordingly. Alteration of address in register.



Notice to  
comptroller of  
applications to  
rectify register.

49. Four clear days' notice of every application to the Court under section 90 of the said Acts, for rectification of the register, shall be given to the comptroller.

Publication of  
rectification or  
variation of  
register.

50. Whenever an order is made by the Court for making, expunging, or varying an entry from or in the register, the comptroller shall, if he thinks that such rectification or variation should be made public, and at the expense of the person applying for the same, publish, by advertisement or otherwise, and in such manner as he thinks just, the circumstances attending the rectification or variation in the register.

Notice to  
comptroller of  
order of Court  
for alteration  
of trade mark  
under section  
92 of Acts.

51. Whenever the registered proprietor of any trade mark intends to apply for the leave of the Court to add to or to alter such trade mark, under section 92 of the said Acts, the notice to be given to the comptroller shall be given fourteen days at least before such application. If leave be granted on such application the applicant shall forthwith supply to the comptroller such a number of representations of the trade mark as altered as he may deem sufficient.

### *Inspection of Register.*

Hours of  
inspection.

52. The register of trade marks shall be open to the inspection of the public, on payment of the prescribed fee [p. 204 (23)], on every week-day, between the hours of ten and four, except on the days and at the times following:—

- (a.) Christmas Day, Good Friday, the day observed as Her 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.

### *Power to dispense with Evidence.*

Dispensing  
with evidence.

53. 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.

*Amendments.*

54. Any document or drawing or other representation of a trade mark for the amending 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 interest of any person may be corrected, if the comptroller think fit, and on such terms as he may direct. [See Form Q, p. 218.]

Amendment of documents.

*Enlargement of Time.*

55. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, 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.

Comptroller may enlarge time.

*Cutlers' Company.*

56. All applications to the Cutlers' Company for registration of a trade mark, under section 81 of the said Acts [p. 66], shall be in duplicate, accompanied by the prescribed fees and representations.

Sheffield applications in duplicate.

57. The Cutlers' Company shall, within seven days of the receipt by them of an application to register a trade mark, send the comptroller one copy of such application, by way of notice thereof, together with two representations of the mark for each class for which the applicant seeks registration.

Notice to comptroller.

58.—(1.) The time within which the comptroller shall give notice to the Cutlers' Company of any objection he may have to the acceptance of an application for registration made to the said company shall be one month from the date of the receipt by the comptroller of the notice from the said company of the making of the application.

Time within which comptroller may object to application made at Sheffield.

(2.) If no such objection is made by the comptroller, the Cutlers' Company shall require the applicant to send the comptroller a wood block or electrotype as the comptroller may direct, and the comptroller shall, if satisfied with such wood block or electrotype, advertise the application in the same manner as an application made to him at the Patent Office.

Advertisement of application made at Sheffield.

(3.) The manner in which the comptroller shall notify to the Cutlers' Company an application, and proceedings thereon made as mentioned in sub-section 8 of section 81 of the said Acts, shall be by sending to the Cutlers' Company a copy of the official paper containing the application of which notice is required to be given, with a note distinguishing such application.

Manner of notifying to Cutlers' Company application received by comptroller.

59. The provisions of these Rules as to forms, representations, the proceedings on opposition to registration, registration, and all subsequent proceedings shall, as far as the circumstances allow, apply to all applications to register made to the Cutlers' Company, and to all proceedings consequent thereon. [As to appeal, see Form W, p. 225.]

Similarity of proceedings at London and at Sheffield.

*Certificates.*

Certificate by  
comptroller.

60. The comptroller, when required to give a certificate as to any entry, matter, or thing which he is authorised by the said Acts or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, but every certificate of registration shall have specified on the face thereof, whether the same is to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country, or for purposes other than use in legal proceedings or obtaining registration in a foreign country. [See p. 191, and Forms S, p. 220, R, p. 219, T 1, p. 222, and L, p. 213.]

*Declarations.*

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

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

- (a.) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised 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 Her 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 Her 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 a notary public, or before a judge or magistrate.

Notice of seal  
of officer taking  
declaration to  
prove itself.

62. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorised to take such declaration, in testimony of such declaration having been made and subscribed before him, may be admitted by the comptroller without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

*Repeal.*

Previous rules  
repealed.

63. All General Rules as to the registration of trade marks heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1888, and in force on the 31st day of December 1889, shall be, and they are hereby repealed, as from that date, without prejudice, nevertheless, to anything done under such Rules, or to any application pending at the said date.

M. E. HICKS-BEACH,  
President of the Board of Trade.

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## SCHEDULES.

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### FIRST SCHEDULE.

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[For obtainable Stamped Forms, *see* pp. 182-3.]

#### FEES.

	<b>£</b>	<b>s.</b>	<b>d.</b>
1. On application to register a trade mark for one or more articles included in one class - - -	0	5	0
2. For registration of a trade mark for one or more articles included in one class - - -	1	0	0
3. For registering a series of trade marks. For every additional representation after the first in each class - - - - -	0	5	0
4. On appeal from Comptroller to Board of Trade—by appellant - - - - -	1	0	0
5. On notice of opposition for each application opposed—by opponent - - - - -	1	0	0
6. On hearing by Comptroller—by applicant and by opponent respectively - - - - -	1	0	0
7. On application to register a subsequent proprietor in cases of assignment or transmission. The first mark - - - - -	1	0	0
8. For every additional mark assigned or transmitted at the same time - - - - -	0	2	0
9. For continuance of mark at expiration of 14 years -	1	0	0
10. Additional fee where fee is paid within three months after expiration of 14 years - - - - -	0	10	0
11. Additional fee for restoration of trade mark where removed for non-payment of fee - - - - -	1	0	0
12. For altering address on the register. For every mark	0	5	0
13. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged - - - - -	0	10	0
14. For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark - - - - -	0	5	0
15. On request to Comptroller to correct a clerical error, or permit amendment of application under section 91 - - - - -	0	5	0
16. For certificate of refusal to register a trade mark under section 77 - - - - -	1	0	0

FEES—*continued.*

	£	s.	d.
17. For certificate of refusal at the same time for more than one trade mark. For each additional trade mark after the first	0	10	0
18. For certificate of registration to be used in legal proceedings	1	0	0
19. For certificate of registration to be used for the purpose of obtaining registration in foreign countries	0	5	0
20. For certificate of Comptroller under section 96, other than certificate of registration to be used in legal proceedings, or for the purpose of obtaining registration in a foreign country	0	5	0
21. For copy of notification of registration	0	2	0
22. Settling a special case by Comptroller	2	0	0
23. For inspecting register. For every quarter of an hour	0	1	0
24. For making a search amongst the classified representations of trade marks. For every quarter of an hour	0	1	0
25. For office copy of documents. For every 100 words (but never less than 1s.)	0	0	4
26. For certifying office copies, MS. or printed	0	1	0
27. In cases where the wood-block or electrotype of the trade mark exceeds 2 inches in breadth or depth, or in breadth and depth :—			
For every inch or part of an inch over 2 inches in breadth	0	2	0
For every inch or part of an inch over 2 inches in depth	0	2	0
28. Manchester Trade Marks Office			Same as above
29. Sheffield Marks			Same as above
30. On appeal from Cutlers' Company, Sheffield, to Comptroller	1	0	0

M. E. HICKS-BEACH,

President of the Board of Trade.

Approved :

FRANK MOWATT,  
Assistant Secretary.

For the Lords Commissioners of  
Her Majesty's Treasury.

## SECOND SCHEDULE.

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<p>TRADE MARKS.</p>
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PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1883 TO 1888.

FORM E.

[See p. 190, Rule 31 (7), p. 197, and Fee, p. 203.]

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FORM OF APPLICATION FOR HEARING BY THE COMPTROLLER.

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*In Cases of Opposition, &c.*

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SIR,

(a) Here insert  
full address.

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

---

hereby apply to be heard in reference to

and request that I may receive due notice of the day fixed for the  
hearing.

---

Sir,

Your obedient Servant,

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

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

FORM F.

[See R.R., pp. 192-3, and pp. 185-6, and Fee (1), p. 203.]

APPLICATION FOR REGISTRATION OF TRADE MARK.

TRADE  
MARKS.

One representation to be fixed within this square, and two others to be sent on separate half sheets of foolscap.

Representations of a larger size may be folded, but must be mounted upon linen, and affixed hereto.

You are hereby requested to register the accompanying Trade Mark in Class \_\_\_\_\_, in respect of (a) \_\_\_\_\_

(a) Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class.

\_\_\_\_\_ in the name of (b) \_\_\_\_\_

(b) Here insert legibly the full name, address, and description of the individual, firm, or company. Add trading style (if any).

\_\_\_\_\_ who claims to be the proprietor thereof (c)

The essential particulars of the Trade Mark are the following:—

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

(c) Alter to "claim to be the proprietors thereof" in the case of a firm or company.

\_\_\_\_\_ and \_\_\_\_\_ disclaim any right to the exclusive use of the added matter.

(d) See subsections (2) and (3) of section 64 of the Acts.

(Signed) \_\_\_\_\_ (e)

(e) To be signed by the applicant or by an agent duly authorised.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

[or, where the application is for a mark in Classes 23, 24, or 25]—

To the Comptroller,  
Manchester Trade Marks Branch,  
48, Royal Exchange, Manchester.

NOTE.—If the Trade Mark has been in use in respect of the goods since before August 13th, 1875, state length of such user.



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

FORM G.

[See 9 and 15, pp. 185-6, and no stamp, p. 183.] :

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ADDITIONAL REPRESENTATION OF TRADE MARK TO ACCOMPANY  
APPLICATION FOR REGISTRATION.

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One representation of the Trade Mark to be affixed within this square.

It must correspond *exactly* in all respects with the representation affixed to the Application Form.

Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen, and affixed hereto.

TWO of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany *each* Form of Application.

In the case of a Trade Mark claimed in one of the CLASSES 23 to 35, THREE of these ADDITIONAL REPRESENTATIONS of the Mark must accompany the Form of Application.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1885 to 1888.

FORM H.

[See Rule 20, p. 194, and Fee, p. 203.]

TRADE  
MARKS.

FORM OF APPEAL FROM THE COMPTROLLER TO THE  
BOARD OF TRADE.

(a) Here insert full name and address of appellant.

I, (a) \_\_\_\_\_  
of (a) \_\_\_\_\_

hereby give notice of my intention to appeal to the Board of Trade

(b) Here insert "the decision" or that part of the decision, as the case may be.

from (b) \_\_\_\_\_  
of the Comptroller, of the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

(c) Here insert the decision complained of.

whereby he (c) \_\_\_\_\_

Accompanying this notice is a statement of my case, for the decision of the Board of Trade.

(Signed) \_\_\_\_\_

Dated \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London,

and to

[Name of Respondent to Appeal.]

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

TRADE  
MARKS.

FORM I.

[See p. 183 and for Fee, p. 203 (2).]

---

FEE FOR REGISTRATION OF A TRADE MARK.

---

SIR,

In reply to your request, I hereby transmit the prescribed  
fee for the registration of the Trade Mark No. \_\_\_\_\_ in  
Class \_\_\_\_\_.

I am,

Sir,

Your obedient Servant,

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

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<p>TRADE MARKS.</p>
-------------------------

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

FORM J.

[See p. 190, Rule 31, p. 196, and Fee, p. 203 (5).]

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION.

*(To be accompanied by an unstamped duplicate.)*

In the matter of an Application,  
No.            by  
of

\* Here state full  
name and full  
address.

\* I,  
hereby give notice of my intention to oppose the Registration  
of the Trade Mark advertised under the above number for  
Class            in the Trade Marks Journal of the  
day of            18    , No.            , page            .

The grounds of opposition are as follows:—

(Signed)

Dated the            day of            18    .

Address for Service:—

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1882 TO 1888.

FORM **K.**

[See Rule 36, p. 198, and Fee, p. 203 (7).]

TRADE  
MARKS.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF TRADE  
MARK UPON THE REGISTER WITH DECLARATION IN SUPPORT  
THEREOF.

(a) Or We.  
Here insert  
name, full ad-  
dress, and de-  
scription.

I, (a) \_\_\_\_\_

(b) My or our.  
(c) Or names.

hereby request that you will enter (b) \_\_\_\_\_ name (c) in the  
Register of Trade Marks as proprietor \_\_\_\_\_ of the Trade Mark  
No. \_\_\_\_\_ in Class \_\_\_\_\_.

(d) I am, or We  
are.

(d) \_\_\_\_\_ entitled to the said Trade Mark and to the goodwill  
of the business concerned in the goods with respect to which the  
said Trade Mark is registered.

(e) Here state  
whether trade  
mark trans-  
mitted by death,  
marriage, bank-  
ruptcy, or other  
operation of law,  
and if entitled by  
assignment state  
the particulars  
thereof as, e.g.,  
"by deed dated  
the day of  
18 , made be-  
tween So-and-So  
of the one part."

(e) \_\_\_\_\_

And I do solemnly and sincerely declare that the above several  
statements are true, and the particulars above set out comprise  
every material fact and document affecting the proprietorship of  
the said Trade Mark as above claimed.

(f) This para-  
graph is not re-  
quired when the  
declaration is  
made out of the  
United Kingdom.

(f) 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.

(g) To be signed  
here by the  
person making  
the declaration.

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

Declared at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

Before me,

(h) \_\_\_\_\_

(h) Signature and  
title of the autho-  
rity before whom  
the declaration is  
made.

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

**PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1883 to 1888.**

**TRADE  
MARKS.**

**FORM L.**

[See p. 191, Rule 60, p. 202, and Fee, p. 233 (16).]

---

**REQUEST FOR CERTIFICATE OF REFUSAL TO REGISTER A TRADE MARK  
IN USE BEFORE 13TH AUGUST, 1875.**

---

In the matter of an Application  
for registration of an old Trade  
Mark, No.  
in Class .

SIR.

I,

of

the Applicant in the above matter, hereby request you to furnish  
me with your Certificate of Refusal to register the said Trade  
Mark.

\* Signature of  
applicant.

Dated this                      day of                      18 .

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

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

TRADE  
MARKS.

FORM **M.**

[See Fee, p. 203 (12).]

NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS ON  
REGISTER OF TRADE MARKS.

In the matter of the Trade Mark,  
No. \_\_\_\_\_ registered  
in Class \_\_\_\_\_ .

SIR.

NOTICE is hereby given that I  
of

the registered Proprietor of the Trade Mark numbered as above  
desire that my address on the Register of Trade Marks be altered  
to \_\_\_\_\_ .

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_ .

\* Signature of  
proprietor.      \*

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

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

TRADE  
MARKS.

FORM N.

[See for Fee, p. 203 (13).]

NOTICE OF ORDER OF COURT FOR ALTERATION OR RECTIFICATION OF  
REGISTER OF TRADE MARKS.

In the matter of the Trade Mark  
No. \_\_\_\_\_, registered  
in Class \_\_\_\_\_ in the name of \_\_\_\_\_

SIR,

NOTICE is hereby given that by an Order of the Court made on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, it was directed that the entry on the Register of Trade Marks in respect of the Trade Mark numbered as above should be rectified in the manner therein specified.

An Office Copy of the Order of the Court is enclosed herewith.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

\* To be signed  
by the person  
interested or his  
agent.

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.



<p>TRADE MARKS.</p>
-------------------------

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

FORM O.

[See for Fee, p. 203 (14) and Form P.]

FORM OF APPLICATION BY PROPRIETOR OF REGISTERED TRADE MARK  
TO CANCEL ENTRY ON REGISTER.

Trade Mark No. \_\_\_\_\_ Class \_\_\_\_\_ advertised in Trade  
Marks Journal, No. \_\_\_\_\_ page \_\_\_\_\_.

Name of Registered Proprietor or Firm \_\_\_\_\_

Place of Business \_\_\_\_\_

I, the undersigned, \_\_\_\_\_  
of \_\_\_\_\_

\_\_\_\_\_ [or I, the undersigned, \_\_\_\_\_  
a member of the Firm of \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ on behalf of my said

Firm] \_\_\_\_\_

apply that the entry upon the Register of the Trade Marks in  
Class \_\_\_\_\_ of the Trade Mark No. \_\_\_\_\_ may be cancelled.

The \_\_\_\_\_ day \_\_\_\_\_ 18 \_\_\_\_ .

(Signed) \_\_\_\_\_

This is the statement marked "O" referred to in the Declaration  
of \_\_\_\_\_ made

before me the \_\_\_\_\_ of \_\_\_\_\_ 18 \_\_\_\_ . [See p. 202.]

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

FORM **P.**  
[See p. 216.]

FORM OF DECLARATION IN SUPPORT OF APPLICATION FOR CANCELLATION  
OF TRADE MARK BY OWNER.

I, \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ ; [or  
I, \_\_\_\_\_ a member of the Firm of  
\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ ]

do hereby solemnly and sincerely declare, to the best of my  
knowledge and belief, as follows :—

(1) The application signed by me, and dated the \_\_\_\_\_  
day of \_\_\_\_\_ 18 \_\_\_\_, and marked with the letter " **O** "  
and shown to me at the time of making this Declaration, is true.

(2) I am the person whose name appears on the Register of  
Trade Marks as the Proprietor of the Trade Mark referred to in  
the said Application marked with the letter " **O** ."

[or My said Firm is the Firm whose name appears on the Register  
of Trade Marks as the Proprietor of the Trade Mark referred to  
in the said application marked with the letter " **O** ."]

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.

(Signed) \_\_\_\_\_

Declared at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 18 \_\_\_\_.  
Before me, \_\_\_\_\_

If the declaration be made before a Commissioner to administer  
oaths it will require to be stamped with a 2s. 6d. impressed Inland  
Revenue stamp.

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

TRADE  
MARKS.

FORM Q.

[See Rule 54, p. 201, and Fee, p. 203 (15).]

---

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR  
PERMISSION TO AMEND APPLICATION UNDER SECTION 91.

---

SIR,

I HEREBY request that \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

TRADE  
MARKS.

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

FORM B.

[See p. 191, Rule 60, p. 202, and Fee, p. 204 (19).]

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK FOR  
USE IN OBTAINING REGISTRATION ABROAD.

In the matter of the Trade Mark,  
No. \_\_\_\_\_, registered in  
Class \_\_\_\_\_ in the name of

SIR,

I

of

the registered proprietor of the above Trade Mark hereby request  
you to furnish me with your Certificate of Registration for use in  
obtaining registration of the same in\*

\* Here state  
name of country  
in which regis-  
tration is to be  
sought.

† Signature.

†

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_ .

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

<p>TRADE MARKS.</p>
-------------------------

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

FORM S.

[See p. 191, Rule 60, p. 202, and Fee, p. 204 (18).]

---

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK  
TO BE USED IN LEGAL PROCEEDINGS.

---

In the matter of the Trade Mark,  
No. \_\_\_\_\_, registered in  
Class \_\_\_\_\_ in the name of

SIR,

I,

of

the registered proprietor of the above Trade Mark hereby request  
you to furnish me with your Certificate of Registration to be used  
in legal proceedings.

\* Signature.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_ .

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

<p>TRADE MARKS.</p>
-------------------------

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

FORM T.

[See Rule 45, p. 199, and Fee, p. 204 (22).]

---

APPLICATION FOR SETTLEMENT OF A SPECIAL CASE ON APPLICATION  
TO REGISTER A TRADE MARK.

---

In the matter of the Application  
of \_\_\_\_\_ and  
of the Application of \_\_\_\_\_

SIR,

NOTICE is hereby given that I, \_\_\_\_\_,  
of \_\_\_\_\_,  
and I, \_\_\_\_\_,  
of \_\_\_\_\_,  
are unable to agree upon the facts on which the opinion of the  
Court is to be taken, and that we request you to fix a day on which  
we may attend before you and obtain your finding on the matters  
of fact to be submitted to the Court as settled.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

\* To be signed  
by both parties.

\*

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
London.

TRADE  
MARKS.

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

FORM T1.

[See p. 191 and Rule 60, p. 202 and Fee, p. 204 (20), and see Form U.]

REQUEST FOR GENERAL CERTIFICATE OF COMPTROLLER (OTHER THAN  
CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR FOR USE IN  
OBTAINING REGISTRATION ABROAD).

In the matter of the Trade Mark No. \_\_\_\_\_

in Class \_\_\_\_\_

SIR,

I, \_\_\_\_\_

of \_\_\_\_\_

(a) Here set out the particulars which the Comptroller is requested to certify. hereby request you to furnish me with your certificate that (a)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) Signature.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25. Southampton Buildings,  
London.

TRADE  
MARKS.

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

FORM U.

[See p. 222.]

GENERAL CERTIFICATE OF COMPTROLLER (OTHER THAN CERTIFICATE  
FOR USE IN LEGAL PROCEEDINGS OR FOR USE IN OBTAINING  
REGISTRATION ABROAD).

Patent Office, Trade Marks Branch,  
London,

18

I, \_\_\_\_\_

Comptroller-General of Patents, Designs, and Trade Marks, hereby  
certify \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



TRADE  
MARKS.

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

FORM V.

[See for Fee, p. 204 (21).]

---

REQUEST FOR COPY OF OFFICIAL NOTIFICATION OF REGISTRATION  
OF TRADE MARK.

---

In the matter of the Trade Mark,  
No. \_\_\_\_\_ registered  
in Class \_\_\_\_\_ .

SIR,

I,

of

the registered proprietor of the Trade Mark above named hereby  
request that you will furnish me with a copy of the official  
notification of the registration of the same.

\* Signature.                                 \*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_ .

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings,  
LONDON.

TRADE  
MARKS.

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

FORM W.

[See s. 81 (12) of the Act, p. 68, and p. 201, and Fee. p. 204 (30).]

FORM OF APPEAL FROM CUTLERS' COMPANY AT SHEFFIELD TO  
COMPTROLLER.

[To be accompanied by an unstamped duplicate.]

SIR,

I HEREBY give notice of appeal against the decision of the  
Cutlers' Company of Sheffield in regard to my application for  
registration of a Trade Mark, No. \_\_\_\_\_ in Class  
for \_\_\_\_\_

and I beg to submit my case\* for your decision accordingly.

\* The statement of the case to be written upon foolscap paper (on one side only), with a margin of two inches on the left-hand side thereof.

† Signature.

†

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

PATENTS, DESIGNS, AND TRADE MARKS ACTS,  
1893 TO 1898.

TRADE  
MARKS.

FORM X.

[See Fee, p. 203 (9).]

CONTINUANCE OF MARK AT EXPIRATION OF 14 YEARS FROM THE DATE  
OF REGISTRATION.

SIR,

In pursuance of the notice received from you, I hereby  
transmit the prescribed fee of £1 for continuance on the Trade  
Marks Register of the Trade Mark No. \_\_\_\_\_, in

Class . . . . .

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 . . . . .

\* Signature of  
proprietor.

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

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

TRADE  
MARKS.

FORM Y.

[See p. 226 and Fee, p. 203 (10).]

ADDITIONAL FEE OF 10s. TO ACCOMPANY "CONTINUANCE FEE"  
(FORM X), WITHIN 3 MONTHS AFTER EXPIRATION OF 14 YEARS.

SIR,

IN pursuance of the notices issued by you, and of the provisions of Section 79, (3), of the above Acts, I hereby transmit the additional fee of 10s. (along with Form X.) for the continuance on the Trade Marks Register of the Trade

Mark No. \_\_\_\_\_ in Class \_\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

\* Signature of proprietor.

\*

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

TRADE  
MARKS.

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

FORM Z.

[See Fee, p. 203 (11).]

RESTORATION OF TRADE MARK WHERE REMOVED FOR NON-PAYMENT  
OF FEE.

(To accompany Form X.)

[P. 226.]

SIR,

IN pursuance of the notices issued by you, and of the provisions of Section 79 (4), of the above Acts, I hereby transmit the additional fee of £1 (along with Form X) for restoration to the Trade Marks Register of the Trade Mark

No. \_\_\_\_\_ in Class \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18

\* Signature of proprietor.

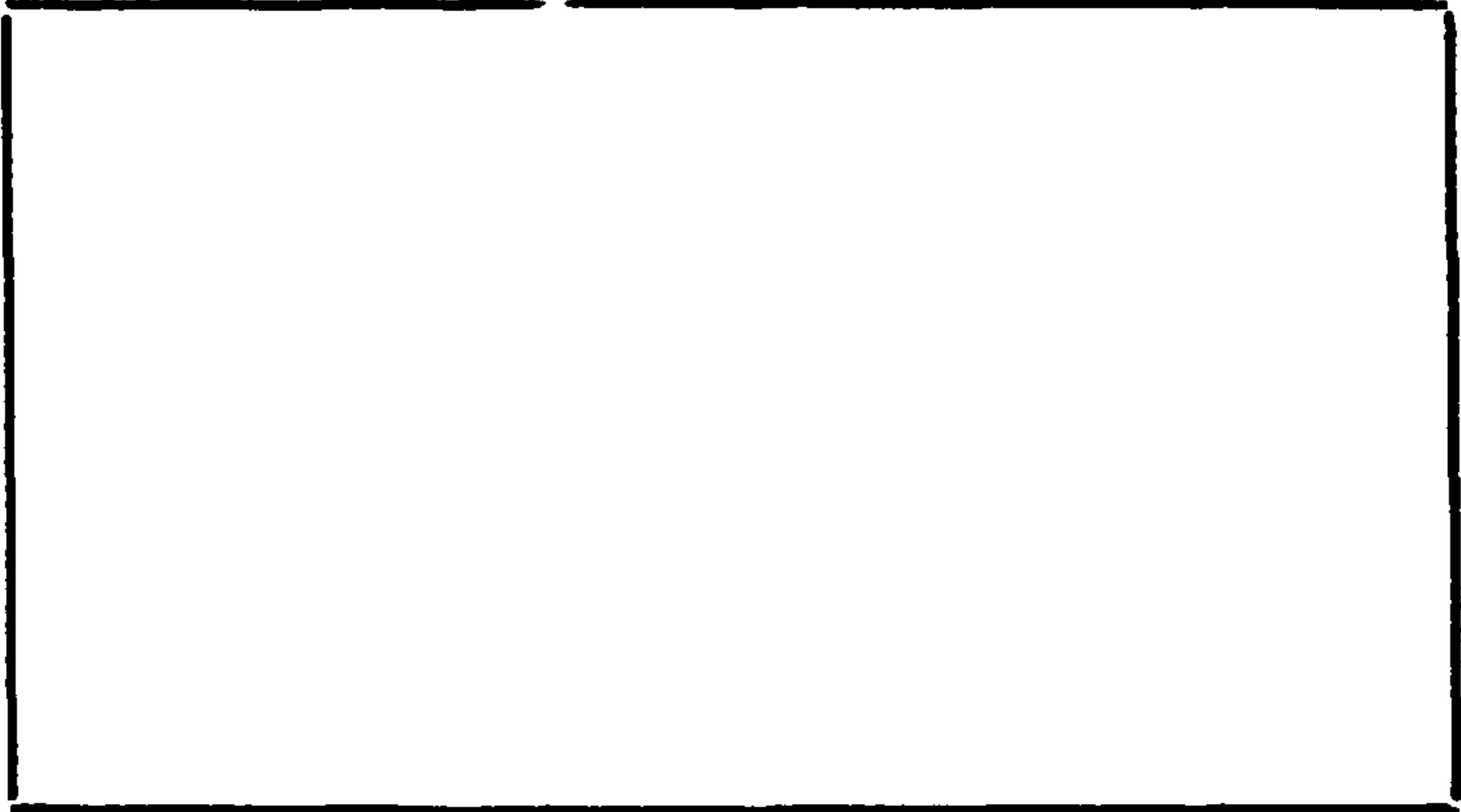
\*

To the Comptroller,  
Patent Office, Trade Marks Branch,  
25, Southampton Buildings, London.

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

CORPORATE  
TRADE  
MARKS.

APPLICATION FOR REGISTRATION OF OLD CORPORATE TRADE MARK.



You are hereby requested to register the accompanying old  
Corporate Trade Mark in Class \_\_\_\_\_, in respect of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

in the name of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

who claims to be the proprietor thereof.

(Signed) \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

To the Cutlers' Company,  
Cutlers' Hall, Sheffield.

M. E. HICKS-BEACH,  
President of the Board of Trade.

### THIRD SCHEDULE.

[See Instructions, p. 185, *et seq.*]

#### GENERAL NOTE.

Any wares made of mixed materials (for example, of both cotton and silk) shall be included in such one of the classes appropriated to those materials as the comptroller may desire.

#### CLASSIFICATION OF GOODS.

##### *Illustrations.*

*Note.*—Goods are mentioned in this column by way of illustration, and not as an exhaustive list of the contents of a class.

##### CLASS 1.

Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives.

Such as—  
Acids, including vegetable acids.  
Alkalies.  
Artists' colours.  
Pigments.  
Mineral dyes.

##### CLASS 2.

Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes.

Such as—  
Artificial manure.  
Cattle medicines.  
Deodorisers.  
Vermin destroyers.

##### CLASS 3.

Chemical substances prepared for use in medicine and pharmacy.

Such as—  
Cod liver oil.  
Medicated articles.  
Patent medicines.  
Plasters.  
Rhubarb.

## CLASS 4.

Raw or partly prepared vegetable, animal, and mineral substances used in manufactures, not included in other classes.

Such as—

Resins.  
Oils used in manufactures and not included in other classes.  
Dyes, other than mineral.  
Tanning substances.  
Fibrous substances (*e.g.*, cotton, hemp, flax, jute).  
Wool.  
Silk.  
Bristles.  
Hair.  
Feathers.  
Cork.  
Seeds.  
Coal.  
Coke.  
Bone.  
Sponge.

## CLASS 5.

Unwrought and partly wrought metals used in manufacture.

Such as—

Iron and steel, pig or cast.  
Iron, rough.  
,, bar and rail, including rails for railways.  
,, bolt and rod.  
,, sheet, and boiler and armour plates.  
,, hoop.  
Lead, pig.  
,, rolled.  
,, sheet.  
Wire.  
Copper.  
Zinc.  
Gold, in ingots.

## CLASS 6.

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7.

Such as—

Steam engines.  
Boilers.  
Pneumatic machines.  
Hydraulic machines.  
Locomotives.  
Sewing machines.  
Weighing machines.  
Machine tools.  
Mining machinery.  
Fire engines.



## CLASS 7.

Agricultural and horticultural machinery, and parts of such machinery.

Such as—  
 Ploughs.  
 Drilling machines.  
 Reaping machines.  
 Thrashing machines.  
 Churns.  
 Cyder presses.  
 Chaff cutters.

## CLASS 8.

Philosophical instruments, scientific instruments, and apparatus for useful purposes. Instruments and apparatus for teaching.

Such as—  
 Mathematical instruments.  
 Gauges.  
 Logs.  
 Spectacles.  
 Educational appliances.

## CLASS 9.

Musical instruments.

## CLASS 10.

Horological instruments.

## CLASS 11.

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.

Such as—  
 Bandages.  
 Friction gloves.  
 Lancets.  
 Fleams.  
 Enemas.

## CLASS 12.

Cutlery and edge tools.

Such as—  
 Knives.  
 Forks.  
 Scissors.  
 Shears.  
 Files.  
 Saws.

## CLASS 13.

Metal goods not included in other classes.

Such as—  
 Anvils.  
 Keys.  
 Basins (metal).  
 Needles.  
 Hoes.  
 Shovels.  
 Corkscrews.

## CLASS 14.

Goods of precious metals (including aluminium, nickel, Britannia metal, &c.), and jewellery, and imitations of such goods and jewellery.

Such as—  
 Plate.  
 Clock cases and pencil cases of such metal.  
 Sheffield and other plated goods.  
 Gilt and ormolu work.

## CLASS 15.

Glass.

Such as—  
 Window and plate glass.  
 Painted glass.  
 Glass mosaic.  
 Glass beads.

## CLASS 16.

Porcelain and earthenware.

Such as—  
 China.  
 Stoneware.  
 Terra cotta.  
 Statuary porcelain.  
 Tiles.  
 Bricks.

## CLASS 17.

Manufactures from mineral and other substances for building or decoration.

Such as—  
 Cement.  
 Plaster.  
 Imitation marble.  
 Asphalt.

## CLASS 18.

Engineering, architectural, and building contrivances.

Such as—  
 Diving apparatus.  
 Warming apparatus.  
 Ventilating apparatus.  
 Filtering apparatus.  
 Lighting contrivances.  
 Drainage contrivances.  
 Electric and pneumatic bells.

## CLASS 19.

Arms, ammunition, and stores not included in Class 20.

Such as—  
 Cannon.  
 Small-arms.  
 Fowling-pieces.  
 Swords.  
 Shot and other projectiles.  
 Camp equipage.  
 Equipments.

## CLASS 20.

Explosive substances.

Such as—  
 Gunpowder.  
 Gun-cotton.  
 Dynamite.  
 Fog-signals.  
 Percussion caps.  
 Fireworks.  
 Cartridges.

## CLASS 21.

Naval architectural contrivances  
 and naval equipments not in-  
 cluded in Classes 19 and 20.

Such as—  
 Boats.  
 Anchors.  
 Chain cables.  
 Rigging.

## CLASS 22.

Carriages.

Such as—  
 Railway carriages.  
 Waggons.  
 Railway trucks.  
 Bicycles.  
 Bath chairs.

## CLASS 23. [See pp. 186, 191.]

- (a.) Cotton yarn, and sewing  
 cotton not on spools or  
 reels.  
 (b.) Sewing cotton on spools or  
 reels.

## CLASS 24.

Cotton piece goods of all kinds.

Such as—  
 Cotton shirtings.  
 Long cloth.

## CLASS 25.

Cotton goods not included in  
 Classes 23, 24, or 28.

Such as—  
 Cotton lace.  
 „ braids.  
 „ tapes.

## CLASS 26.

Linen and hemp yarn and thread.

## CLASS 27.

Linen and hemp piece goods.

## CLASS 28.

Linen and hemp goods not in-  
 cluded in Classes 26, 27, and 30.

## CLASS 29.

Jute yarns and tissues, and other articles made of jute not included in Class 50.

## CLASS 30.

Silk, spun, thrown, or sewing.

## CLASS 31.

Silk piece goods.

## CLASS 32.

Other silk goods not included in Classes 30 and 31.

## CLASS 33.

Yarns of wool, worsted, or hair.

## CLASS 34.

Cloths and stuffs of wool, worsted, or hair.

## CLASS 35.

Wollen and worsted and hair goods not included in Classes 33 and 34.

## CLASS 36.

Carpets, floor-cloth, and oil-cloth.

Such as—  
Drugget.  
Mats and matting.  
Rugs.

## CLASS 37.

Leather, skins unwrought and wrought, and articles made of leather not included in other classes.

Such as—  
Saddlery.  
Harness.  
Whips.  
Portmanteaus.  
Furs.

## CLASS 38.

Articles of clothing.

Such as—  
Hats of all kinds.  
Caps and bonnets.  
Hosiery.  
Gloves.  
Boots and shoes.  
Other ready-made clothing.

## CLASS 39.

Paper (except paperhangings), stationery, and bookbinding.

Such as—  
 Envelopes.  
 Sealing wax.  
 Pens (except gold pens).  
 Ink.  
 Playing cards.  
 Blotting cases.  
 Copying presses.

## CLASS 40.

Goods manufactured from india-rubber and gutta-percha not included in other classes.

## CLASS 41.

Furniture and upholstery.

Such as—  
 Paperhangings.  
 Papier maché.  
 Mirrors.  
 Mattresses.

## CLASS 42.

Substances used as food, or as ingredients in food.

Such as—  
 Cereals.  
 Pulses.  
 Olive oil.  
 Hops.  
 Malt.  
 Dried fruits.  
 Tea.  
 Sago.  
 Salt.  
 Sugar.  
 Preserved meats.  
 Confectionery.  
 Oil cakes.  
 Pickles.  
 Vinegar.  
 Beer clarifiers.

## CLASS 43.

Fermented liquors and spirits.

Such as—  
 Beer.  
 Cyder.  
 Wine.  
 Whisky.  
 Liqueurs.

## CLASS 44.

Mineral and aerated waters, natural and artificial, including ginger-beer.

## CLASS 45.

Tobacco, whether manufactured or unmanufactured.

## CLASS 46.

Seeds for agricultural and horticultural purposes.

## CLASS 47.

Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches, and starch, blue, and other preparations for laundry purposes.

Such as—  
Washing powders.  
Benzine collas.

## CLASS 48.

Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

## CLASS 49.

Games of all kinds and sporting articles not included in other classes.

Such as—  
Billiard tables.  
Roller skates.  
Fishing nets and lines.  
Toys.

## CLASS 50.

Miscellaneous—

- (1.) Goods manufactured from ivory, bone, or wood, not included in other classes.
- (2.) Goods manufactured from straw or grass, not included in other classes.
- (3.) Goods manufactured from animal and vegetable substances, not included in other classes.
- (4.) Tobacco pipes.
- (5.) Umbrellas, walking sticks, brushes and combs.
- (6.) Furniture cream, plate powder.
- (7.) Tarpanlins, tents, rick-cloths, rope, twine.
- (8.) Buttons of all kinds, other than of precious metal or imitations thereof.
- (9.) Packing and hose of all kinds.
- (10.) Goods not included in the foregoing class.

Such as—  
Coopers' wares.

(Signed) M. E. H. Beach,  
President of the Board of Trade.

## REGISTER OF PATENT AGENTS RULES, 1889.

[These Rules were held to have the force of statutory enactments by the House of Lords in "The Institute of Patent Agents v. Lockwood," 1894, A.C. 359.]

For the purpose of giving effect to the provisions of the Patents, Designs, and Trade Marks Act, 1888 [see note, *ante* p. 75], relating to the registration of patent agents, the Board of Trade, by virtue of the provisions of the said Act, hereby make the following Rules:—

Register to be kept.

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.

Contents of register.

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

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

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

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.

Registrar.

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.

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.; 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.

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.

Final qualifying examination for registration.

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.

Exemption of pupils and assistants from preliminary examination.

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

Qualifications of persons generally for registration.

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

9. The Institute shall hold, at least once in the year commencing with the 1st 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.

Corrections  
of names and  
addresses in  
register.

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.

Erasure of  
names of de-  
ceased persons.

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

Erasure of  
names of  
persons who  
have ceased to  
practise.

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 herein-after 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 14 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  
name for non-  
payment of  
fee.

13. If any registered person shall not, within one month from the day on which his annual registration fee becomes payable, pay such fee, the registrar may send to such registered person to his registered address a notice requiring him, on or before a day to be named in the notice, to pay his annual registration fee ; and if such registered patent agent shall not within one month from the day named in such notice pay the registration fee so due from him, the registrar may erase his name from the register : Provided that the name of a person erased from the register under this rule may be restored to the register by direction of the Institute or the Board of Trade on payment by such person of the fee or fees due from him, together with such further sum of money, not exceeding in amount the annual registration fee, as the Institute or the Board of Trade (as the case may be) may in each particular case direct.

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. Registrar to act on evidence.

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 incorrect or fraudulent entries.

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

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. Restoration of erased name.

(2.) The Board of Trade may in any case in which they think fit restore to the register such 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 register the name of a person, or an entry, the Board of Trade may appoint a committee consisting of such persons as they shall think fit. Every application to the Board of Trade for the erasure from, or restoration to, the register of the name of any patent agent shall be referred for hearing and inquiry to the committee, who shall report thereon to the Board of Trade, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the Board of Trade. 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 14 days from the date of the making or giving of Notice of appeal.

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.

**Case on 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.

**Transmission of notice of appeal to Board of Trade.** 23. 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.

**Directions as to hearing of appeal.** 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.

**Notice of 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.

**Hearing and decision 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.

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

**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 28 days of the date of their being made, be transmitted to the Board of Trade, and if within 28 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 registration which have been made in the preceding year, the nature and results of the final examinations which have been held, and the amount of fees received by the Institute under these Rules, and such other matters in relation

to the provisions of these Rules, as the Board of Trade may from time to time, by notice signed by the secretary of the Board of Trade and addressed to the Institute, require.

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

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

“The Institute” means the Institute of Patent Agents, acting through the Council for the time being.

“The Registrar” means the registrar appointed under these Rules.

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

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

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

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

The 11th day of June, 1889.

[London Gazette, 11 June, 3228. P.P. 1889, C. 5747, XL. 941.]

## APPENDIX A.

### FORM 1.

#### FORM OF REGISTER.

Name.	Designation.	Address.	Date of Registration.

## FORM

## \*FORM OF STATUTORY DECLARATION.

*Register of Patent Agents Rules, 1899.*

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 \_\_\_\_\_

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 APPENDIX B.

[See New Schedule, p. 247.]

## PARTICULARS OF PRELIMINARY EXAMINATIONS.

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

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

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

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\* A printed form of this declaration for use of applicants is now also on sale.

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## APPENDIX C.

## FEES.

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

## PATENT AGENT RULES OF 18TH NOVEMBER 1891.

WHEREAS by the register of Patent Agents Rules, 1889, it is provided among 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, should 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 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 [51 & 52 Vict. c. 50., p. *ante* 75*n*], 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 Agent Rules, 1889 (hereafter in the present Rules referred to as "the Rules, 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 :—

- (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 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.
  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."
  4. Instead of Appendix B. to the Rules of 1889, there shall be substituted the Appendix to the present Rules, which may be inserted as Appendix B.
  5. The present Rules shall commence and come into operation on the 19th November 1891, and, together with the Rules of 1889, may be cited as the Register of Patent Agents Rules, 1889 to 1891.

By Order of the Board of Trade,  
18th November 1891.

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## APPENDIX B.

## PARTICULARS OF PRELIMINARY EXAMINATIONS.

- (1.) The matriculation examination of 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 of Cambridge.
- (5.) The examination in Arts for the second year of Durham.
- (6.) The examination for First-class Certificate of the College of Preceptors [40 & 41 Vict. c. 25. s. 10].
- (7.) The examination resulting in the obtaining of a Whitworth Scholarship.

Statutory Rules and Orders, 1891, p. 572.

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## RULES OF HER MAJESTY'S PRIVY COUNCIL, 1897.

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The following are the New Rules to be observed in applications for the extension or prolongation of Letters Patent. The Old Rules were made in November 1835 and re-issued, with some alterations, in 1871. The New Rules came into force on the 1st of January 1898, and have been made and issued by Order in Council in accordance with Section 56 of the Act of 1883. [See pp. 5 and 44.]

It will be observed, on comparing the Old Rules given in 3 Knapp's Reports and the New Rules, that the only important changes appear to be, first, that in the New Rules only one advertisement in a local paper is required, Rule 1. Secondly, that in Rule 3 the sentence beginning, "He shall also" is new. Thirdly, in Rule 4 the time for Opponents to state the grounds of their objection is extended to three weeks. Fourthly, in Rule 8 the words "on the question of granting" are substituted for "against granting." And fifthly, in the same Rule the sentence beginning "The Attorney-General" is new; but the alteration simply carries out the existing practice of the Board.

At the Court at Windsor Castle,

The 26th day of November, 1897.

Present,

The Queen's Most Excellent Majesty

Lord President  
Lord Privy Seal  
Mr. Ritchie.

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 the 1st January 1898 the same be respectively observed.

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

C. L. PEEL.

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The SCHEDULE above referred to.

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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.

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 15 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 15 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 50 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. [See Rules 1 and 2 under 5 & 6 Will. 4. c. 83.]

### 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 1st 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. [See Rules 3 and 4 under 5 & 6 Will. 4. c. 83.]

### 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.

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 hearing. [This is the first part of Rule 9 under 5 & 6 Will. 4. c. 83, with the time altered.]

In *re Johnson and Atkinson's Patent*, 1873, L.R. 5, P.C. 87, Sir R. Collier said: "The reason of the 9th Rule is obvious. It is necessary that the Attorney-General should have the power of inspecting any such accounts and of making any inquiries in respect to them."

#### IV.

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.

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. [Rule 5 of the Rules under 5 & 6 Will. 4. c. 83.]

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. [Rule 6 of Rules under 5 & 6 Will. 4. c. 83, with the time extended from two weeks to three weeks.]

*Admission of evidence.*—In *re Ball's patent* for improvements in the manufacture of sheep shears, 1879, 4 App., Case 171. In cross-examination the opponents asked the petitioner's witness to look at sheep shears constructed wholly of steel and alleged to be constructed before the petitioner's patent.

Sir Barnes Peacock in giving judgment said that evidence ought not to be excluded. The Rules which were passed under 5 & 6 Will. 4. c. 83 (Order, November 18, 1835. Rule 6) merely required that the parties served with the petition shall lodge at the Council Office within a fortnight [now three weeks] after such service notice of the grounds of their objection to the granting of the prayer of the petition.

Then followed 15 & 16 Vict. c. 83. s. 41, which enacted that the defendant should deliver particulars of objections in the manner therein mentioned; and the same section contains a proviso to the effect "that the place or places at or in which, and in what manner, the invention is alleged to have been used or published prior to the date of the Letters Patent should be stated in such particulars."

That section contemplated a different case from the application for extension now before their Lordships, and the earlier Rule of the Council was unaffected by it.

Their Lordships therefore think that under the Rule to which reference has been made it is sufficient to *state the grounds* of the objection without stating the particulars of those objections; and because the opponents had given as much information as they possessed to the petitioners, and craved leave to refer to certain documents, it must not be taken that they intended to say that those documents were the only instance of anticipation upon which they would rely.

Moreover, the Attorney-General would clearly have the right to introduce the evidence *irrespective* of the notice of objections. [See p. 251, Rule 8.]

See also *Sugg v. Silber*, 1877, L.R. 2, Q.B.D. 493, and *Smith v. Crepper*, 1884-5, 10 App. Case 219]

## V.

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. [Rule 7 of the Rules under 5 & 6 Will. 4. c. 83.]

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.

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. [Rule 8 of the Rules under 5 & 6 Will. 4. c. 83.]

## 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. [Final part of Rule 9 under 5 & 6 Will. 4. c. 83.]

## 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.

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