

SCHEDULES.

Approved 4th December, 1883.

FIRST SCHEDULE.

FEEs.

	£	s.	d.
1. On application to register a trade-mark for one or more articles included in one class	0	5	0
2. On appeal to Board of Trade on refusal of Comptroller to register	1	0	0
3. For registration of a trade-mark for one or more articles included in one class	1	0	0
4. For registering a series of trade-marks, for every additional representation after the first in each class	0	5	0
5. For entering notice of opposition, for each trade-mark, whether in one or more classes	0	0	0
6. On application to register a subsequent proprietor in cases of assignment or transmission, the first mark	1	0	0
7. For every additional mark assigned or transmitted at the same time	0	2	0
8. For certificate of refusal to register a trade-mark under section 77	1	0	0
9. 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
10. For continuance of mark at expiration of 14 years	1	0	0
11. Additional fee where fee is paid within three months after expiration of 14 years	0	10	0
12. Additional fee for restoration of trade-mark where removed for nonpayment of fee	1	0	0
13. For altering address on the register, for every mark	0	5	0
14. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	0	10	0

	£	s.	d.
15. 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
16. On request to Comptroller to correct a clerical error	0	5	0
17. For certificate of registration to be used in legal proceedings	0	10	0
18. For certificate of registration to be used for the purpose of obtaining registration in foreign countries	0	5	0
19. For copy of notification of registration	0	2	0
20. Settling a special case by Comptroller	2	0	0
21. For inspecting register, for every quarter of an hour	0	1	0
22. For making a search amongst the classified representations of trade-marks, for every quarter of an hour	0	1	0
23. For office copy of documents for every 100 words (but never less than one shilling).	0	0	4
24. For certifying office copies, MS. or printed	0	1	0
25. For certificate of Comptroller under section 96 ..	0	5	0
26. In cases where a trade-mark requires a greater space than two inches of the depth of the page of the <i>Trade Marks Journal</i> , for each additional inch or part of an inch	0	2	0
27. Manchester Trade Marks Office	Same as above		
28. Sheffield Marks	Same as above		
29. On appeal from Cutlers' Company, Sheffield, to Comptroller	1	0	0

SECOND SCHEDULE.

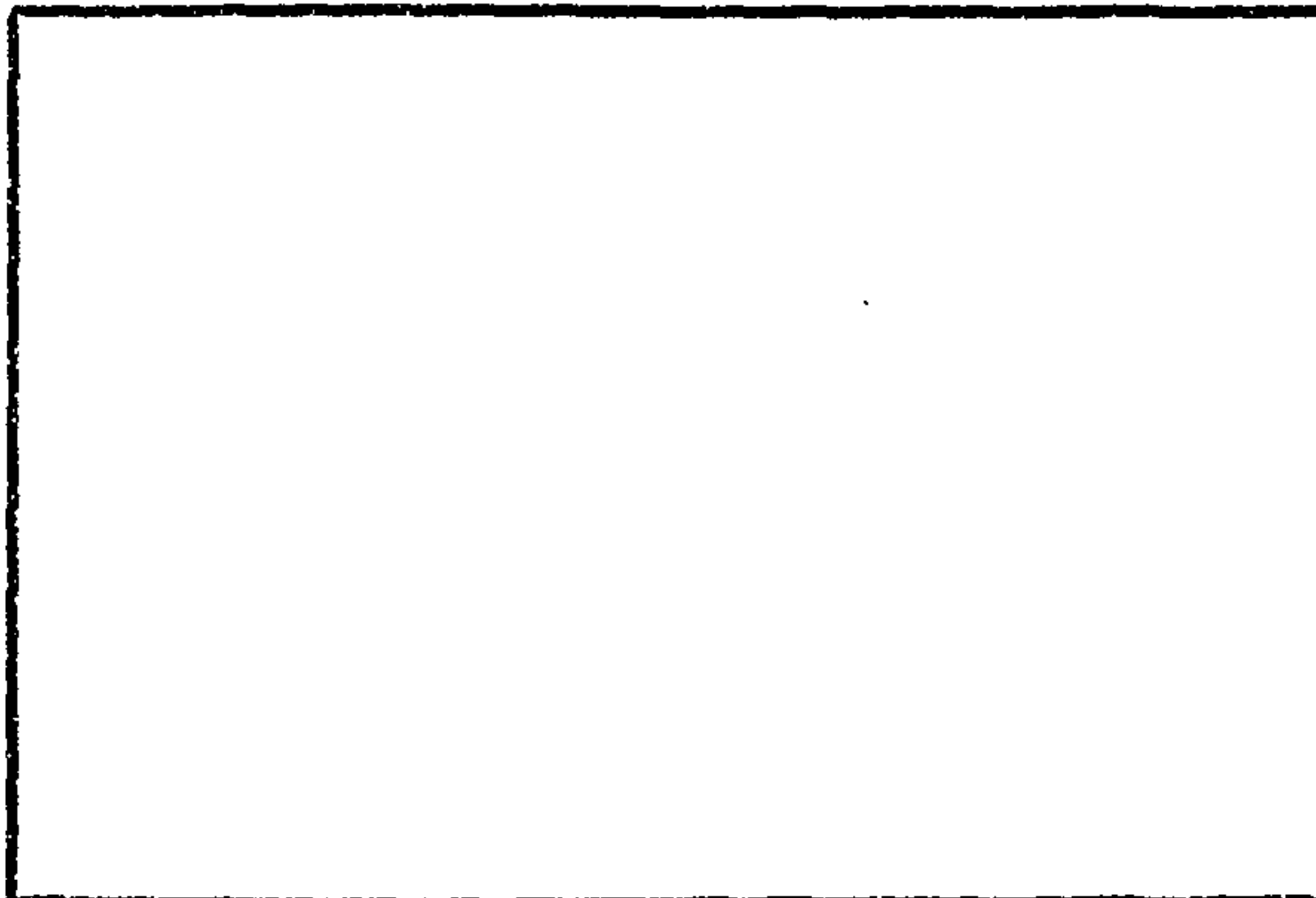
FORMS.

	PAGE
Form of Application for Registration	260
„ Additional Representation of Trade Mark	261
„ Appeal to Board of Trade	262
„ Transmission of Registration Fee	263
„ Notice of Opposition	264
„ Assignment of Trade Mark	265
„ Request for Certificate of Refusal	266
„ Notice of Application for Alteration of Address	267
„ Notices of Application for Rectification of Register	268
„ Application to Cancel Entry on Register	269
„ Declaration in support of Application to Cancel Entry	270
„ Request to Comptroller for Correction of Clerical Error	271
„ Request for Certificate of Registration for use in obtain- ing Registration Abroad	272
„ Request for Certificate of Registration for use in Legal Proceedings	273
„ Application for Settlement of a Special Case	274
„ General Certificate of Comptroller	275
„ Copy of Notification of Registration	276
„ Appeal from Cutlers' Company	277

FORM F. (a)

TRADE
MARKS.

APPLICATION FOR REGISTRATION OF TRADE
MARK.



One representation to be drawn within the square, and two others to be sent on separate sheets of foolscap.

Representations of a larger size may be added, 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 marks contained in one and the same class should be set out here.

A separate application form is required for each separate class.

(b) Here insert legibly the full name, address, and business of the individual, firm, or company. In the case of an individual, and trading style (if any).

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

in the name of (b) _____

who claims to be the proprietor thereof (c).

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

(Signed) _____

Dated this _____ day of _____ 1883.

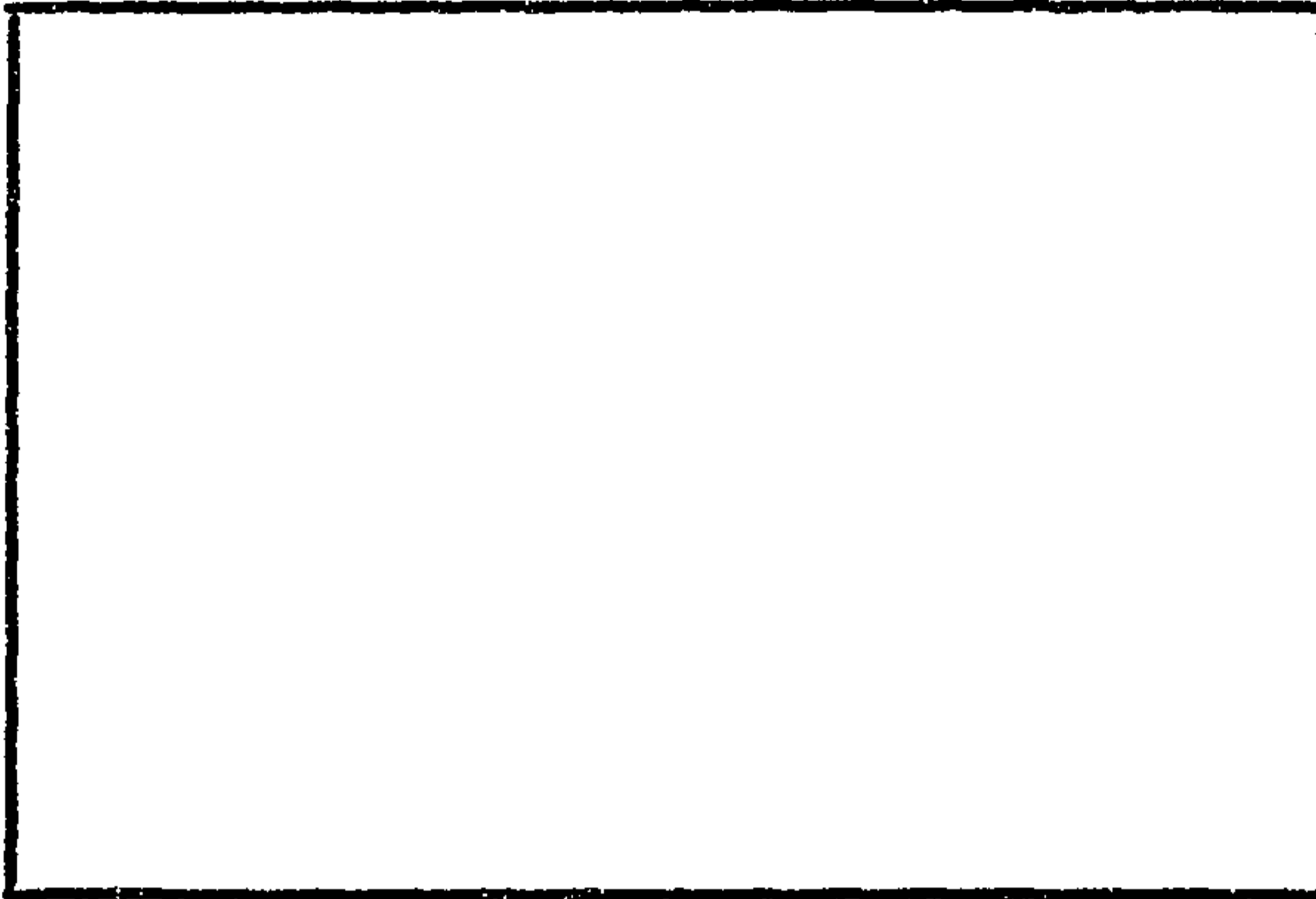
NOTE.—If the Trade Mark has been in use in respect of the goods since before 13th August, 1875, state length of such user.

(a) The official forms begin with D, or E.
F—there are none lettered A, B, C.

(d) To be signed by the applicant; or, in the case of a firm, by a partner, adding "A member of the firm," or in the case of a company, by the Secretary or other Principal Officer, adding "For the Company." Or, in any case, an agent may sign, adding "Agent."

FORM G.

**ADDITIONAL REPRESENTATION OF TRADE MARK, TO
ACCOMPANY APPLICATION FOR REGISTRATION.**



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 lines 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.

TRADE
MARKS.

FORM H.

FORM OF APPEAL TO BOARD OF TRADE ON REFUSAL
OF COMPTROLLER TO REGISTER A TRADE MARK.

Sir,

I HEREBY give notice of my intention to appeal against
your decision upon my application to register a Trade Mark
No. _____ in Class _____ for _____

* The state-
ment of the
case to be
written upon
foolscap
paper (on one
side only),
with a mar-
gin of two
inches on the
left-hand side
thereof.

and I beg to submit my case* for the decision of the Board of
Trade.

I am, Sir,

Your obedient Servant,

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

FORM I

FEE FOR REGISTRATION OF A TRADE MARK.

**TRADE
MARKS.**

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.**



FORM J.

**NOTICE OF OPPOSITION TO APPLICATION FOR
REGISTRATION.**

[To be accompanied by an unstamped duplicate.]

In the matter of an Application,
No. by of .

Sir,

Notice is hereby given that I

of

oppose the Registration of the Trade Mark advertised under the
above number for Class in the Trade Marks Journal of
the day of 188 , No. , page .

The grounds of opposition are as follows:—

To be dated
and signed at
the end by
the opponent
or his solicitor.

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

FORM K.

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

TRADE MARKS.

I, (a) _____

(a) Or We. Here insert name, full address, and description.

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

(b) My or our.

(c) Or names.

(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.

(d) I am, or We are.

(e) _____

(e) Here state whether Trade Mark transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof as, e.g., "by deed dated the day of 189, made between So-and-So of the one part.

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) 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.

(f) This paragraph is not required when the declaration is made out of the United Kingdom.

(g) _____

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

Declared at _____

this _____ day of _____ 188 _____

Before me,

(h)

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

(h) Signature and title of the authority before whom the declaration is made.

TRADE MARKS.

FORM L.

**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 188 .

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

FORM M.

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

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 188 .

* Signature
of proprietor.

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



FORM N.

**NOTICE OF APPLICATION 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 188 , 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 inclosed herewith.

Dated this day of 188 .

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

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

FORM O.



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 of _____ 188 .

(Signed) _____

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

before me the _____ of _____ 188 .

FORM P.

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

I, _____ ; [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.

FORM Q.

FORM OF REQUEST FOR CORRECTION OF CLERICAL
ERROR IN REGARD TO A TRADE MARK.

TRADE
MARKS.

SIR,

I HEREBY request that _____

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



FORM B.

**REQUEST FOR CERTIFICATE OF REGISTRATION OF
TRADE MARK FOR USE IN OBTAINING REGISTRA-
TION 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 registration is to be sought.

Signature.

†

Dated this day of , 188 .

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

FORM 8.

REQUEST FOR CERTIFICATE OF REGISTRATION OF
TRADE MARK FOR USE IN LEGAL PROCEEDINGS.

TRADE
MARKS.

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
the following Legal Proceedings*

* Here state
exact title of
legal pro-
ceedings.

†

† Signature.

Dated this day of 188 .

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

FORM T.

TRADE
MARKS.

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,

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 _____, 188 .

* To be
signed by
both parties.

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

FORM U.

GENERAL CERTIFICATE OF COMPTROLLER-GENERAL
AS TO APPLICATION FOR OR REGISTRATION OF
A TRADE MARK.



Patent Office, Trade Marks Branch,

London,

.....188 .

I,

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

FORM V.

TRADE
MARKS.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 _____ 188____.

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

FORM W.

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

[To be accompanied by an unstamped duplicate.]

TRADE
MARKS.

Sir,

I HEREBY give notice of appeal against the decision of the
Cutlers' Company of Sheffield in regard to my application for regis-
tration of a Trade Mark No. , in Class
for
and I beg to submit my case * for your decision accordingly.

* The state-
ment of the
case to be
written upon
blue-ink pa-
per (on one
side only),
with a mar-
gin of two
inches on the
left-hand
side thereof.

† Signature

Dated this day of , 188 .

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

THIRD SCHEDULE.

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 registrar 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.

CLASSIFICATION OF GOODS—continued.

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.

CLASSIFICATION OF GOODS—*continued.*

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.

CLASSIFICATION OF GOODS—*continued.*

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 metals.
Sheffield and other plated goods.
Gilt and ormolu work.

CLASS 15.

Glass.

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

CLASSIFICATION OF GOODS—*continued*.

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.

CLASSIFICATION OF GOODS—continued.

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
included 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.

Cotton yarn and thread.

Such as—

Sewing cotton on spools or
reels.
Sewing cotton not on spools
or reels.
Dyed cotton yarns.

CLASS 24.

Cotton piece goods of all kinds.

Such as—

Cotton shirtings.
Long cloth.

CLASSIFICATION OF GOODS—*continued.*

CLASS 25.

Cotton goods not included in Classes 23, 24, or 38.	Such as— Cotton lace. Cotton braids. Cotton tapes.
--	---

CLASS 26.

Linen and hemp yarn and
thread.

CLASS 27.

Linen and hemp piece goods.

CLASS 28.

Linen and hemp goods not
included in Classes 26, 27,
and 50

CLASS 29.

Jute yards 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.

CLASSIFICATION OF GOODS—continued.

CLASS 34.

Cloths and stuffs of wool, worsted, or hair.

CLASS 35.

Woollen 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 paper hangings), stationery, and book-binding.

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

CLASSIFICATION OF GOODS—*continued.*

CLASS 10.

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

CLASS 11.

Furniture and upholstery.

Such as—

Paper hangings.
Papier-mâché.
Mirrors.
Mattresses.

CLASS 12.

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 13.

Fermented liquors and spirits.

Such as—

Beer.
Cyder.
Wine.
Whisky.
Liqueurs.

CLASSIFICATION OF GOODS—*continued.*

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.

CLASSIFICATION OF GOODS—*continued.*

CLASS 50.

Miscellaneous, including—

Such as—

(1.) Goods manufactured from ivory, bone, or wood, not included in other classes.

Cooper's wares.

(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.) Tarpaulins, 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 classes.

APPENDIX.

[NOTE.—The information and instructions contained in this Appendix have been issued by the official authorities for the benefit of persons proposing to apply for Patents, or to register Designs or Trade-Marks.]

I.

INFORMATION FOR INTENDING APPLICANTS FOR PATENTS FOR INVENTIONS.

1. All applications and communications must be made in English. No models are required.

2. Any person, whether a British subject or not, may make an application for a patent.

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

4. Applications may be left at the Patent Office or be sent, prepaid, by post. Applications sent by post must be addressed to the Comptroller, Patent Office, 25, Southampton Buildings, Chancery Lane, London.

5. Forms of application may be obtained at the undermentioned places in the United Kingdom:—

(a.) At the Inland Revenue Office, Royal Courts of Justice.

(b.) At the following Post Offices:—

London General Post Office, E.C.

District Post Office, 226, Commercial Road, E.

„ 9, Blackman Street, Borough, S.E.

„ Charing Cross, W.C.

„ 23, Eversholt Street, Camden Town, N.W.

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

(c.) The Chief Post Offices at the more important towns in the United Kingdom.

6. The “declaration” in the form of application does not require to bear a 2s. 6d. stamp when made before a Commissioner.

7. An application for provisional protection consists of—

(a.) The form of application (a), either Patent Form A or A1, see £1 each form.

(b.) The form of provisional specification (Patent Form B) (gratis).

8. An application for complete protection consists of—

(a.) The form of application, either Patent Form A or A1, as for provisional protection, see £1 each form; and

(b.) The form of complete specification (Patent Form C) £8.

9. The object of a provisional (b) specification is to afford to intending patentees a period of nine months provisional protection in which to develop their inventions, but it is not necessary to leave a provisional specification when an intending patentee is prepared to leave a complete specification in the first instance. Where a provisional specification has been left, the applicant is required by Act to leave a complete specification in connexion with such provisional specification within nine months (c) from the date of the provisional specification, should he desire to obtain a patent. Where a complete specification is left after a provisional specification a second application form is not required.

In order to avoid unnecessary trouble, applicants should carefully read the directions upon the forms of application before filling them up.

10. The "declaration" (d) in the form of application must be signed by the applicant or applicants; but all other communications may be made by or through agents duly authorised to the satisfaction of the Comptroller.

11. The specifications and all other documents must be written or printed in large and legible characters upon strong wide-ruled foolscap paper of a size of 13 inches by 8 inches (on one side only), leaving a margin of two inches on the left-hand part thereof; and the signatures of the applicants or agents thereto must be written in a large and legible hand.

(a) *Note.*—There are two forms of application, namely, one Patent Form A, when the application is made by the applicant or applicants; and Patent Form A1 when

the invention is a "communication" from abroad.

(b) Act, sect. 5.

(c) Act, sect. 8.

(d) Act, sect. 5, sub-sect. 2.

12. The drawings (c) accompanying provisional or complete specifications must be made upon half sheets or sheets of imperial drawing paper, to be within a border line of 19 inches by 12 inches, or 27 inches by 19 inches with a margin of half an inch all round.

A copy of the drawings will be required upon *rolled* imperial drawing paper or upon thin Bristol board of the same dimensions as the original drawing or drawings. All the lines must be absolutely black, Indian ink of the best quality to be used, and the same strength or colour of the ink maintained throughout the drawing. Any shading must be in lines clearly and distinctly drawn and as open as is consistent with the required effect. Section lines should not be too closely drawn. No colour must be used for any purpose upon the copy of the drawings. All letters and figures of reference must be bold and distinct. The border line should be one fine line only. The drawings must not be folded, but must be delivered at the Patent Office either in a perfectly flat state or rolled upon a roller so as to be free from creases or breaks (f).

13. With a view of preparing an illustrated journal of patented inventions as directed by the Act, every applicant must, after his application has been accepted, also furnish the Patent Office with the drawing and concise explanatory statement required by Rule 31.

14. Copies of the Patent Rules (price, prepaid, [7d.], including postage within the United Kingdom) can be obtained from the Patent Office, Sale Branch, 38, Cursitor Street, Chancery Lane, E.C.

Applications for copies of the Rules should be addressed to the Comptroller, at the above address.

15. Every patent will be granted for the term of 14 years from its date, subject to the payment of £50 before the end of the fourth year of the term, and £100 before the end of the eighth year, or in lieu thereof to the payment of annual or renewal fees of £10, £15, and £20, commencing before the expiration of the fourth year of the term, and extending to and inclusive of the thirteenth year; for amount of fees, see Schedule of Fees annexed to the Rules. These

(c) Act, sect. 5, sub-sect. 1. Sect. 6, 10.

(f) As the drawings accompanying the provisional and complete specification respectively are copied

at the Patent Office for publication by the process of photolithography, this rule must be strictly observed, in order that correct copies may be made. — *Official Note.*

payments must be made by way of stamped forms which may be obtained at the places set forth in the list in paragraph 5.

16. The subsequent fees to be paid upon applications made prior to the 1st of January, 1884, are:—

- (a.) The stamp duties required under the Patent Law Amendment Acts of 1852-3, must be paid upon subsequent proceedings in connexion with applications made prior to 1st January, 1884, up to and including the £5 stamp duty upon filing the "final" specification as required by Act. All applications under the Acts of 1852-3 must be completed in accordance with their provisions up to the stage of filing the final specification. Patents granted upon applications made prior to the first of January, 1884, are exempt from the provisions of the Act of 1883, as to the compulsory grant of licenses.
- (b.) The payments which, under the conditions of the Letters Patent are payable before the end of the third year (1884), are by the Act of 1883, made payable before the end of the fourth year (1885); the fee may be paid either in one sum or by annual payments. (See Schedule of Fees).
- (c.) The seventh year's payment, which under the conditions of Letters Patent is payable before the end of the seventh year, must in those instances where the £50 payment has already been paid, be paid as heretofore in one sum of £100.

In cases where the patentee has elected before the end of the fourth year to pay annual fees, he must, should he desire to keep his patent in force, continue the annual payments to the end of the term.

NOTE.—As to the fees payable in respect of patents, see the *Official Notice*, ante, p. 275.

II.

INSTRUCTIONS TO PERSONS WHO WISH TO REGISTER DESIGNS UNDER THE PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883.

PRELIMINARY.

1. The Patents, Designs, and Trade Marks Act, 1883, and the Rules published in pursuance of that Act for the Registration of Designs, should be carefully studied.

Copies of the Rules, together with the Act, may be obtained on payment of 2s. for each copy at the Patent Office, Sale Branch, 38, Cursitor Street, London, E.C.

Copies will also be sent by post, on a prepaid application to that address, accompanied by a Post Office Order for the amount payable to H. Reader Lack, at the Chancery Lane Post Office, London, W.C.

2. In order to obtain registration application must be made to the Comptroller in pursuance of Rules Nos. 6-12.

APPLICATIONS.

3. Stamped Forms of Application to register have been issued, and can be obtained at the principal agencies in the United Kingdom, hereinafter mentioned (*g*).

Applications sent by post should be addressed—

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

4. An application (*h*) consists of the following:—

(1.) The form of application, Form E, properly filled up, and

(*g*) See *ante*, p. 289, for list of places.

(*h*) Designs Rules, 6-15, *ante*, pp. 227-8.

such evidence as will enable the Comptroller to identify the design.

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

Or,

(b.) The application may be complete in the first instance if applicant sends three exactly similar drawings, photographs, or specimens.

THE DRAWINGS OR PHOTOGRAPHS.

5. The drawings (*i*), &c., accompanying an application must be sent in triplicate, each representation of each design upon strong foolscap paper (on one side only) of the size of 13 in. by 8 in.

6. When sketches, drawings, or tracings are furnished, they must be fixed. Drawings on tracing paper cannot be received. If tracings are supplied they must be done on tracing cloth or mounted on thick paper.

7. Rough sketches cannot be accepted.

8. 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 the various arrangements in which it is proposed to apply the design to the articles included in the set.

9. When specimens (*k*) of the design are furnished in lieu of drawings, &c., they must be of such a nature as can be pasted into books, and the dimensions of each such specimen must not exceed 12 in. by 21 in.

10. The representations of a design should not be accompanied by any lengthened explanatory statement.

11. Only two views of the same design can be accepted, unless in the case of a design for a set.

12. All goods to which registered designs are applied--Classes (*l*) 1 to 12--should during the period of copyright bear the abbreviation "R." and the number given on registration.

(i) Designs Rules, 8, 9.

(k) Ibid. 9.

(l) Ibid. 5.

All goods to which registered designs are applied—Classes 13 and 14—should during the period of copyright bear the abbreviation “Reg^d.”

13. The following is a list of the stamped forms to be had at the places mentioned in paragraph 3:—

DESIGNS.		
Letter.	Title of Form.	Fee.
		£ s. d.
E	Application for Registration of Design in Classes 1 to 12	0 10 0
E	Application for Registration of Design in Classes 13 and 14 (woven and printed textiles)	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:— In Classes 1 to 12	0 10 0
K	” ” 13 and 14 (woven and printed textiles)	0 1 0
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 Sect. 53	0 5 0
O	Application to Register Design for “Set” of Articles	1 0 0

N.B.—Forms E classes 1 to 12, E classes 13 and 14, and O are kept on sale at the places named in paragraph 3. The other forms must be bespoken of the post-masters at those places.

The Patent Office, Designs Branch, is open from 10 A.M. to 4 P.M.

III.

INSTRUCTIONS TO PERSONS WHO WISH TO REGISTER
TRADE-MARKS.

PRELIMINARY.

1. All communications relating to Trade-Marks, not being 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.

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 (*m*.)

3. The following is a list of the stamped forms under the Patents, Designs, and Trade-Marks Act, 1883, which relate to Trade-Marks, and which may be obtained at the places mentioned above:—

TRADE-MARKS.

Letter.	Title of Form.	Fee.
F	Application for Registration of Trade-Mark	£ s. d. 0 5 0
G	Additional Representation Form	No stamp.
H	Appeal to Board of Trade on Refusal of Comptroller to Register a Trade-Mark	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*) See *ante*, p. 283, for list of places.

TRADE-MARKS—continued.

Letter.	Title of Form.	Fee.		
		£	s.	d.
M	Notice of Application for Alteration of Address .	0	5	0
N	Notice of Application 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 .	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 .	0	10	0
T	Application for Settlement of a Special Case .	2	0	0
T 1	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

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 bespoke.

SALE OF OFFICIAL PUBLICATIONS (n).

DEFINITION OF A TRADE-MARK.

7. The definition of a Trade-Mark (not used prior to the 13th August, 1875), is given in the 61th section (e) of the Patents, Designs, and Trade-Marks Act, 1883, as follows:—

"For the purposes of this Act, a Trade-Mark must consist of or contain at least one of the following essential particulars:

"A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

"A written signature or copy of a written signature of the individual or firm applying for registration thereof as Trade-Mark; or

"A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use."

All new Marks, therefore, which it is desired to register must include one or more of the above essential particulars.

(n) Clauses 4, 5, 6, relate to the sale of the Act, the Rules, and the Trade-Marks Journal, and give a

list of the publishers from whom they can be obtained.

(o) Pages 119-129, ante.

The 64th section goes on—"There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or any of them."

In addition to the above—

"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."

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 (*p*) 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 Patents, Designs, and Trade-Marks Act, 1883.

The fee for 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.

The Comptroller does not undertake to make searches amongst the Trade-Marks recorded at his Office, except in connection with formal applications for registration.

APPLICATIONS FOR REGISTRATION.

8. Applications sent by post should be addressed to—

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

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." in the Second Schedule to the Trade-Marks Rules, 1883), giving certain particu-

(*p*) Trade-Marks Rules, 1883, *rule*, p. 253.

lars (specified in the form), and bearing an impressed stamp of 5s.

(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.").

10. A separate Application Form is required for each class.

11. If the mark be the property of a firm (q), it 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 shall add after his signature, and designation, "for the Company."

12. Applications may be made by agents (r) 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. A representation of the trade-mark should be placed in the centre of the Application Form.

14. Where an application is made for a trade-mark used on any metal goods other than cutlery, edge tools, and raw steel, it should be stated in the Application Form of what metal or metals the goods are made. See section 81 of the Act as to Sheffield marks.

15. When the mark consists of or includes words printed in other than Roman characters, (s) there should be given at the back of or at the foot of the Application Form and of each of the additional representations 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.

16. Each of the additional (t) representations should be placed in the centre of a separate form (Form "G.").

In the case of a trade-mark which is not claimed in Classes 23

(q) Trade-Marks Rules, 7, *ante*, p. 246.

(r) *Ibid.* 8.

(s) *Ibid.* 15.

(t) *Ibid.* 13.

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 35 *three* additional representations should be sent for *each* of such classes.

The representations of the mark on the Form "G." must agree *in every respect* with each other, and with that of the Form "F."

17. 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.

18. By section 66 (a) of the Patents, Designs, and Trade-Marks Act, 1883, 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."

COMMON OR OPEN MARKS.

19. In the case of a trade-mark used before (x) 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 back of or at the foot of the Application Form and of each of the additional representations, such note to be signed by the applicant or his agent.

See section 71 of the Act, sub-section 3, for definition of common marks.

(a) *Ante*, p. 120, and Trade-Marks Rules, 14, *ante*, p. 217.

(x) See *ante*, pp. 119, 125-9.

CLASSIFICATION (y) OF GOODS.

20. A Guide to the classification of Goods under the Trade-Marks Rules, 1883, 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 to the rules the goods for which he uses his mark belong.

ADVERTISEMENT (z) IN THE TRADE-MARKS JOURNAL.

21. A trade-mark cannot in any case be entered upon the Register until two months after its advertisement in the Official Paper.

22. A wood-block or electrotype (a) must be furnished for each mark in each class claimed (except in the case of Classes 23, 24, and 25, for which no blocks or electrotypes are required) but no block or electrotype should be forwarded until a formal demand for it is sent by the Comptroller.

23. In the case of a series of trade-marks differing only in respect of the particulars mentioned in Sections 66 of the Patents, Designs, and Trade-Marks Act, 1883, a wood-block or electrotype must be furnished for each mark in the series for each class claimed.

24. 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.

25. The largest space available for the insertion of any single block or electrotype is eight and a half inches broad by ten inches deep.

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

26. 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.

27. All blocks or electrotypes should be sent to the Patent

(y) Trade-Marks Rules, 6, *ante*, p. 245.

(z) *Ibid.* 25-28.

(a) *Ibid.* 27.

Office, Trade-Marks Branch, together with the papers marked "Form 2," and with the representation of the mark sent for the guidance of the applicant in preparing the blocks or electrotypes.

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

RESTRICTIONS (b) ON REGISTRATION.

29. 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.

30. The Royal Arms, or arms so nearly resembling them as to be calculated to deceive, and the words "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is Forgery," "Patent," "Patented," will not be registered under the Patents, Designs, and Trade-Marks Act, 1883, and should not, therefore, appear upon the Representations of Trade-Marks forming part of an application.

31. 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:—

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

Representations of the Royal Crown.

National arms or flags.

Prize or exhibition medals.

32. 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 those goods only.

FORMS OF COUNTER-STATEMENT (c) AND BOND.

33. The following is a form of Counter-statement:—

Patents, Designs, and Trade-Marks Act, 1883.

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

(b) See sects. 73 and 86, and also, *ante*, pp. 121-4.

(c) See *ante*, pp. 151-2.

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.**

The following is a Form of Bond which the Comptroller is able to accept from persons opposing applications, and who have been required to give security for costs:—

**Patents, Designs, and Trade-Marks Act, 1883.
Trade-Marks.**

**In the Matter of an Application No.
and of the Opposition thereto No.**

Know all men by these presents that we _____ of _____ and _____ of _____ are jointly and severally held and firmly bound to Henry Reader Lack the Comptroller-General of Patents Designs and Trade-Marks in the penal sum of _____ pounds of good and lawful money of Great Britain to be paid to the said Henry Reader Lack or to other the Comptroller-General of Patents Designs and Trade-Marks for the time being for which payment to be well and faithfully made we bind ourselves and each of us our and each of our heirs executors and administrators firmly by these presents sealed with our seals.

Dated this _____ day of _____ 18 .

Whereas pursuant to the provisions of the Patents Designs and Trade-Marks Act 1883 and of the Trade-Marks Rules, 1883, an application (No. _____) has been made by _____ of _____ to the Comptroller-General of Patents Designs and Trade-Marks for the registration of a certain trade-mark And whereas the above-
sunders _____ have delivered a notice of opposition to such registration and the said _____ have sent to the said Comptroller-General a counter-statement of the grounds on which they rely for their application And whereas the said

Comptroller-General pursuant to the terms of the said Act hath required the said _____ to enter into the above-written obligation (subject to the condition hereinafter contained) as security for such costs as may be awarded in respect of such opposition.

Now the condition of the above-written obligation is such that if the said _____ or either of them their or either of their heirs executors or administrators do and shall well and truly pay or cause to be paid to _____ all such costs as the High Court of Justice shall think fit to award to the said _____ in respect of the said opposition, then the above-written obligation is to be void or else to remain in full force and virtue.

Signed, sealed and delivered by the above-
 bounden _____ and _____ in the presence
 of _____

31. Before he is required to bring an opposition matter before the Court under Rule 29, the applicant is afforded an opportunity of objecting, if he think fit, to the solvency of the security for the costs which may be awarded in respect of the opposition.

Fees.

35. See the First Schedule to the Trade-Marks Rules, 1883, and the List of Forms, par. 3, of these instructions.

36. *An application for the Registration of a Trade-Mark will not be entered by the Comptroller, unless it be accompanied by the proper Fees in impressed Stamps.*

CUTLERS' COMPANY.

37. By sect. 81 (d), sub-sect. 3, of the Patents, Designs, and Trade-Marks Act, 1883, application for the registration of Trade-Marks used on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge, shall, if made by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company.

See Rules 53 to 56 and par. 14 of these Instructions.

Applications made to the Cutlers' Company in pursuance of

sect. 81 of the Patents, Designs, and Trade-Marks Act, 1883, should be made on Form "F," 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 53.

Applications sent by post should be addressed—

**CHAR. MACHO WILSON, Esq.,
The Law Clerk,
The Cutlers' Hall,
Sheffield.**

MANCHESTER OFFICE.

38. 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 will be opened at 48, Royal Exchange, Manchester, where searches can be made on payment of 1s. for each quarter of an hour for all marks in classes of Textiles from Class 23 to Class 25.

CERTIFICATES.

39. The Comptroller's certificate in relation to a trade-mark is of four kinds, viz.—

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

40. A person desirous of obtaining any of the above certificates should forward Form "B," Form "S," Form "T1" or Form "I," (see par. 3), 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.

The form should be accompanied by two unmounted copies of each mark for which a certificate is required.

(c) Sect. 77, *ante*, p. 156.

41. 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*, 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.**

42. 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" (see par. 3).

INDEX.

ACCOUNT,

- liability of co-owner to, 5, n., 6
- " licensees of share of patent to, 6
- right of assignee of share of patent to, 6
- " patentee to, against assignee of assignee, 6
- " plaintiff to, of profits of infringement, 64, 73
(and see INFRINGEMENT)
- defendant put upon terms of keeping, 76, 77, 78

ACCOUNTS (see EXTENSION OF PATENT)

ADMINISTRATORS (see REPRESENTATIVES)

ADVERTISEMENT,

- of acceptance of complete specification, 20
- of request for amendment of specifications, 29, 187
- of amendment of specifications, 35, 188
- of presentation of petition for extension of term, 37, 222
(and see PRIVY COUNCIL.)
- threats of legal proceedings by, remedy for, 84
- of application for registration at Sheffield, 254
- of application for registration of trade-mark, 131, 248
- means of, to be supplied to comptroller, 249, 301
- of rules by comptroller, twice, 141
- of acceptance of application for patent, 183
- of series of trade-marks, 249
- of order of Court for rectification of register, 253

AFFIDAVIT,

- of documents in action for infringement, 67
- of advertisement of petition for extension, 223
- on petition for compulsory licenses, 189
- manner of swearing in United Kingdom, 182
- " " British Dominions, 182
- " " Foreign Countries, 182

AGENT,

- on application for Patent, 180
- on request for registration of assignment, 190, 229, 251
- caveat, whether can enter, *quere*, 223, n.
- on application for registration of design, 227
 - " " " " trade-mark, 246
- communication from abroad, patent for, taken out by, 3, 1
- cannot institute action for infringement, when, 54
- liability of, to action for infringement, 54, 74
 - " for negligence in applying for patent, 4, n.

ALIEN,

- grant of patent to, 2
- caveat, may enter, 223
- (and see FOREIGNER)

AMENDMENT,

- general power of comptroller of, 182, 230, 254
- of title, 9, 16
- of claiming clause, 15
- of application for patent, 16, 183
- of drawings, 16, 29, 32, 230
 - " form of application for, 203
 - " form of opposition to, 204
- of specifications, 18, 29, 187
 - " clerical errors in, by Master of Rolls, 18, 31
 - " " " by comptroller, 18, 31
 - " material errors in 18, 32, *et seq.*
 - (and see COMPLETE SPECIFICATION)
 - " form of application for, 203
 - " form of opposition to, 204
- of enrolment, 31
- of disclaimer, 31
- of letters patent, 31
 - " to be entered in register, 36
- of accounts, 41
- of petition for extension of term, 46
- of particulars of objections, 47, 53, 61
- of particulars of breaches, 53, 61
- of clerical errors by comptroller, 156
 - " " " form of request for, 214, 271
- copies of, to be transmitted to certain places, 160
- (and see COPIES)
- duplicates of, Board of Trade may make rules for, 160
- publishing of, Board of Trade may make rules for, 160

ANNUAL REPORT,

of comptroller (see REPORT)

ANTICIPATION,

of patent, what is, 97

APPEAL,

to law officer from comptroller against order for amendment of specification, 16, 17

" from comptroller, by rival applicants, 17

" from refusal of comptroller to accept complete specification, 19

" delay of sealing patent by, effect of, 24

" on opposition to grant of patent, 21

" on amendment of specification, 29, 30

" form of, 218

" practice on, 219

" notice of, to be given, 219

" " what must be stated in, 219

" " who must be served with, 219

" papers relating to, to be transmitted to clerk, 219

" time for bringing, 219

" notice of hearing of, 216

" " on whom served, 219

" evidence on, 220

" " to be filed in Patent Office, 220

" cross-examination of witnesses on, 220

" witnesses, payment of, 220

" costs of, 220

" " order for payment of, 220

" post, documents may be sent by, on, 220

to Board of Trade, from refusal of comptroller to register design,
103

practice on, 228

form of, 236

notice of, to be given, 228

" copy of, to Secretary of Board, 228

statement on, 228

Board of Trade may give directions as to hearing of, 229

notice of time of hearing of, 229

to Board of Trade, from refusal of comptroller to register trade-
mark, 115, 117

practice on, 248

form of, 262

APPEAL—*continued.*

- to Board of Trade from refusal of comptroller to register trademark—*continued.*
 - notice of, to be given, 248
 - „ copy of, to Secretary of Board, 248
 - statement of grounds of, 248
 - Board of Trade may give directions as to hearing of, 248
 - notice of time of hearing of, 248
 - may be referred to Court by Board, 248
- to comptroller from Cutlers' Company, 149
 - „ „ „ form of, 277
- to Court, on further appeal from Cutlers' Company, 149
 - „ from objection of comptroller to registration at Sheffield, 147

APPLICANTS,

- for patent (*see* APPLICATION FOR PATENT; INFORMATION FOR APPLICANTS FOR PATENTS)
 - to be heard by law officer on appeal, 17, 19, 21 (*and see* APPEAL)
 - notice to, by comptroller of acceptance of application, 17
 - rival, 5, 17, 18, 25
 - „ notice to, by comptroller as to identity of inventions, 17
 - notice to, of opposition to grant, 21
 - to be heard by comptroller, 21, 158, 180
 - death of, grant of patent to representatives, 24
 - cannot proceed for infringement until grant, 27
 - amendment of specification by, 29, 187
 - comptroller to exercise discretion in favour of, 157, 180 (*and see* DISCRETION)
 - agents, when may be employed by, 180
 - to furnish comptroller with address for service of notices, &c., 180
 - definition of, 181
- for registration of design (*see* DESIGNS; REGISTER; INSTRUCTIONS FOR REGISTRATION OF DESIGNS)
 - who may be, 102
 - to be heard on appeal to Board of Trade, 103 (*and see* APPEAL)
 - comptroller to exercise discretion in favour of, 157, 228 (*and see* DISCRETION)
 - to be heard by comptroller, 158, 228
 - application to be acknowledged by comptroller, 227
 - certificate of registration to be sent to, 227

APPLICANTS—continued.

- for registration of trade-marks (see **TRADE-MARKS; REGISTER; INSTRUCTIONS FOR REGISTRATION OF TRADE-MARKS**)
- who may be, 112, 246
- to be heard on appeal to Board of Trade, 115 (and see **APPEAL**)
- comptroller to exercise discretion in favour of, 157, 248 (and see **DISCRETION**)
- to be heard by comptroller, 158, 248
- to furnish electrotypes of mark, when, 249
- opposition to (see **TRADE-MARKS**)
- death of, registration granted to successor in goodwill, 250
- definition of, 251
- at Sheffield (see **SHEFFIELD REGISTER; CUTLER'S COMPANY**)

APPLICATION FOR PATENT (see GRANT OF PATENT; INFORMATION FOR APPLICANTS FOR PATENTS)

- any person may make, 2
- two or more persons may make joint, 2 (and see **CO-OWNERS**)
- may be made by trustee for another, 2
- “ “ representatives of discoverer, 2, 87 (and see **REPRESENTATIVES**)
- “ “ “ otherwise before Act, 2, 4
- must be by “true and first inventor,” 2
- communications from abroad, for (see **COMMUNICATION FROM ABROAD**)
- two or more concurrently, by, 4, 17, 25, 27
- master for invention of servant, by, 5, 22
- form of, 7, 179, 196
- “ where obtainable, 289
- made, how, 7
- “ may be, by post, 158, 182
- signed by applicant, must be, 180
- Patent Office, must be sent to, 7
- declaration, must contain, 7, 87
- specification, provisional or complete, must be accompanied by, 7 (and see **PROVISIONAL SPECIFICATION; COMPLETE SPECIFICATION**)
- sealed packet, must be delivered in, when, 92
- address for service of notices, must be accompanied by, 180
- agent, how far applicants may employ, on, 180
- comptroller to refer, to examiner, 16
- examiner to report on, to comptroller, 16

APPLICATION FOR PATENT—continued.

- order of recording, when sent by post, 183
- " " when left at Patent Office, 183
- amendment of, comptroller may require, 16
- " " when more than one invention included in, 183
- acceptance of, notice of, by comptroller to applicant, 17, 183
- " " advertisement of, 183
- second, before patent sealed on first, 17
- " examiner to report whether for same invention, 17
- " comptroller may refuse patent on, when, 17, 18
- complete specification may be left within nine months of, 18
- abandoned, when deemed, 18
- comptroller may accept complete specification within year of, 19
- void, when, 20
- public inspection, open to, when, 20, 184
- sealing of patent within fifteen months after, 24
- " " except in certain cases, 24
- patent to be dated as of day of, 25, 187
- sealing of patent on one, not to prevent sealing on earlier, 5, 25
- protection of invention between, sealing (*see* PROVISIONAL PROTECTION)
- exhibition, to be made within six months from opening of, 89
- assignment of invention to Secretary for War before, 91
- " " " " after, 92 (*and see*
 SECRETARY OF STATE FOR WAR)
- refused when contrary to law or morality, 151
- clerical errors in, correction of, 156

APPLICATION FOR REGISTRATION OF DESIGN (*see* DESIGNS; INSTRUCTIONS FOR REGISTRATION OF DESIGNS)**APPLICATION FOR REGISTRATION OF TRADE-MARK (*see* TRADE-MARKS; INSTRUCTIONS FOR REGISTRATION OF TRADE-MARKS)****ASSESSOR,**

- hearing of action with, 51
- aid of, when may be obtained by Court, 51
- " " " " Court of Appeal, 51
- " " " " Privy Council, 51
- remuneration of, how determined, 52
- " how paid, 52
- Scotland, in action for infringement in, 165

ASSIGNEE,

- of share of patent,
 - right of, to an account from licensees, 6
- of distinct part of patent, right of, to sue for infringement of that part, 6, 54
- of patent, extension of term granted to, 42
 - " " right of, to sue for infringement, 51
 - " " equitable, support of, of petition for extension, 222
 - " " action by, against assignor, to restrain use of invention, 57
 - " " action by, against licensees prior to assignment to restrain use of invention, 57
 - " " powers and rights of, 151
 - " " whether registration essential to action by, for infringement, *quære*, 152
- of design, powers and rights of, 151
 - " " whether registration essential to action by, for infringement, *quære*, 152
- of trade-mark, powers and rights of, 151
 - " " whether registration essential to action by, for infringement, *quære*, 152

ASSIGNMENTS,

- of patent,
 - to be entered in register, 36, 151, 190
 - copies of, to be produced on request for registration of, 190 (and see REGISTER)
 - for particular places, 87
 - for war materials to Secretary for War (see SECRETARY OF STATE FOR WAR)
 - power of registered proprietor to make, 151
- of designs,
 - to be entered in register, 109, 151, 229 (and see REGISTER)
 - whether must be in writing, *quære*, 109
 - should be registered as soon as possible, 109
 - power of registered proprietor to make, 151
 - request to enter name of proprietor after, form of, 241
- of trade-marks,
 - series of, 130
 - goodwill of business, only in connection with, 132
 - " is determinable with, 132
 - by member of firm to firm, when, 155
 - to be entered in register, 144, 151, 250 (and see REGISTER)
 - form of request to enter in register, 265

ASSIGNMENTS—continued.

of trade-marks—continued.

registered in Sheffield register, 148 (and see **SHEFFIELD REGISTER**)

power of registered proprietor to make, 151

BOARD OF TRADE,

examiner to be appointed by, 16, 150

compulsory licences, order for, by, 35, 138

fees, may prescribe, 37, 110, 146

„ may reduce, 37

certificate of, as to exhibitions, 88, 110, 181, 232

to settle costs of making models, 90

appeal to, from refusal of comptroller to register design, 103, 228

form of, 236

„ „ applicant and comptroller to be heard on, 103 (and see **APPEAL**)

may order registration of design, 103

jurisdiction of, final as to designs, 106

appeal to, from-refusal of comptroller to register trade-mark, 115, 248

form of, 262

„ „ applicant and comptroller to be heard on, 115 (and see **APPEAL**)

may order registration of trade-mark, 115

may refer appeal to Court, 116

comptroller to be under direction of, 150

„ during absence of, officer appointed to act for, by, 150

„ appointed and removable by, 150

examiners appointed and removable by, 150

officers appointed and removable by, 150

clerks appointed and removable by, 150

salaries, appointed by, 151

rules, power of, to make, 166

„ „ „ to repeal, alter, or amend, 168

documents furnished to, size, &c., of, 180, 227

dispensing with evidence, &c., sanction of, to, 192, 230, 253

official paper published under direction of, 249

BOND,

for security for costs, form of, 303

CAMERA,

bearing action in, 70

CAVEAT,

- extension of patent, against, 37, 40, 222, 223
- person entering, entitled to be heard on petition, 38
- " " costs of, in discretion of Privy Council, 38
- " " " general rules as to, 46, 224
- " " to be served with copy of petition, 224
- " " to lodge notice of grounds of objection, 224
(and see PRIVY COUNCIL.)

CERTIFICATE,

- that validity of patent came in question, 82
- " " if given, plaintiff entitled to costs of
 subsequent action as between soli-
 citor and client, 83
- " " not given if consent verdict taken, 83
- " " when given, 83
- " " should be applied for at trial, 84
- " " at what stage of subsequent action
 proved, 84
- of Board of Trade as to exhibition, 88, 110, 181, 232
- of Secretary for War that invention should be kept secret, 91, 92
- of comptroller, general form of, 275
- " as to trade-marks, 305
- " how obtainable, 305
- " to be evidence, 158
- " form of, 215
- by " for use in legal proceedings, 231, 255
- " " " " form of, 240, 273
- " " " " request for, 239
- of registration of design, 107, 227
- " " form of, 237
- " " copy of, form of application for, 238
- " " when lost, copy granted, 107
- of refusal to register trade mark, 138
- " " form of request for, 266
- of payment on renewal of patent, 186, 187
- " form of, to be left at Patent Office, 186
- " " when payments in lump sums, 186
- " " " by annual sums, 187
- " fees for, 186
- " form of application for, 208
- " form of, 208
- of registration, to obtain registration abroad, form of application
for, 272

CHANNEL ISLANDS,

patent not to extend to, 27

CHRISTMAS DAY (see HOLIDAY)**CIRCULARS,**

threats of legal proceedings by, remedy for, 81

defamatory to trade, damages for issuing, 86

" " injunction against, 86

CLAIMING CLAUSE (and see COMPLETE SPECIFICATION)

complete specification must end with, 8, 14

before Act not necessary, 14

object of, 14

construction of, 15

to be read with reasonable strictness, 15

to be interpreted by context, 15

amendment of, 15

CLASSIFICATION OF GOODS,

statement as to, in application for registration of design, 102

design registered in more than one class, 103

comptroller may decide as to, 103

statement as to, in application for registration of trade-mark,
115

rules for, Board of Trade may make, 160

Designs Rules, under, 226, 224

Trade-Marks Rules, under, 245, 278

guide to, where obtainable, 301

CLERICAL ERRORS,

in specification, correction of, by Master of Rolls, 18, 31

" " " " by comptroller, 18, 31

" " " " prompt application for, 30

" " " " allowed on condition, 31

in application for patent, correction of, 156

" " for registration of design, correction of, 156

" " " " trade-mark, correction of, 156

in name and address of registered proprietor, correction of, 156

form of request for correction of, 243, 267

in entry of trade-mark on register, 156

request for correction of, statutory declaration to accompany, 156

" " form of, 244, 243, 271

in documents generally, correction of, 156, 182, 230, 251

CLERKS,

- appointed by Board of Trade, 150
- removable by Board of Trade, 150
- salaries of, appointed by Board of Trade, 150

COLONIAL ARRANGEMENTS,

- for protection of inventions (*see* INVENTIONS)
- " " " designs (*see* DESIGNS)
- " " " trade-marks (*see* TRADE-MARKS)

COLOUR (*see* TRADE-MARKS)**COMBINATION,**

- patents granted for, 100
- " " " plus something new, 100
- designs, when valid, 105
- protected, but not separate parts, 105, *n.*

COMMENCEMENT,

- of Act, 2
- " Patents Rules, 179
- " Designs Rules, 226
- " Trade-mark Rules, 245

COMMITTEE (*see* LUNATIC)**COMMUNICATION FROM ABROAD,**

- patent for, to whom granted before Act, 2
- whether such persons can now take out patent for, *quære*, 3
- suggestions for obtaining patent for, under Act, 3
- person obtaining patent for, deemed inventor, 3, *n.*, 4
- should be stated in application for patent, 3
- " " patent, 3
- patent for, taken out by agent of inventor, 3, 4
- patentee for, may apply for extension of term, 44
- application for patent for, form of, 184, 198

COMPLETE SPECIFICATION (and *see* PROVISIONAL SPECIFICATIONS).

- to accompany application for patent, 7
- form of, 180, 200
- must describe nature of and mode of working patent, 7
- must be accompanied by drawings, if required, 8 (and *see* DRAWINGS)
- must commence with title, 8 (and *see* TITLE)
- must end with distinct statement of invention claimed, 8, 14 (and *see* CLAIMING CLAUSE)

COMPLETE SPECIFICATION—continued.

- defect in, cannot be supplied by provisional specification, 8
- should be no material variation between provisional and, 9
- how far provisional specification may vary from, 9
- should be no material variation between title and, 9
- how far title may vary from, 10
- cannot control title, 10
- must be no misdescription in, 10
- how far nature and mode of working invention must be described in, 10
- sufficiency of description in, how ascertained, 11
- must not be in any manner misleading, 11
- best and simplest mode of working invention must be shown by, 11
- how far details should be given in, 11, 12
- must not be ambiguous, 11, 12
- must distinguish between new and old matter, 11, 12
- must describe at least one manner of working invention, 11
- if various manners most useful must be indicated by, 11
- must be no concealment in, 12
- must be no omission of steps in process in, 12
- construction of (*see* CONSTRUCTION OF SPECIFICATION), if reasonably clear not vitiated by slips, &c., 13
- report on, to be made by examiner to comptroller, 16
- comptroller may require amendment of, 16
- appeal to law officer against amendment of, 16
- may be left within nine months from application, 18
- if not, application deemed abandoned, 18
- comptroller may accept, if left within year of application, 19
- comparison of, with provisional specification referred to examiner, 19
- report on, by examiner to comptroller, 19
- comptroller may refuse to accept, unless amended, 19
- appeal from refusal to accept, to law officer, 19
- unless accepted within year, application void, 20
- unless appeal lodged against refusal to accept, 20
- acceptance of, to be advertised by comptroller, 20
- public inspection, open to, when, 20, 184
- opposition to grant, within two months from advertisement of, 20
- infringement before publication of, no action for, 25
- protection of invention between acceptance of, and sealing, 27

COMPLETE SPECIFICATION—continued.

amendment of,

clerical errors in, by Master of Rolls, 18, 31

" " by comptroller, 18, 31

" " to be promptly applied for, 31

" " allowed on conditions, 31

material errors in,

when no legal proceedings pending,

at instance of comptroller, 16

only under Act, 32

request for, 29, 32, 187

" " advertisement of, 29, 187

who can obtain, 29, 32, 33

by disclaimer, correction, or explanation, 29, 32 (and
see **DISCLAIMER**)

form of application for, 203

" opposition to, 204

notice of opposition to, 29, 187

" " " to applicant, 29, 188

conditions, may be allowed on, 30, 32

when opposition to, decision of comptroller on, 29

" " " to be notified to parties, 188

" " " appeal from, 30 (and
see **APPEAL**)

" " evidence on, of opponent, 188

" " further proceedings on, 188

when no opposition to, decision of comptroller on, 30

" " " appeal from, 30
(and see **APPEAL**.)

not allowed, when, 30, 32

leave for, conclusive as to right to amend, 30

forms part of specification, 30

when allowed, new specification to be prepared,
when, 188discretion of comptroller as to, how exercised (see
DISCRETION),

when legal proceedings pending,

by disclaimer, by order of Court, 34

terms imposed on, 34

in meantime trial of action postponed, 34

applies to action commenced before Act, 34

COMPLETE SPECIFICATIONS—continued.

- amendment of material errors in—*continued.*
- when legal proceedings pending—*continued.*
 - order of Court for, left at Patent Office, 188
 - when allowed, no damages for user before disclaimer, when, 35
 - advertisement of, 35, 188
- particulars of, to be delivered in action for infringement, 59, 60
- copies of, to be kept on sale, 80
- indexes of, to be prepared, 80 (and see INDEXES)
- to be delivered to comptroller, in sealed packet when, 92
- to be placed in sealed packet by comptroller, when, 92
- copy of, in sealed packet, not to be published, 93
- certified copies of, to be admitted in evidence, 153
- copies of, to be transmitted to certain places, 160 (and see COURTS)
- duplicates of, rules for, Board of Trade may make, 160
- publishing of, rules for, Board of Trade may make, 160

COMPTROLLER,

- only, can object to patent on ground of vagueness of provisional specification, 9
- amendment of title can require, when, 9, 16
- communications between applicant and, when by agent, 180
- application for patent, to refer to examiner, 16
 - " " examiner to report on, to, 16
 - " " amendment of, can require, 16
 - " " " appeal from, to law officer against, 16
 - " " " to be heard by law officer on appeal, 17, 19
 - " " acceptance, of, to give notice of, to applicant, 17, 183
 - " " " advertisement of, by, 183
- second application for same invention, report to, by examiner, 17
- notice of report, to applicants, to give, 17
- may determine whether inventions are same, 17
- appeal from determination to law officer, 17
- may refuse to seal patent on second application, 17
- may accept complete specification within year from application, 19
- specification, to refer to examiner, 19
 - " report of examiner on, to, 19
- complete specification, may refuse unless amended, 19
- appeal from refusal of, to law officer, 19
- validity of patent, decision of, how far conclusive as to, 21

CONTROLLER—continued.

- acceptance of complete specification, to advertise, 20
- opposition to grant, to give notice of, to applicant, 21, 185
 - " " leave of, for further evidence on, 186
 - " " time of hearing of, to give notice of, 186
 - " " decision on, must give, 21
 - " " " to notify to parties, 186
 - " " " appeal from, to law officer, 21
- sealing of patent by, 24
- grant of patent, to enter in register, 189
 - " may refuse, when, 151
- extension of time by, for payments, 28
 - " in other cases, 187, 231, 254
- amendment of specification, notice of, by, 29
 - " " decision on, must give, 29, 30
 - " " " to notify to parties, 188
 - " " " appeal from, to law officer, 29, 30
 - " " to advertise request for, 187, 188
- amendments generally, power of, to make, 18, 31, 182, 230, 254
- copies of documents affecting patents, supplied to, 36
- trust, notice of, not to receive, 37, 151
- patent revoked for fraud, may grant patent in lieu of, 48
- patent lost or destroyed, may seal duplicate, when, 88
- exhibition of invention, notice of, to be given to, 89, 181
 - " form of notice, 213
 - " description to be given to, prior to, 182
- exhibition of design, notice of, to be given to, 110, 232
 - " form of notice, 242
- assignment of patent, to be registered by, 190
- to publish illustrated journal of patents, 89
 - " reports of patent cases, 89
 - " useful information, 89
 - " indexes, 89
- to keep on sale copies of journal, 89
 - " " complete specifications, 89
- Secretary for War to certify to, when invention assigned to him, 91
- sealed packet, application delivered to, in, 91
 - " to be opened by, when, 92
 - " to place application in, when, 92
- application to, for registration of designs, 227
 - " " " acknowledgment of, 227

COMPTROLLER—*continued.*

- design, may register, when, 102
- „ assignment of, to be registered by, 229
- „ refusal of, to register, 103, 151
- „ „ „ appeal from, to Board of Trade, 103, 228
- „ „ „ „ to be heard on, 103 (and *see* APPEAL)
- „ decision of, as to class of registration of, 103
- „ drawings, &c., of, to be furnished to, 108, 227
- „ „ may be refused by, 106
- „ certificate of registration of, to grant, 107, 227
- „ „ „ lost, copies of, may be sent, 107
- „ proprietor of, name of, may erase from register, . . .
- „ registered, inspection of, may authorise, 108
- „ „ „ in presence of, 108
- copyright, information by, as to existence of, 108
- trade-marks, may register, when, 115
- „ refusal of, to register, 115, 133-135, 151
- „ „ grounds of, 116, 133-135, 151
- „ „ appeal from, to Board of Trade, 115, 248
- „ „ „ form of, 262
- „ „ „ to be heard on, 115
- „ application to register, to advertise, 131, 248
- „ „ „ to acknowledge, 246
- „ registration of, to give notice of, 250
- „ „ opposition to, notice of, by, 131
- counter-statement of applicant sent to, 131
- „ copy of, given to opposer by, 131
- security for costs, opposer ordered to give, by, 131
- „ „ applicant informed of, by, 131
- rival claims to registration of trade-marks submitted to Court by, 131
- addition to trade-marks, registration of, by, 136
- certificate of refusal to register trade-marks, given by, 138
- notice by, of expiration of fourteen years to proprietor of trade-marks, 145
- „ second, when to be sent, 145
- may remove trade-mark from register, when, 145
- may restore trade-mark to register, when, 145
- may accept fees after expiration of fourteen years, when, 145
- application for registration at Sheffield, to be notified to, 147
- „ „ „ how notified, 251

CONTROLLER—*continued.*

- application for registration at Sheffield, objection to, by, 147
- " " " " made within what time, 254
- " " " " notice of, to be given to
 Cutlers' Company, 147
- registration at Sheffield, notice of, to be given to, 147
- marks registered at Sheffield to be registered by, 147
- notice of every entry in Sheffield register to be given to, 148
- notice of application to register marks for certain goods to be given
 to Cutlers' Company by, 148
- notice of application to register marks for certain goods to be given
 to Cutlers' Company, how given, 255
- appeal to, from Cutlers' Company, 149
- " form of, 277
- appeal from, to Court, as to decision of Cutlers' Company, 149
- to have control of Patent Office, 150
- to be under superintendence of Board of Trade, 150
- absent, when, work of, done by whom, 150
- appointed by Board of Trade, 150
- removable by Board of Trade, 150
- salary of, appointed by Board of Trade, 151
- documents certified by, to be admitted in evidence, 153
- notice to, of order for rectification of register, 153
- power of, to correct clerical errors, 156
- notice to, of application to alter registered mark, 157
- to be heard on application to alter registered mark, 157
- may alter registered mark, when, 157
- discretion of, not exercised adversely to applicant, 157, 180, 228, 248
 unless applicant heard, 158, 181, 228, 248 (and see DISCRETION)
- may take direction of law officers, when, 158
- certificate of, to be evidence, 158
- " form of, 215, 275
- post, notices to, may be sent by, 158, 182, 228, 247
- duties of, Board of Trade may make rules as to, 161
- rules, to advertise twice in official journal, 161
- annual report of, 162
- Scotland, order of Court in, for rectification of register to be served
 on, 166
- Ireland, order of Court in, for rectification of register to be served
 on, 166
- definition of, 169
- documents furnished to, size, &c., of, 180, 227, 246

COMPTROLLER—continued.

- documents, duplicates of, may be required by, 180
- notice to, of intention to pay fees for continuance of patent, 186, 187
- certificate of, that fees duly paid, 187
- evidence, &c., power of, to dispense with, 192, 230, 253
- hearing by, form of application for, 202
- certificate of, as to entry in register, in legal proceedings, 231, 255
 - „ form of, 240, 273
 - „ „ request for, 239
- search by, among registered designs, 231
- advertisement by, of order of Court for rectification of register, 253

COMPULSORY LICENCES (see LICENCES)**CONCURRENT APPLICATIONS FOR PATENT, 4, 5, 25**

(and see APPLICATION FOR PATENT; GRANT OF PATENT)

CONDITIONS,

- on accepting application, 17
 - „ complete specification, 20
- on allowing amendment of specification, 30-32
 - „ „ „ during action, 34
 - „ alteration of registered trade-mark, 157
- on amendments generally, 182, 230, 254
- on colour of trade-mark, 130, n.
- on compulsory licences, 35
- on dispensing with evidence, &c., 192, 230, 253
- on enlarging time for payments, 28
 - „ „ in other cases, 187, 231, 254
- on granting extension of term, 38, 43, 44
- on registration of design, 103
 - „ trade-marks, 126, 117, 136
- on user of invention by officers of crown, 51

CONSOLIDATION,

- of actions for infringement, 68 (and see INFRINGEMENT; COSTS)

CONSTRUCTION OF SPECIFICATIONS,

- to be reasonable, 13
 - „ in support of patent, 13
- Court, is for, when, 13
- jury, is for, when, 13
- depends on class of persons for whom specification intended, 14
- according to ordinary meaning of language, 14

CONTINUANCE OF PATENT,

- granted after Act, time for payment of fees for, 186

CONTINUANCE OF PATENT—*continued.*

- granted before Act, time for payment of fees for, 186
- fees for, in lump sums, 186
 - „ in annual payments, 186
 - „ form of certificate of payment of, to be left at Patent Office, 186, 187
 - „ notice of intention to pay, 186, 187
 - „ form of application for enlargement of time for payment of, 209
 - „ certificate of payment of, 187
- form of application for certificate of payment on, 208
 - „ certificate of payment on, 208

CO-OWNERS OF PATENT,

- can each assign share, 5, n., 6, 152
 - „ sue for infringement, 5, n., 54
 - „ retain profits of working, 5, n., 6
 - „ grant licences, 5, n., 152
 - „ work on own account when patent vested in trustees in trust for all, *quære*, 6, n.
- rectification of register, right of, to, 154
- must account for profits of granting licences, *semble*, 5, n., 6

COPIES,

- of documents certified and sealed to be admitted in evidence, 153
- of register, certified, given, 152, 192
 - „ „ fee for, 153, 192
- of entries in register, falsifying, misdemeanor, 167
- of sealed documents, transmission of, to certain places, 160
 - „ „ certified copies of, given, 160
 - „ „ „ „ fee for, 160
 - „ „ „ „ admitted in evidence, 160
- of documents, publishing of, Board of Trade may make rules for, 160
 - „ certified, furnished, 192
 - „ „ fee for, 192
 - „ presentation of, Board of Trade may make rules for, 161
- of order of Court in Scotland or Ireland, service of, on comptroller, 166
- of documents, size, &c., of, 180
- of drawings, regulations for, 184
- of evidence on opposition to grant, how obtained, 186
- of licence to be left at Patent Office, 191

COPIES—continued.

- of assignment of patents to be furnished to comptroller, 190
- of papers lodged with petition to Privy Council, 224
- of documents to be lodged by applicant for extension, 224
- of certificate of registration of design, form of application for, 238

CO-PROPRIETORS OF TRADE-MARK, 131, 136

(and see PARTNERS)

COPYRIGHT,

- in design, acquired by registration, 107
 - „ lasts five years from registration, 107
 - „ ceases if specimen of design not furnished to comptroller before sale of articles, 107
 - „ ceases if articles sold without design marked thereon, 107, 231
 - „ unless proprietor took proper steps, 108
 - „ ceases if, when used abroad, is not used in this country within six months of registration, 109
 - „ inspection of design during, to whom allowed, 108
 - „ „ „ at expiration of, to whom allowed, 108, 231
 - „ information as to existence of, when given, 108
 - „ infringement of (see DESIGN).
- definition of, 114
- assignment of, to be entered in register, 151
- proprietor of, registered, rights and powers of, 151
- co-owners of, rights of, 6, *n.*

CORPORATE BODY,

- may be registered at Sheffield as proprietor of trade-mark, 149
- are included in "person," 169
- request by, for registration of assignment, 190, 229, 251
- may be registered in corporate name, 191, 230, 251
- application for registration of trade-mark by, 246

CORRECTION,

- amendment of specifications by, 29, 32, 34
- when allowed, no damages for prior user, when, 35
- clerical errors, of, by comptroller, 156
 - „ „ form of request for, 214, 271 (and see CLERICAL ERRORS; AMENDMENT)

COSTS,

- of opposition to grant, comptroller cannot award, 23
 - „ „ law officer can award, 23

COSTS—continued.

- of opposition to grant, principles of awarding or refusing, 23
- " " as a rule follow the event, 24
- of petition for extension of term, in discretion of Privy Council, 38
- " " " order respecting, how enforceable, 38
- " " " general rules as to, 46
- of proceedings for revocation of patent, 50
- of particulars of breaches and objections, 53
- of action for infringement, where no intention to infringe, 56
- of amendments of particulars, 62
- of action for infringement, 70, *et seq.*
- " " taxation of, 73
- as between solicitor and client, when given, 74, 82
- law officer may make order as to, 88, 220
- order as to, by law officer, made rule of Court, 88, 220
- of proceedings as to registration of trade-marks, 117
- " " jurisdiction of Court as to, 132
- security for, by opposer to registration of trade-mark, 131
- " " if not given, opposition deemed withdrawn, 131
- " " if given, applicant to be informed of, 131
- " " form of bond for, 303
- of action for infringement of trade-mark, 141, *n.*
- of proceedings for rectification of register, 153
- of application for compulsory licences, 188, *n.*
- of consolidated actions, 68, *n.*

COUNTERFEITING TRADE-MARKS,

- entered in Sheffield Register, punishment for, 149
- " " penalty for, how recoverable, 149

COUNTER-STATEMENT,

- to opposition to registration of trade-mark, 131
- to be sent by applicant, 131
- if not sent, application deemed abandoned, 131
- if sent, copy given to opposer, 131
- size of, 246
- form of, 302

COURT,

- construction of specification is for, when, 13
- may refuse damages for infringement, when, 28, 35
- may order disclaimer during action, 34
- false suggestion, decision as to, is for, 50
- assessor, may obtain aid of, when, 51 (and see **ASSESSOR**)

COURT—*continued.*

- damages for infringement assessed by, when, 67
- costs in discretion of, when, 71
- may authorise inspection of registered designs, 108
- may determine appeal as to registration of trade-marks, 116
- case for registration of trade-marks deemed to stand for determination of, when, 131
- " " " how brought before, 249
- " " " jurisdiction of, as to costs of, 132
- conflicting claim to registration of trade-mark, submitted to, 133, 252
- appeal to, against objection to registration in Sheffield Register, 147
- appeal to, from comptroller, on decision of Cutlers' Company, 149
- rectification of registers by, 153
- " " order for, advertisement of, 253
- application to, for alteration of registered mark, 156
- " " may grant or refuse, 157
- order of, for amendment of specification to be left with request, 188
- orders of, to be entered in register, 191, 230, 252
- definition of (*see* DEFINITIONS)
- of appeal, definition of (*see* DEFINITIONS)
- jurisdiction of, general saving as to, 166
- Isle of Man, in, saving of jurisdiction of, 166

CROWN,

- conditions in interest of, on extension of patent, 44
- power of Privy Council to impose terms on, on extension of patent, 45
- patent is to bind, 50
- otherwise before Act, 51
- officers of, may use invention subject to terms, 51
- terms how settled, 51
- not bound by patents granted before Act, 94
- " " when application pending at date of Act, 94
- prerogative of, saving for, 169
- heard on petition to Privy Council, 225

CUTLERS' COMPANY,

- what is, 146
- register of trade-marks to be kept at Sheffield by, 146 (*and see* SHEFFIELD REGISTER)
- " " what is to be entered in, by, 146

CUTLERS' COMPANY—*continued.*

- application for registration made to, 147, 304
- " " to be in duplicate, 254
- " " copy of, to be sent to comptroller, 254
- " " when may be proceeded with, by, 147
- " " when may not be proceeded with, by,
 147
- " " to be advertised by comptroller, 254
- " " proceedings on, 255
- objection to registration by, notice of, by comptroller, 254
- " " to be made within what time, 254
- opposition to registration by, proceedings on, 255
- registration in Sheffield Register, notice of, to comptroller, to be
 given by, 147
- " " " proceedings on, 255
- notice of entries in Sheffield Register to be given to comptroller by,
 148
- comptroller to give notice to, of application for registration of
 certain trade-marks, 148, 255
- " " " notice, how given, 255
- Cutlers' register, to close, when, 148
- " " marks in, not entered in Sheffield Register deemed
 abandoned, 148
- appeal from decision of, to comptroller, 148, 149
- " " form of, 277
- " " subject to further appeal to Court, 149
- Acts, how far applicable to Sheffield Registry, 149
- post, applications and notices to, may be by, 158
- documents sent to, size of, 246
- forms to be used by, 255

CUTLERS' REGISTER,

- to be closed, when, 148

DAMAGES,

- for infringement, Court may refuse, when, 28
- " " when granted instead of injunction, 62 (and see
 INFRINGEMENT)
- " " extend over what period, 67
- for user before amendment, Court may refuse, when, 35
- undertaking in, on interlocutory injunction, 78
- for threats of legal proceedings, when given, 84
- for issuing defamatory circulars, when given, 86
- for piracy of designs, action for, 113, 163

DAMAGES—continued.

- for infringement of trade-mark, restrictions on recovering, 138, 163
- „ „ extend over what period, 67
- in proceedings for rectification of register, 153

DEFINITIONS,

- of patent, 95
- „ patentee, 95
- „ invention, 95
- „ injunction, 95
- „ designs, 103, 114
- „ copyright, 114
- „ proprietor, 114
- „ “common to the trade,” 136
- „ “Court of Appeal ” in Scotch actions, 165
- „ “Court ” in Scotland, 166
- „ “Court of Appeal ” in Scotland, 166
- „ “Court ” in Ireland, 166
- „ “Court of Appeal ” in Ireland, 166
- „ person, 169
- „ the Court, 169
- „ law officer, 169
- „ the Treasury, 169
- „ comptroller, 169
- „ prescribed, 169
- „ legislature, 169
- „ British possession, 169
- „ summary conviction, in Ireland, 170
- „ applicant, 181, 251
- „ official paper, 249
- „ manufacture, 96
- „ month, 19
- „ judge, 34, *n.*

DELAY,

- by applicant when concurrent application, 25
- injunction, ground for refusing, when, 62
- „ „ „ when not, 63
- „ interim, ground for refusing, when, 62, 77
- rectification of register, when material, 156
- Privy Council extends time when accidental, 223

DELIVERY,

- of articles, in action for infringement (*see* INFRINGEMENT)

DEPARTMENT OF SCIENCE AND ART,

control of Patent Museum vested in, 89

may require models of inventions on payment, 90

DESIGNS,

(and see APPLICANTS; INSTRUCTIONS FOR REGISTRATION OF DESIGNS)

application for registration of, who may make, 102

” ” made to comptroller, 102, 227

” ” agent, applicant may employ, 227

” ” form of, 102, 174, 226, 235

” ” fee for, 227

” ” to be sent to Patent Office, 102, 227

” ” to contain statement of nature of design, 102

” ” drawings to be furnished with, 106, 227

” ” size of papers left with, 227

” ” size may be varied by comptroller, 227

” ” to be made within six months of exhibition of design, 110

” ” acknowledgment of receipt of, 227

” ” may be made by post, 158, 228

” ” clerical errors in, correction of, 156

registration of, by comptroller, 102, 229

” certificate of, to be given, 107, 227

” ” form of, 237

” ” copy of, form of application for, 238

” may be in more than one class, 103

” instructions for, 293

” comptroller may decide as to, 103

” comptroller may refuse, 103, 151

” Board of Trade may order, on appeal from comptroller, 103, 106, 228

” conditions on, 103 (and see APPEAL)

” scandalous, not allowed, 104, 135

” contrary to law or morality, not allowed, 104, 151

” proprietor entitled to, 104

” ” who is, 104

” gives copyright, 107

” must be used within six months of, if used in foreign country, 109

definition of, 103, 114

DESIGNS—*continued.*

- how different from patent, 103
- must be new or original, 102
- must not have been previously published in United Kingdom, 102, 104
- publication of, what is, 104, *n.*
- valid, what have been held to be, 105
- invalid, what have been held to be, 105
- combination of old, how far good, 105
- novelty of, to be determined by jury, 106
 - „ evidence of experts as to, 106
- proprietor of (*see PROPRIETOR*)
- drawings of, to be furnished to comptroller, 106, 227
 - „ may be refused by comptroller, 106
- copyright of, when registered (*see COPYRIGHT*)
- representation of, to be furnished to comptroller, 107
- penalty for not doing so, 107
- each article to be marked with, before sale, 107, 231
- penalty for not doing so, 107
- book of, need not be registered, 108
- inspection of, during copyright, 108
 - „ at expiration of copyright, 108, 231
 - „ fee for, 108, 231
- register of (*see REGISTER*)
- exhibition of, not to prejudice registration when, 110, 163, 232
(*and see EXHIBITION*)
- transmission of (*see ASSIGNMENTS; REGISTER*)
- fraudulent or obvious imitation of, 111, 112
- false representation as to registration of (*see OFFENCES*)
- piracy of, what is, 111
 - „ legal proceedings for, manufacturers, against, 111
 - „ „ „ knowledge of, not necessary, 111
 - „ „ „ retailers, against, 111
 - „ „ „ knowledge of, necessary, 111, 112
 - „ „ „ assignee, by, whether registration essential to, *quere*, 152
 - „ „ „ penalty for, 111
 - „ „ „ how recoverable, 111
 - „ „ „ notice to be given before commencing, 112

DESIGNS—*continued.*

- piracy of, legal proceedings for, injunction against, 78, 113, *n.*
damages, action for, 113
- information with regard to, by comptroller, 231
- assignment of (*see* ASSIGNMENTS; REGISTER)
- search on production of sketch of, 231
- fees payable in respect of (*see* FEES)
- registration of, whether essential to action for infringement by
assignee, 152
- limitation of, *ex parte* application for, 157
- international arrangements for protection of, 162
 - ” ” ” by whom made, 162
 - ” ” ” registration of, granted to cer-
tain persons in
priority, 162
 - ” ” ” date of, 162
 - ” ” ” application for,
to be made within
what time, 162
 - ” ” ” how made, 163
 - ” ” ” damages for infringement of,
restrictions on, 163
 - ” ” ” publication of, not to invalidate
registration, 163
 - ” ” ” exhibition of, not to invalidate
registration, 163
 - ” ” ” order in Council as to what
States applicable, 163
 - ” ” ” remain in force, how long, 163
- colonial arrangements for protection of, 163
 - when made, 163
 - provisions as to international arrangements to apply to, 164
 - order in Council as to, 164
 - ” ” effect of, 164
 - ” ” may be revoked, 164
- Isle of Man, proceedings respecting, in, 166
- Rules (*see* DESIGNS RULES)

DESIGNS RULES, 1883, 226 *et seq.*

- short title of, 226
- commencement of, 226
- interpretation of, 226
- fees payable under, 226, 233

DESIGNS RULES, 1883—continued.

forms to be used under, 226, 235 *et seq.*, 295
 classification of goods under, 226, 244
 enlargement of time under, 231
 copies of, where obtainable, 293

DESTRUCTION,

of articles (*see* INFRINGEMENT)
 of patent, how remedied, 88

DISCLAIMER,

amendment of specification by, 29, 32
 taken off file, Master of Rolls may order, 31
 proper person to enter, 33
 no retrospective effect, 33
 effect of, when action pending, 33
 injunction obtained before, not enforced after, 33
 part of patent and specification, 34
 construction of, 34
 entered after judgment against validity of patent, may be, 34
 during action, Court may order, 34
 " " impose terms on, 34
 " postponement of trial until, 34
 when allowed, no damages for prior user, when, 35
 of exclusive right to use additions to trade-mark, 136
 " " to be entered in register, 136
 certified copies of, admitted in evidence, 153

DISCOVERIES (*see* INVENTIONS)**DISCOVERY,**

of reports of examiners, when allowed, 20
 " " " when not, 20
 in actions for infringement, when ordered, 67

DISCRETION,

comptroller to exercise, not adversely to applicant, 157, 180, 228, 248.
 unless applicant heard, 157, 180, 228, 248
 notice of hearing, 181, 228, 248
 applicant to notify intention of being heard, 181, 228, 248
 "applicant," who is, 181
 hearing, prior and second applicant may attend, 181
 decision in exercise of, to be notified to parties, 181, 228, 248
 comptroller may require explanation before exercising, 181

DOCUMENTS,

sealed copies of, to be admitted in evidence, 153, 160
 clerical errors in, correction of, 156
 post, may be sent by, 158, 182, 220, 228, 247
 day for leaving, falling on holiday, provision as to, 159
 duplicates of, when required, 160, 180
 publishing copies of, Board of Trade may make rules for, 160
 indexes of, Board of Trade may make rules for, 160
 size, &c., of, 180, 227, 246
 amendment of, general power to comptroller for, 182, 230, 254
 production of, on request for registration of assignment, 190
 „ „ dispensed with, 192, 230
 signature of, dispensed with, 192, 230, 253

DRAWINGS,

to accompany provisional specification, 7, 15
 „ „ complete specification, 8, 15
 size of, 184, 227, 246
 copies of, how made, 184
 function of, 15
 how far essential part of specification, 16
 to be furnished to comptroller prior to exhibition, 182
 report on sufficiency of, by examiner to comptroller, 16
 comptroller may require amendment, 16, 230, 254
 open to public inspection, when, 20, 184
 used at trial, costs of, when allowed, 74
 copies of, to be kept on sale, 89
 to be delivered to comptroller, in sealed packet, when, 92
 to be placed in sealed packet by comptroller, when, 92
 copy of, in sealed packet, not to be published, 93
 of design, to accompany application for registration, 106, 227, 294
 „ comptroller may refuse, 106
 copies of, to be transmitted to certain places, 160 (and see COPIES)
 duplicates of, rules for, Board of Trade may make, 160
 publishing of, rules for, Board of Trade may make, 160
 showing novelty of invention, to be furnished, 185
 amendment of, by applicant or patentee, 29, 32
 „ „ form of application for, 203
 „ „ „ opposition to, 204

DUPLICATES,

of documents, required by rules, may be, 160
 „ „ to be left, when, 180
 of patents, form of application for, 212

DUPLICATES—*continued.*

- of patents, when granted, 88
- applications to Cutlers' Company for registration to be in, 254

EDINBURGH MUSEUM OF SCIENCE AND ART,

- copies of documents left at Patent Office to be transmitted to, 160
- (and see COPIES)

ENROLMENT,

- amendment of, 31

EVIDENCE,

- on opposition to grant, 24, 185
 - in first instances by statutory declaration, 24, 185
 - on oath, when, 24
 - vivâ voce*, received, when, 24 (and see OPPOSITION TO GRANT OF PATENT)
- on opposition to amendment of specification, 188
- register of patents to be *primâ facie*, 36
- as to utility of patent, 39
- not admitted unless particulars delivered, when, 47
- in trial of action for infringement, 69
- on application for interlocutory injunction, 78
 - „ „ inspection of articles, &c., 79
- law officer, how taken before, 88
 - „ „ on appeal to, 220
- on question of novelty of design, 106
- register of designs to be *primâ facie*, 109
- as to similarity of trade-marks, 134
- impressions of seal to be admitted in, 151
- sealed copies to be admitted in, 153
- false copies of register, tendering in, misdemeanor, 157
- certificate of comptroller to be *primâ facie*, 158
- of service of documents sent by post, 158, 182, 228, 247
- affidavits, how sworn to be used as, 182
- on request for registration of assignments, 190
- on petition for compulsory licences, 189 (and see LICENCES)
- power of comptroller to dispense with, 192, 230, 253
- before Board of Trade, 248

EXAMINER,

- application for patent to be referred to, by comptroller, 16
- must report to comptroller on sufficiency of application, 16
- must report to comptroller when second application for same invention, 17

EXAMINER—*continued.*

provisional and complete specification to be referred to, for comparison, 19

must report to comptroller on specifications, 19

reports of, not open to public inspection, 20

„ when liable to production or inspection in legal proceedings, 20

reports of, when not liable to production or inspection in legal proceedings, 20

appointed by Board of Trade, 16, 150

removable by Board of Trade, 150

salary of, appointed by Board of Trade, 151

EXECUTORS (*see* REPRESENTATIVES)

of patentees, rights of, 152, *n.*

„ proprietor of designs, rights of, 152, *n.*

„ patentee, petition for extension by, 223

EXHIBITION,

of inventions,

industrial, exhibition of invention at, not to prejudice patent rights, when, 88

international, exhibition of invention at, not to prejudice patent rights, when, 88

certified by Board of Trade, to be, 88, 181

notice of, to be given to comptroller prior to, 89, 181

form of, 213

application for patent to be made within six months of opening of, 89

short description to be furnished to comptroller prior to, 182

of designs,

industrial, exhibition of design at, not to prejudice registration, when, 110, 163

international, exhibition of design at, not to prejudice registration, when, 110, 163

certified by Board of Trade to be, 110, 232

notice to be given to comptroller prior to, 110, 232

form of, 242

application for registration to be made within six months of opening of, 110

short description of, to be furnished to comptroller prior to, 232

EXISTING PATENTS (*see* PATENTS)

EXPENSES,

of execution of Act, how paid, 151

EXPERT (and see WITNESSES)

law officer may obtain assistance of, 21

remuneration of, 21

novelty of design, evidence of, as to, 106

similarity of trade-marks, evidence of, as to, 134,

EXPLANATION,

amendment of specification by, 29, 32, 34

when allowed, no damages for prior user, when, 35

EXTENSION OF PATENT,

when foreign patent for same invention expired, before Act, 28, 94

 " " " ", after Act, 29, 94

to be entered in register, 36

caveat against, 37, 222, 223 (and see CAVEAT)

petition for, to be advertised, 37, 222

 " " presented to Queen in Council, 37

 " " " six months before patent expires, 37

 " " Privy Council to consider, 38 (and see PRIVY COUNCIL)

 " " who heard on, 38

 " " facts to be considered on, 38

 " " rules of procedure on, 38, 221 (and see PRIVY COUNCIL)

 " " costs of, in discretion of Privy Council, 38

 " " " order respecting, how enforceable, 38

 " " information to be given on, 39

 " " dismissed if patent proved invalid, 42

in ordinary cases, not exceeding seven years, 38

 " exceptional cases, not exceeding fourteen years, 38

by grant of new patent, 38

reasons for grant of,

 utility of invention, 39

 " " evidence as to, 39

 simplicity, of invention, 39

 improper remuneration of inventor, 38, 39, 40, *et seq.*

 what is, 40

 how proved,

 accounts, by, 40, 225

 " full and clear, 40

 " incomplete, ground for refusing application,

EXTENSION OF PATENT—*continued.*

reasons for grant of—*continued.*

improper remuneration of inventor—*continued.*

how proved—*continued.*

accounts, amendment of, 41

„ separate, of patent should be kept, 41

„ deductions from profits that may be made
in, 41

„ what must be brought into, as profits, 39, 42

reasons special to applicant, 42

that he is original patentee, 42

but may be granted to assignees, 42

conditions imposed in favour of original patentee, when,
43

conditions imposed in favour of original patentee, when
not, 43

persons to apply for, 43

person in whom patent vested, 43

executrix of petitioner, 223

importer-patentee may apply, 44

persons to whom extension has been granted, 44

conditions imposed on, 38, 44

in favour of inventor, 43, 44

„ „ public, 44

„ „ Crown, 44

„ „ other persons, 45

power of Privy Council to impose terms on Crown on, 45

may be granted as to part of patent, 45

second, no jurisdiction to grant, 45

application for,

petition by, 45

„ all material facts stated in, 45

„ amendment of, 46

„ who may oppose, 46

„ those opposing, to enter caveat, 46 (and see CAVEAT)

„ opposition to, costs of, 46 (and see PRIVY COUNCIL)

petitioner, title of, must be proved, 46

FEES (and see PAYMENTS),

payment of, day for, falling on holiday, provisions as to, 159

enlargement of time for payments, on, 28

„ „ form of application for, 209

account of, in comptroller's annual report, 162

FEES—continued.

- patents, in respect of,
 - if not paid, patent ceases, 28
 - under the Act, 37, 175
 - „ the Patents Rules, 179, 193
 - prescribed by Board of Trade, 37
 - for inspection of, application and specifications, 184
 - how levied, 37
 - renewal fee, form of application for enlargement of time for paying, 209
 - Board of Trade may reduce, 37
 - on application before 1st Jan., 1884, 292
 - certificate of payment of, for continuance of patent, 186 (and see CONTINUANCE OF PATENT)
 - „ „ registration of, 191
 - failure to pay, to be registered, 191
 - for certified copies of documents generally, 192
- designs, in respect of,
 - for inspection of registered designs, 108
 - „ taking copies of registered designs, 227
 - „ information as to existence of copyright, 108
 - to be left with application for registration, 227
 - under the Act, 110
 - „ the Designs Rules, 226, 233
 - prescribed by Board of Trade, 110
 - how levied, 110
 - for search, 231
- trade-marks, in respect of,
 - for certificate of refusal to register, 138
 - „ renewal of mark, 145
 - „ „ additional, when required, 145
 - trade-mark removed from register on default of payment of, 145
 - under the Act, 146
 - „ the Trade Marks Rules, 245, 257, 296
 - prescribed by Board of Trade, 146
 - how levied and paid, 146
 - for registration, form of transmission of, 263
 - „ certified copy of entries in register, 153, 192
 - „ correction of clerical errors, 156
 - „ alteration of registered trade-mark, 157
 - „ certified copies of documents transmitted to certain places, 160
 - „ search, 298
 - „ „ in Manchester Office, 305

FOREIGN CHARACTERS,

- translation of, in application for registration, 247
- used as trade-marks, 128

FOREIGNER,

- rectification of register, right of, to, 154
- registration of trade-mark by, 115, *n.*

FOREIGN GOVERNMENTS,

- arrangements with, for protection of inventions, 162
- " " designs, 162
- " " trade-marks, 162
- (and *see* INVENTIONS; DESIGNS; TRADE-MARKS.)

FOREIGN PATENT,

- before Act, expiration of, prevented extension of English Patent, 28, 94
- after Act, expiration of, does not prevent extension of English Patent, 29, 94
- profits from, to be brought into account, 42

FOREIGN VESSELS, in British waters, how far may use patented inventions, 90**FORMS,**

- of injunction against infringement, 64
- " order for account of profits, 64
- " " for appointment of referee as to trade secrets, 70
- " interrogatories, 81, *n.*
- " patent, 87, 171
- " application for patent, 7, 196
- " application for registration of design, 102, 174
- " " trade-mark, 115, 174
- altered by rules of Board of Trade, what, 161, 171
- Patent Rules, under, 179, 195
 - of application for patent for inventions communicated from abroad, 198
 - " provisional specification, 199
 - " complete specification, 200
 - " opposition to grant of patent, 201
 - " application for hearing by comptroller, 202
 - " " amendment of specification, 203
 - " " " drawings, 203
 - " opposition to amendment of specification, 204
 - " " " drawings, 204
 - " application for compulsory grant of licence, 205

FORMS—*continued.*Patent Rules, under—*continued.*

- „ petition for compulsory grant of licence, 206
- „ opposition to compulsory grant of licence, 207
- „ application for certificate of payment on renewal, 208
- „ certificate on payment on renewal, 208
- „ application for enlargement of time for payment of renewal fee, 209
- „ request to enter name on register of patents, 210
- „ „ notification of licence on register of patents, 211
- „ application for duplicate of patent, 212
- „ notice of intended exhibition of unpatented invention, 213
- „ request for correction of clerical error, 214
- „ certificate of Comptroller-General, 215
- „ notice for alteration of address in register, 216
- „ application for entry of Order of Privy Council in register, 217
- „ appeal to law officer, 218

Designs Rules, under, 226, 235, 295

- of application for registration of design, 235
- „ appeal to Board of Trade on refusal of comptroller to register design, 236
- „ certificate of registration of design, 237
- „ application for copy of certificate of registration of design, 238
- „ request for certificate for use in legal proceedings, 239
- „ certificate for use in legal proceedings, 240
- „ request to enter name of subsequent proprietor of design, 241
- „ notice of intended exhibition of unregistered design, 242
- „ request for correction of clerical error, 243
- „ „ entry of new address, 243

Trade-marks Rules, under, 245, 296

- Sheffield Register, to be used in, 255
- Cutlers' Company, to be used by, 255
- of application for registration of trade-mark, 260
- „ additional representation of trade-mark, to accompany application for registration, 261
- „ appeal to Board of Trade on refusal of comptroller to register trade-mark, 262
- „ transmission of registration fee of trade-mark, 263
- „ notice of opposition to application for registration, 264

FORMS—*continued.*Trade-marks Rules, under—*continued.*

- „ request to enter assignment of trade-mark in register, 265
- „ request for certificate of refusal to register old trade-mark, 266
- „ notice of application for alteration of address in register, 267
- „ „ „ rectification of register, 268
- „ application to cancel entry in register, 269
- „ declaration in support of application to cancel entry, 270
- „ request to comptroller for correction of clerical error, 271
- „ „ for certificate of registration for use in obtaining registration abroad, 272
- „ „ for certificate of registration for use in legal proceedings, 273
- „ „ for settlement of a special case, 274
- „ general certificate of comptroller, 275
- „ request for copy of notification of registration, 276
- „ appeal from Cutlers' Company, 277
- „ counter-statement, 302
- „ bond, 303

FRAUD,

- effect of, when amendment of specification obtained by, 30
- obtaining patent by, ground for revocation, 47
- when patent revoked for, new patent granted to true inventor, 48
- in application, effect of, against inventor, 87
- in imitation of design, liability for, 111, 113
- in use of trade name, 129, 139, 143
- in use of trade-mark, 133, 139-141
- in use of quasi trade-mark, 144

GOOD FRIDAY (*see* HOLIDAY)

GOODS,

- design, to be marked with, when, 107
- „ „ „ how, 231
- „ penalty for not marking with, 107
- when to be marked "RD.," 231
- „ „ "REGD.," 231
- classification of (*see* CLASSIFICATION OF GOODS)
- metal, nature of, to be stated in application for registration, 246
- trade-mark must be registered for particular, 129
- trade-marks registered at Sheffield, for what, 146

GOODWILL,

- trade-mark assignable only with, 132
- „ determinable with, 132
- successor to, may apply for registration, when, 250
- request for registration of assignment of mark to contain statement as to, 251

GRANT OF PATENT (*see APPLICATION FOR PATENT*)

- may be made to two or more persons jointly, 2 (*and see CO-OWNERS*)
- may be made to alien, when, 2
- for communication from abroad (*see COMMUNICATION FROM ABROAD*)
- not made for communication in this country, 4
- „ to persons in public offices for discovery in course of duties, 4
- in case of concurrent applications before the Act, 4
- „ „ „ under the Act, 5
- „ rival applications, 5, 17
- „ contemporaneous discoveries, 5
- to master and workman, 5
- to master for discoveries by servant, 5, 22
- opposition to (*see OPPOSITION TO GRANT OF PATENT*)
- amendment of specification after, 29 *et seq.*
- to representative of deceased inventor, 2, 87
- to inventor, not invalidated by fraudulent application, 87
- not prejudiced by communication to Secretary for War, 93
- contrary to law or morality, refused, 151
- prerogative of Crown as to, saving for, 168

GUARDIAN (*see INFANT*)**HOLIDAY,**

- document, day for leaving, falling on, provision as to, 159
- fee, day for paying, falling on, provision as to, 159
- at Patent Office, 180
- register of patents closed on, 191
- register of trade-marks closed on, 253

ILLUSTRATED JOURNAL,

- of patented inventions to be issued by comptroller, 89
- copies of, to be kept on sale by comptroller, 89
- additional drawing to be furnished for, 185 (*and see OFFICIAL JOURNAL; OFFICIAL PAPER*)

IMPROVEMENT,

- substantial, sufficient to support patent, 99
- in application of existing machines, patent for, 100

INDEXES,

- of specifications to be published, 89
- rules as to, to be made by Board of Trade, 160

INDUSTRIAL EXHIBITION (see EXHIBITION)**INFANT,**

- guardian of, may make declaration, 159
- „ „ act in name of infant, 159
- „ person may be appointed by Court as, 159
- „ acts done by, effectual, 160

INFORMATION FOR APPLICANTS FOR PATENTS, 289**INFRINGEMENT,**

- of patents,
 - right of co-owners to sue for, 5, *n.*
 - right of assignee of distinct part of patent to sue for, 6
 - before publication of complete specification, no action for, 25
 - applicant cannot institute proceedings for, until grant of patent, 27
 - Court may refuse damages for, when, 28
 - action for, effect of, on amendment of specification, 30, 33
 - injunction against, obtained before disclaimer cannot be enforced after, 33
 - power to disclaim during action for, 34
 - trial of action for, postponed until disclaimer, 34
 - defence to action for, grounds of, 47
 - action for, stayed pending petition for revocation, 50
 - assessor, Court may obtain aid of, in action for, when, 51
 - „ remuneration of, how determined, 52
 - „ „ „ how paid, 52
 - action for, tried with a jury, when, 51, 52
 - tried without a jury, when, 51, 52
 - reference of matter arising in, to referees, 52
 - person appointed to make experiments in, 52
 - notice of, need not be given, 73
 - parties to, who may be, 54
 - plaintiff, when original patentee, 54
 - „ „ assignee, 54
 - „ „ co-owner, 54
 - „ „ agent, 54

INFRINGEMENT—*continued.*of patents—*continued.*action for—*continued.*parties to, who may be—*continued.*

plaintiff, when licensee, 54

defendant, when agent, 55, 74

" " servant, 55

" " person supplying materials, 55

" any one using inventions, 55

" employer, 56

" director, 56, 74

" trustees of bankrupt defendant, 75

no liability for, unless actual participation, 56

Custom House agents not liable for, 56

person selling component parts, 66

intention to infringe, absence of, no defence to, 56

" " " " effect of, as to costs, 56, 57

by assignee against assignor, 57

" against licensees prior to assignment, 57

pleadings in, rules as to, 58

" issues in, restricted, how, 58

issues of fact in, how tried, 117

particulars of breaches to be delivered by plaintiff, 53, 58

" " to be delivered, when, 53, 58

" " what are sufficient, 58

" " when exact part of specification infringed must be shown in, 59

" " must state what improvements infringed, 59

" " details in, how far necessary, 59

" " dates of infringements to be given in, 59

" " names and addresses of buyers should be stated in, 59

particulars of objections, to be delivered by defendant, 53, 58

" " to be delivered, when, 53, 58

" " what must be stated in, 53, 58

" " must be very full and explicit, 59

" " on ground of invalidity of patent, 53, 58

" " on ground of want of novelty, 53, 59

" " " that plaintiff is not inventor, 60

INFRINGEMENT—*continued.*of patents—*continued.*action for—*continued.*

particulars of objections must state what parts of specification
have been anticipated, 60

” ” as to language of specification, 60

” ” on ground of prior user, 60

particulars of breaches and objections,

if not delivered, no evidence admitted, 53

must be definite and precise, 61

allegation of general prior user, how made in, 61

amendment of, 53, 61

” ” at late stage of action, 62

” ” costs of, 62

costs of, disallowed, when, 53

Court, general power of, to order, 58, *n.*

relief granted in, to plaintiff,

injunction, 62, 75

” damages, instead of, 62

” interim, should be obtained before hearing, 62

” refused on ground of delay, when, 62

” ” ” when not, 63

” form of, 64

account of profits, plaintiff entitled to, when, 64, 75

” ” not entitled to damages and,
64

” ” form of order for, 64

” ” what must be included in, 65

” ” not of manufacturer's profits,
65

” ” ” of anything beyond pe-
cuniary loss, 65

” not directed if no profits made, 65

” extends over what period, 65

” right to, when lost by delay, 66

” whether plaintiff entitled to, as of
course, *quære*, 66

” inspection for purpose of taking, 67

damages, plaintiff not entitled to account and, 64

” nominal, plaintiff entitled to, when, 65

” measure of, 66

” when judgment should be taken for, 66

” none given for personal annoyance, 66

INFRINGEMENT—*continued.*of patents—*continued.*action for—*continued.*relief granted in, to plaintiff—*continued.*

damages, assessed by jury, when, 66

„ enquiry as to, when, 66

„ Court will assess, when, 67

„ extend over what period, 67

„ amount of, ascertained by inspection, 67

„ „ „ affidavit, 67

„ „ „ interrogatories, 67

destruction of articles, how far ordered, 67

delivering up of articles, when ordered, 67

defendant allowed to retain articles on giving undertaking, 67

receiver, when appointed, 68

„ appointed before judgment only on special grounds, 68

trial of, 68

„ consolidation of action for purpose of, 68

„ test, 68

„ „ costs of, 68, *n.*

„ evidence on, 69

„ „ of experts, 69

„ reference to expert directed, when, 69

„ „ costs of, 74

„ referee, report of, how far evidence, 69

„ trade secrets, when doubtful, order for inspection made, 69

„ „ when probable, referee appointed to report on, 69

„ referee, order for appointment of, form of, 70

„ camera, hearing of in, 70

costs of, in discretion of Court, usually, 71

„ „ „ what is, 71

„ plaintiff deprived of, when, 71

„ when tried with jury, 71

„ when infringer submits, 72

„ what infringer should offer on submission, 72

„ plaintiff proceeding after submission may have to pay costs, 72

„ notice of action affects, how, 72

„ trustees of bankrupt may be ordered to pay, when, 75

INFRINGEMENT—*continued.*of patents—*continued.*action for—*continued.*

costs of motion standing over, 75

„ of interlocutory injunction, 75

„ of stay of proceedings, 75

„ taxation of, as between party and party, 73

„ „ as between solicitor and client, 74, *n.*, 83

„ „ all necessary costs allowed on, 74

„ „ of models, 74

„ „ „ drawings, 74

„ „ „ scientific witnesses, 74

„ „ „ reference, 74

„ „ „ preparing for trial, 74

relief granted in, to either party,

„ injunction, right of either party to, 75

„ inspection, right of either party to, 75

„ interim injunctions, principles upon which granted,
76„ „ refused, and defendant ordered
to keep account, when, 76,
77, 78

„ „ right to, when lost by delay, 77

„ „ balance of convenience and in-
convenience, 77„ „ *ex parte*, when granted, 78„ „ undertaking in damages by
person obtaining, 78

„ „ evidence necessary for, 78

„ „ „ information and belief,
may be, 79

„ inspection, of machinery, &c., ordered, 79

„ „ order for, not of course, 79

„ „ „ what evidence required for,
79

„ „ of patented articles for analysis, 79

„ „ of trade secrets by independent scien-
tific witness, 80

„ interrogatories, what need not be answered, 80

„ „ what must be answered, 80

„ „ must be answered fully, 80

„ „ names of persons buying articles
must be given 81

INFRINGEMENT—*continued*of patents—*continued*.action for—*continued*.relief granted in, to either party—*continued*.

„ interrogatories, composition of chemicals, &c., need
not be given, 81

„ „ nor details of substances, 81

„ „ as to prior user, how far allowed, 81

„ „ form of, 81, *n*.

certificate that validity of patent came in question in, 82

certificate entitles plaintiff to costs of subsequent action as
between solicitor and client, 83 (and *see* CERTIFICATE)

of “combination” patents, 101

of designs (*see* DESIGNS).of trade-marks (*see* TRADE-MARKS)of Trade names (*see* TRADE-MARKS)of quasi trade-marks (*see* QUASI TRADE-MARKS)

Scotland, action for, in, 165

Isle of Man, action for, in, 166

INJUNCTION,

obtained before disclaimer, not enforced after, 33

infringement of patent, against, 62, 75

(and *see* INFRINGEMENT)

infringement of patent, interim, against, 76

(and *see* INFRINGEMENT)

to restrain threats of legal proceedings, 84

„ issue of defamatory circulars, 86

in Scotland means interdict, 95

infringement of trade-marks, against, 142, 144

„ „ „ *ex parte*, 78

„ trade names, against, 143

INSPECTION (*see* DISCOVERY)

public, reports of examiners not open to, 20

„ applications, specifications when open to, 20, 184

„ „ „ fee for, 184

infringement, in action for, when ordered, 67, 75, 79.

(and *see* INFRINGEMENT)

registered designs of, during copyright, to whom allowed, 108

„ „ „ no copy to be taken, 108

„ after copyright, to whom allowed, 108, 231

„ „ „ copy may be taken, 108

„ fees for, 108, 231

registers of, 152, 191, 253

INSTRUCTIONS,

- for registration of designs, 293
- for registration of trade-marks, 296

INTERNATIONAL ARRANGEMENTS,

- for protection of inventions (*see* INVENTIONS)
- „ designs (*see* DESIGNS).
- „ trade-marks (*see* TRADE-MARKS)

INTERNATIONAL EXHIBITION (*see* EXHIBITION)

INTERROGATORIES,

- in action for infringement, allowed, when, 67,
- „ „ rules as to, 80
- „ „ form of, 81, *n.*

INVALIDITY,

- of patent, 49 (*and see* REVOCATION).
- „ on ground of want of novelty, 97
- of designs, 105
- of trade-marks (*see* TRADE-MARKS).

INVENTIONS,

- grant of patent for, 2 (*and see* GRANT OF PATENT)
- „ communicated from abroad, 2, 3
(*and see* COMMUNICATION FROM ABROAD)
- „ communicated in this country, 4
- „ when contemporaneous, 5
- „ by master and workman, 5
- „ by person in employ of others, 5
- application for patent for (*see* APPLICATION FOR PATENT; PROVISIONAL SPECIFICATION; COMPLETE SPECIFICATION; CLAIMING CLAUSE; INFORMATION FOR APPLICANTS FOR PATENTS.)
- more than one, included in application, 183
- two applications for same, practice on, 17, 25
- protection of, between application and sealing (*see* PROVISIONAL PROTECTION)
- protection of, by complete specification, 27
- patent granted for one only, 87
- „ containing more than one, no objection, 87
- exhibition of, 88 (*and see* EXHIBITION)
- „ description of, to be given to comptroller prior to, 182
- use of patented, by foreign ships in British waters, 90
- war material, in (*see* SECRETARY OF STATE FOR WAR).

INVENTIONS—*continued.*

definition of, 95

international arrangements for protection of, 162

by whom made, 162

patent granted to certain persons in priority, 162

„ date of, 162

„ application for, made within which time, 162

„ damages for infringement of, restrictions on, 163

„ publication of invention not to invalidate, 163

„ use of invention not to invalidate, 163

„ application for, how made, 163

Order in Council as to what States applicable, 163

remain in force, how long, 163

colonial arrangements for protection of, 163

when made, 163

provision as to international arrangements to apply to, 164

Order in Council as to, 164

„ effect of, 164

„ may be revoked, 164

INVENTOR (*see* COMMUNICATION FROM ABROAD).

application for patent must be by, 2, 7

or by representative of, 2, 87, 183

persons to whom invention communicated in this country, is not, 4
original, extension of patent to, 43

„ condition in favour of, on extension of patent, 43, 44

may petition for revocation of patent, 47

grant of patent to, after revocation of patent obtained by fraud, 48

„ „ not invalidated by application in fraud of, 87

name of, stated in particulars of objections, when, 60

exhibition of invention by, 88 (*and see* EXHIBITION)

war materials, of improvements in (*see* SECRETARY OF STATE FOR
WAR)

IRELAND,

copies of documents to be sent to Enrolments Office of Chancery
Division in, 160 (*and see* COPIES)

reservation of remedies in, as to patents, 166

jurisdiction of Courts in, general saving as to, 166

“Court,” in, definition of, 166

“Court of Appeal” in, definition of, 166

rectification of register, order of Court in, for, to be served on
comptroller, 166

IRELAND—*continued.*

- rectification of register, order of Court in, for, to be acted on by comptroller, 166
- summary conviction in, definition of, 170

ISLE OF MAN,

- patent extends to, 27
- copies of documents to be transmitted to Rolls Office in, 160 (and see COPIES)
- extension of Act to, 166
- jurisdiction of Courts in, saving as to, 166
- misdemeanor, punishment for, in, 166

ISSUES,

- in pleadings, how restricted, 58
- of fact, when directed, 117
- „ in proceedings for rectification of register, 153

JOINT TENANTS (*see* CO-OWNERS)

JURY,

- construction of specification for, when, 13
- insufficiency of description for, 50
- trial of patent action without, 51, 52
- „ „ „ in Scotland, 165
- „ „ with, 51, 52
- damages assessed by, when, 66
- costs of action tried with, 71
- novelty of design is for, 106

LAW OFFICER (*and see* COMPTROLLER)

- only could before Act object to patent on ground of vagueness of provisional specification, 9
- appeal to, from comptroller against amendment of applications, &c., 16, 17
- is to hear applicant and comptroller on appeal, 17
- may impose conditions on accepting application, 17
- appeal to, from comptroller by rival applicants, 17
- „ from refusal of comptroller to accept complete specification, 19
- is to hear applicant and comptroller on appeal, 19
- decision of, how far conclusive as to validity of patent, 20
- appeal to, from comptroller on opposition to grant, 21
- is to hear applicant and opposer on appeal, 21

LAW OFFICER—continued.

- may obtain assistance of expert, 21 (and *see* EXPERT)
- may direct sealing of patent, when, 24
- appeal to, from decision of comptroller as to amendment of specifications, when opposition, 29
- appeal to, from decision of comptroller as to amendment of specifications, when no opposition, 30
- power of, to examine witnesses, 88, 220
 - „ to administer oaths, 88
 - „ to make rules of procedure, 88
 - „ to make order as to costs, 88, 220
- comptroller may take direction of, when, 158
- definition of, 169
- appeal to, form of, 218
- practice on appeal to, 219 (and *see* APPEAL)

LEGAL PROCEEDINGS (see INFRINGEMENT; REVOCATION OF PATENT)

- threats of, remedy for, 84 (and *see* THREATS OF LEGAL PROCEEDINGS)
- for revocation, none after certificate of Secretary for War, 92
- copyright, infringement of, for (*see* DESIGNS)
- trade-marks „ „ (*see* TRADE-MARKS)

LETTER,

- acceptance of contract by, 159, *n.*
- applications may be sent by, 158, 182, 228, 247
- documents „ „ 158, 182, 220, 228, 247
- notices „ „ 158, 182, 220, 228, 247
- service of documents sent by, how proved, 158, 182, 228, 247

LETTERS OF ADMINISTRATION,

- copy of, sent with application by representatives, 183 (and *see* REPRESENTATIVES.)

LICENSEE,

- liability of, to account to assignee of share of patent, 6
- right of, to sue for infringement, 54
- prior to assignment, action by assignee against, 57
- right of, to restrain threats of legal proceedings, 86
- „ to obtain rectification of register, 154

LICENCES,

- to work patent, each co-owner can grant, 5, *n.*
- co-owners must account for granting, *semble*, 5 *n.*, 6
- to be in register, 36, 191

LICENCES—*continued.*

- form of request to enter, in register, 211
- copies of, supplied to comptroller, 36
 - „ filed, 36
- receipts for, brought into account, 42
- registered proprietor of patent may grant, 151
 - „ „ design may grant, 111, 151
 - „ „ trade-mark may grant, 151
- compulsory, none when patent granted before Act, 94
 - „ none when application pending at date of Act, 94
 - „ form of application for, 205
 - „ „ opposition to, 207
 - „ petition for, 35
 - „ „ form of, 206
 - „ „ what must be shewn in, 188
 - „ „ to be left with evidence at Patent Office, 189
 - „ „ Board of Trade may dismiss, 189
 - „ „ if not dismissed, directions as to further proceedings given, 189
 - „ „ petitioner's evidence on, 189
 - „ „ patentee's evidence on, 189
 - „ „ petitioner's evidence in reply, 189
 - „ „ further proceedings on, 189
 - „ Board of Trade may order, when, 35
 - „ terms on which order for, made, 35
 - „ order for, enforced by mandamus, 36 (and see MANDAMUS)
 - „ costs of application for, 188, *n.*

LORD CHANCELLOR,

- power of, to extend time for sealing patent, 25
- alone can amend letters patent, 31
- rules made by, may be repealed, &c., 168
 - „ repeal of, 192, 256

LOSS,

- of patent, sealing of duplicate on, 88
- of certificate of registration of design, copy granted, 107

LUNATIC,

- committee of, may make declaration, 159
 - „ may act in name of lunatic, 159
 - „ person may be appointed by Court as, 159
 - „ acts done by, effectual, 160

MANCHESTER OFFICE,

fees payable at, 258

where kept, 305

searches in, 305

„ fee for, 305

MANDAMUS,

to enforce grant of compulsory licences, 36

application for, in any branch of Court, 36

MANUFACTURE (see PATENT)**MARKING GOODS (see GOODS)****MASTER,**

grant of patent to (see GRANT OF PATENT)

liability of, for infringement by servant, 56

is proprietor of design invented by workman, 104

MASTER OF THE ROLLS,

can amend clerical error in specification, 18, 31

can order disclaimer to be taken off file, 31

can amend enrolment, 31

cannot amend letters patent, 31

MATERIALS,

no patent for employment of new, to existing machinery, 101

MISDEMEANOR,

falsification of entries in register is, 157

punishment for, in Isle of Man, 167

MODELS,

patentee to furnish, to Department of Science and Art, 90

payment of cost of making, 90

MONTH,

is calendar month, 19

MORTGAGE,

of share of patent (see ASSIGNEE).

NEGLIGENCE,

by applicants, when concurrent applications, 25 (and see DELAY)

liability of agents of, in application for patent, 4, n.

NEW MARKS (see TRADE-MARKS)**NOTICE,**

of acceptance of application, 17, 183

NOTICE—*continued.*

- of identity of inventions to rival applicants, 17
- of opposition to grant of patent, 20, 185
 - ” ” to applicant, 21, 185
 - ” amendment of specification, 29, 187
 - ” ” to person requesting amendment, 29, 188
- of trust (*see* TRUST)
- of licence, prior to assignment, assignee how affected by, 57
- of action, not necessary, 73
- of exhibition of inventions, 89, 181
 - ” ” form of, 213
 - ” designs, 110, 232
 - ” ” form of, 242 (*and see* EXHIBITION)
- of infringement of copyright, given, when, 112
- of opposition to registration of trade-mark 131
 - ” ” ” form of, 264
 - ” ” copy of, sent to applicant, 131
 - ” ” brought before the Court, how given, 250
- of expiration of trade-mark, 145
 - ” ” second, when sent, 145
- of application to register at Sheffield, to comptroller, 147, 254
 - ” ” ” of opposition to, by comptroller, 147, 254
- of registration at Sheffield, to comptroller, 147
- of every entry in Sheffield register, to comptroller, 148
- of application to register mark, for certain goods to be given to Cutlers' Company, 148, 255
- of order for rectification of register, to comptroller, 153
- of application for alteration of register, to comptroller, 157, 253
- may be sent by post, 158, 182, 220, 228, 247
- address for service of, to be given by applicant, 180
- by comptroller to applicant, of time for hearing, 181, 228, 248
- by applicant to comptroller, of intention to be heard, 181, 228, 248
- by comptroller of exercise of discretion, to parties, 181, 228, 248
- of application for further evidence on opposition to grant, 186
- by comptroller of hearing of opposition to grant, 186
- to comptroller of intention to pay fees for continuance of patent, 186, 187
- of extension of time, 187
- of alteration of address in register, form of, 216, 267

NOTICE—*continued.*

- of appeal from comptroller to law officer, 219
 - „ what must be stated in, 219
 - „ who must be served with, 219
- of hearing of appeal to law officer, 219
- of appeal from comptroller to Board of Trade, 228, 248.
 - „ who must be served with, 228, 248
- of hearing of appeal to Board of Trade, 229, 248
- size, &c., of, 246
- of registration of trade-mark, 250

OBJECTIONS (and see OPPOSITION TO GRANT OF PATENT)

- to patent on ground of vagueness of provisional specification, 8
 - could before Act be made only by law officer, 9
 - can under Act be made only by comptroller, 9
- to patent, none on ground that patent comprises more than one invention, 87
- particulars of (*see* INFRINGEMENT)

OFFENCES,

- falsely representing articles to be patented, 164
 - what is, 164
 - penalty for, 164
- falsely representing design as registered, 164
 - what is, 164
 - penalty for, 164
- falsely representing trade-mark as registered, 164
 - what is, 164
 - penalty for, 164
- unauthorised assumption of Royal Arms, 164
 - penalty for, 165
- summary proceedings for, in Scotland, 165
 - „ „ in Isle of Man, 167

OFFICERS,

- appointed by Board of Trade, 150
- removable by Board of Trade, 150
- salaries of, appointed by Board of Trade, 151

OFFICIAL JOURNAL,

- to be issued by comptroller, 161
- rules to be advertised twice in, 161
- acceptance of application for patent, advertised in, 183
- amendment of specification, request for, advertised in, 187

OFFICIAL JOURNAL—*continued.*

amendment of specification, advertised in, 188
 advertisements in, 301 (and see ILLUSTRATED JOURNAL; OFFICIAL PAPER)

OFFICIAL PAPER,

application for registration of trade-mark to be advertised in, 248
 reference in, to place of exhibition of mark, 249
 definition of, 249 (and see ILLUSTRATED JOURNAL; OFFICIAL JOURNAL)

OLD MARKS (see TRADE-MARKS)**OPPOSITION,**

to registration of trade-mark, practice on, 116, 131 (and see TRADE-MARKS)

OPPOSITION TO GRANT OF PATENT,

form of, 201

who may make, 20

by agents and workmen, 22

by personal representatives of inventor, 21, 22

by persons from whom invention obtained, 20, 22

within what time must be made, 20, 23

grounds of, what are, 20, 22, 185

„ what are not, 23

notice of, to be given at Patent Office, 20

„ what must be stated in, 185

„ copy of, to be given to applicant, 21, 185

„ particulars of prior patent to be given in, 185

„ „ if not given opposition disallowed, 186

evidence on, opponent's, 185

„ applicant's in reply, 185

„ how taken, 24, 185 (and see EVIDENCE)

„ copies of, how obtained, 186

„ leave for further, necessary, 186

„ notice of application for further, 186

practice on, 23, 185

comptroller to give notice of time for hearing, 186

disallowance of, in certain cases, 186

comptroller to decide on, 21, 23

„ notify decision to parties, 186

appeal to law officers from decision of comptroller on, 21, 23

law officer, determination of, on, 21

„ „ may obtain help of expert, 21

OPPOSITION TO GRANT OF PATENT—*continued.*

- whole case on, must be raised before comptroller, 23
- opposers before law officer must have opposed before comptroller, 23
- time for, extended on terms, 22
- costs of (*see* Costs)
- sealing of patent delayed by, effect of, 24

ORDER,

- by law officer on appeal against amendment of application, &c., 17
- „ law officer on appeal against refusal to accept complete specification, 19
- „ law officer on amendment of specification, 30
- „ Court, as to disclaimer during action, 34
- „ Board of Trade for grant of licences, 35
- of Privy Council as to costs, how enforceable, 38
- for delivery of particulars, 53, 58
 - „ account of profits, form of, 64
 - „ appointment of referee as to trade secrets, 70
- as to costs, law officer may make, 88
 - „ „ by law officer, to be Rule of Court, 88
- by Board of Trade for registration of design, 103
 - „ „ „ trade-mark, 115
- „ Court for registration of trade-mark, 116
- „ Court for rectification of register, 153'
 - „ „ advertisement of, 253
- Council, in, as to arrangements for international protection, 163
 - „ „ colonial protection, 164
 - „ effect of, 164
 - „ may be revoked, 164
- of Court in Scotland or Ireland for rectification of register, 166
- Privy Council, of, to be entered in register, 191
 - „ „ application for entry of, form of, 217
- Court, of, to be entered in register, 191, 230, 252

PARLIAMENT,

- general rules to be laid before, 161
 - „ „ may be annulled by, 161
- annual report of comptroller to be laid before, 162

PARTICULARS,

- of objections, delivered with petition for revocation, 47, 50
 - „ „ if not delivered evidence not admitted, 47
 - „ „ amendment of, 47

PARTICULARS—*continued.*

- of objections, in action for infringement (*see* INFRINGEMENT)
- „ breaches in action for infringement (*see* INFRINGEMENT)
- „ trade-marks, essential, what are, 119
- „ prior patent stated in notice of opposition to grant, 185
- „ „ if not given opposition disallowed, 186

PARTNERS,

- rights of, to patent of one partner worked by partnership, 7
- extension of patent to one, when not inventor, 43
- rights of, to trade-mark during partnership, 132
- „ „ after dissolution of partnership, 133
- „ to rectification of register, 155
- request for registration of assignment by, 229, 251
- application for registration of trade-mark by, 246

PATENT,

- application for (*see* APPLICATION FOR PATENT)
- grant of (*see* GRANT OF PATENT)
- for communication from abroad (*see* COMMUNICATION FROM ABROAD)
- co-owners of (*see* CO-OWNERS)
- assignee of (*see* ASSIGNEE)
- infringement of (*see* INFRINGEMENT)
- opposition to (*see* OPPOSITION TO GRANT OF PATENT)
- sealing of (*see* SEALING OF PATENT)
- date of, 25
- extent of, to United Kingdom and Isle of Man, 27
- „ not to Channel Islands, 27
- term of (*see* TERM OF PATENT)
- foreign (*see* FOREIGN PATENT)
- amendment of (*see* LORD CHANCELLOR)
- registration of (*see* REGISTER)
- register of (*see* REGISTER)
- proprietaryship of, copies of documents affecting, to be filed, 36
- new, grant of (*see* EXTENSION OF PATENT)
- extension of (*see* EXTENSION OF PATENT)
- revocation of (*see* REVOCATION OF PATENT)
- is to bind Crown, 50
- form of, 87, 171
- granted for one invention only, 87
- may contain more than one claim, 87
- no objection to, on ground that more than one invention comprised in, 87

PATENT—*continued.*

- grant of, to representative of deceased inventor, 87
- to first inventor not invalidated by fraudulent application, 67
- assignment of, for particular places, 87
- loss of, how remedied, 88
- destruction of, how remedied, 88
- duplicate of, application for, form of, 212
- exhibition of (*see* EXHIBITION)
- illustrated journal of, to be issued by comptroller, 89 (*and see* ILLUSTRATED JOURNAL)
- cases, reports of, to be issued by comptroller, 89
- use of, by foreign ships in British waters, how far allowed, 90
- munitions of war, improvements in (*see* SECRETARY OF STATE FOR WAR)
- anticipation of, what is, 97
- existing, when Act applies to, 93, 94
 - „ not affected by provisions as to binding Crown, 94
 - „ „ „ „ compulsory licences, 94
 - „ filing of instruments relating to, 194
 - „ saving as to, 167
- definition of, 95
- valid, requisites for, 95
 - „ mere principle cannot be subject of, 95
 - „ principle plus mode of working can be subject of, 96
 - „ manufacture, for some description of, 96
 - „ „ meanings of word, 96
 - „ „ different rights of patentee to, 96
 - „ new within realm, invention must be, 97
 - „ „ what is, 97
 - „ useful, invention must be, 97
 - „ simplicity, in favour of, 98
 - „ useless combination turned to useful, 99
 - „ substantial improvement sufficient for, 99
 - „ improved application of existing machines, 100
 - „ combinations, for, 100
 - „ not for employment of existing machinery to new materials, 101
- Ireland, reservation of remedies in, as to, 166
- fees payable in respect of (*see* FEES)
- contrary to law or morality refused, 151
- certified copies of, admitted in evidence, 153
- false representation as to (*see* OFFENCES)

PATENT—continued.

Isle of Man, proceedings in, as to, 166
 prerogative of Crown as to, saving for, 169
 continuance of (*see* CONTINUANCE OF PATENT)
 Rules (*see* PATENTS RULES)

PATENTEE,

prescribed payments, must make, 28 (*and see* PAYMENTS)
 right of, to extension of patent when foreign patent for same
 invention expires, 29
 amendment of specifications by, 29, 33, 187
 " " " during action, 34 (*and see* COM-
 PLETE SPECIFICATION)
 licences, can be compelled to grant, 35, 188 (*and see* LICENCES)
 name and address of, entered in register, 36, 151, 189
 " " clerical errors in, correction of, 156
 extension of term, petition for, by (*see* EXTENSION OF PATENT)
 accounts of patent, separate, should keep, 41
 infringement, right of, to sue for, 54 (*and see* INFRINGEMENT)
 assign patent for particular places, may, 87
 definition of, 95
 rights and powers of registered, 151
 executor of, rights of, 152, *n.*
 address of, alteration in, form of notice for, 216

PATENTS, DESIGNS AND TRADE-MARKS ACT, 1883,

short title of, 1
 division of, into parts, 1
 commencement of, 2
 existing patents, provisions as to, in, 93
 provisions of, to apply to Sheffield Register, 148
 expenses of execution of, how paid, 151
 Isle of Man, extension of, to, 166

PATENT MUSEUM,

control of, vested in Department of Science and Art, 89

PATENT OFFICE,

applications for patents must be sent to, 7
 opposition to grant, notice of, must be given at, 20, 185
 " " evidence on, to be left at, 185
 " " " copies of, obtained from, 186
 request for leave to amend specification to be left at, 29

PATENT OFFICE—*continued.*

- register of patents to be kept at, 36
- copies of documents affecting patents to be filed in, 36
- applications for registration of designs to be sent to, 102, 227
- register of designs to be kept at, 109
- application for registration of trade-mark to be sent to, 115
- notice of opposition to registration of trade-mark must be given at, 131
- register of trade-marks to be kept at, 144
- Treasury to provide, 150
- until provided, present office to be used, 150
- under control of comptroller, 150
- seal of, 151 (and *see* SEALING OF PATENT)
- post, documents required to be sent to, may be sent by, 158, 182, 228, 247
- scaled copies of documents left at, to be transmitted to certain places, 160 (and *see* COPIES)
- business of, Board of Trade may make rules for regulating, 161
- hours of business at, 180
- holidays at, 180 (and *see* HOLIDAY)
- documents sent to, size, &c., of, 180, 227
- certificate of payment on renewal of patent to be sent to, 186, 187
- orders of Court to be left at, 188, 252
- petition for compulsory licence to be left at, 189
- copies of licences to be sent to, 191

PATENTS RULES, 1883, 179, et seq.

- short title of, 179
- commencement of, 179
- interpretation of, 179
- fees payable under, 179, 183
- forms to be used under, 179, 195, *et seq.*
- enlargement of time under, 187
- repeal by, 192

PAYMENTS (and *see* FEES)

- if not made patent ceases, 28
- enlargement of time for making, 28, 187
- " " fee for, 28
- " " form of application for, 209
- " " conditions on, 28
- of fees (*see* FEES).
- " day for, falling on holiday, provision for, 159

PAYMENTS—continued.

- of fees for continuance of patent, when made, 186
- „ for patents granted before Act, 186
- „ annual, in lieu of lump sums, 186
- „ certificate of, by comptroller to patentee, 187

PENALTY,

- piracy of design, for, 111
- „ „ how recoverable, 111
- counterfeiting marks in Sheffield Register, for, 149
- how recoverable, 149
- false representation as to patent, 164
- „ „ registration of design, 164
- „ „ „ trade mark, 164
- Royal Arms, unauthorised assumption of, 165
- misdemeanor in Isle of Man, for, 167
- how recoverable, 167

PERSONS,

- body of, corporate, registered at Sheffield as proprietor of trade-mark, 149
- body of, not corporate, registered at Sheffield as proprietor of trade-marks, 149
- disability, under, acts done on behalf of, 159
- include body corporate, 162

PETITION,

- for revocation of patent (*see* REVOCATION OF PATENT)
- infant, person to act as guardian of, for appointment of, 159
- lunatic, person to act as committee of, for appointment of, 159
- for extension of patent (*see* EXTENSION OF PATENT)
- for grant of compulsory licences, 35, 188
- practice on, 188
- practice on, before Privy Council, 221 (*and see* PRIVY COUNCIL).

PHOTOGRAPHS,

- of design to accompany application for registration, 106, 227, 294
- „ comptroller may refuse, 106
- „ size of, 227

PIRACY

- of designs (*see* DESIGNS)
- of trade-marks, 138 (*and see* TRADE-MARKS)

PLEADINGS (*see* INFRINGEMENT)**POST (*see* LETTER)**

PRACTICE,

- on hearing by comptroller, 181
- on appeal from comptroller to law officer, against amendment of application, 17
- on appeal from comptroller to law officer against refusal to accept complete specification, 19
- on opposition to grant of patent, 21, 23, 185
- on appeal to law officer from decision of comptroller as to amendment of specification, 29, 30
- on petition for extension of term of patent, 37, *et seq.*, 45
(and see **PRIVY COUNCIL**)
- on proceedings for revocation of patent, 47
- on hearing of patent action, 51, *et seq.*
- before law officer, 88, 219 (and see **APPEAL**)
- on appeal to Board of Trade against refusal to register design, 103, 228
- on appeal to Board of Trade against refusal to register trade-mark, 115, 117, 248
- on opposition to registration of trade-mark, 116, 131
- on appeal from opposition by comptroller to registration at Sheffield, 147
- on appeal from decision of Cutlers' Company, 149
- on application for notification of register, 153
 - „ for alteration of registered mark, 156
- irregularities in, when and how corrected, 182, 230
- on amendment of specification, 187
- on petition for compulsory licences, 188
- before Privy Council, 221 (and see **PRIVY COUNCIL**)
- on appeal to Board of Trade, 228, 248 (and see **APPEAL**)
- on opposition to registration of trade-mark, 249

PREROGATIVE OF CROWN,

- saving for, 168

PRIOR USER,

- particulars of objections, on ground of, 53, 60
- interrogatories as to, 81

PRIVY COUNCIL,

- petition to, for extension of patent (see **EXTENSION OF PATENT**)
- assessor, may obtain aid of, when, 51
- Orders of, to be entered in register, 191

PRIVY COUNCIL—*continued.*

- Orders of, application for entry of, in register, form of, 217
 proceedings before, rules as to, 221
 advertisement of petition, 222
 „ „ what must be stated in, 222
 „ „ how many times, 222
 „ „ in what districts, 222
 „ „ whose names should appear in, 222
 petition, who heard upon, 222
 „ supplemental, by executrix, 223
 „ time for hearing, 222, 223
 „ to be presented while patent in force, 223
 „ heard while proceedings as to validity pending, 223
 „ when to be presented, 223
 „ extension of time for presenting, 223
 „ accompanied by affidavits as to advertisements, 223
 „ who are to be served with, 224
 „ notice of grounds of objection to, to be lodged, 224
 caveats, to be entered, 222
 „ who may enter, 223
 „ person entering to be served with petition, 224
 copies of papers lodged, may be had, 224
 costs, discretion of registrar as to certain, 224
 copies of paper that must be lodged, 224
 „ specification, 224
 „ balance sheet, 224
 „ must be lodged, when, 224
 Crown heard, when, 224

PRIVY COUNCIL RULES, 221

PROPRIETOR,

- of new design, may apply for registration, 102, 104
 „ design, who is, 104, 114
 „ „ who is not, 104
 „ „ subsequent, request to enter name of, in register, form
 of, 241
 „ „ registered, copyright of (*see* COPYRIGHT)
 „ „ „ rights and powers of, 151
 „ „ certificate of registration granted to, 107
 „ „ copy of lost certificate granted to, 107
 „ „ must furnish representation of design to comptroller,
 when, 107

PROPRIETOR—*continued.*

- of design, must furnish representation to comptroller, penalty for not so doing, 107
- ” ” must mark each article before sale, 107, 231
- ” ” penalty for not so doing, 107
- ” ” ” relief against, when granted, 108
- ” ” right of, to inspection, 108
- ” ” application by, to limit design, 157
- ” ” name and address of, in register, 109, 151, 229
- ” ” ” ” clerical errors in, correction of, 156
- ” ” remedy of, for piracy (*see* DESIGNS)
- ” ” definition of, 114
- ” ” executors of, rights of, 152, *n.*
- of trade-mark, may apply for registration, 115
- ” ” application for alteration in register by, 118
- ” ” ” ” ” form of request for, 265 (*and see* REGISTER)
- ” ” series of, 130
- ” ” two or more persons may be, 134
- ” ” if old, more than three must have been, 134, 136
- ” ” registration of, *primâ facie* evidence as to right to exclusive use, 137
- ” ” registration of, after five years' conclusive evidence, 137
- ” ” does not acquire absolute rights after five years, 138
- ” ” right of property in, 139
- ” ” two or more, persons registered at Sheffield as, 149
- ” ” body of persons registered at Sheffield as, 149
- ” ” registered, rights and powers of, 151
- ” ” cancel entry in register, application to, by, 156
- ” ” ” ” ” form of, 269
- ” ” ” ” ” statutory
- ” ” declaration to accompany, 156
- ” ” ” ” ” form of, 270
- ” ” application by, for alteration of mark, 156
- ” ” ” form of, 268 (*and see* TRADE-MARKS)
- ” ” ” notice to comptroller of, 157
- ” ” ” fee for, 157
- ” ” ” Court may grant or refuse, 157
- ” ” application by, to limit mark, 157
- ” ” name and address of, in register, 144, 151
- ” ” ” ” alteration in, to be registered, 252

PROPRIETOR—continued.

- of trade-mark, name and address of, alteration in, form of application for, 267
- ” ” ” ” clerical errors in, correction of, 156
- ” ” form of request by, for certificate of registration to obtain registration abroad, 272
- ” ” ” ” for official notification of registration, 276
- of trade name, no right-of property in, 129, 139
- ” ” right of, to prevent fraudulent use of, 129, 139, 143
- ” patent (*see* PATENTEE)

PROTECTION,

- provisional (*see* PROVISIONAL PROTECTION)
- by complete specification, 27
- ” ” ” application for, 290
- international arrangements for (*see* INVENTIONS; DESIGNS; TRADE-MARKS)
- colonial arrangements for (*see* INVENTIONS; DESIGNS; TRADE-MARKS)

PROVISIONAL PROTECTION,

- of invention between application and sealing, 26
- dates from when, 26
- specifications, effect of, on, 26
- when application abandoned and new application made, 26
- effect of, as against public, 26
- ” ” acts of applicant, 26
- absolute protection, turned into, how, 26
- fraud, obtained by, effect of, as against inventor, 87
- application for, 290

PROVISIONAL SPECIFICATION (and *see* COMPLETE SPECIFICATION)

- to accompany application for patent, 7
- form of, 180, 199
- must describe nature of invention, 7
- must be accompanied by drawings, if required, 7 (*and see* DRAWINGS)
- must commence with title, 8 (*and see* TITLE)
- object and scope of, 8

PROVISIONAL SPECIFICATION—*continued.*

- cannot supply defect in complete specification, 8
- abandonment of, effect of, when patent granted on filing subsequent specification, 8
- language of, should not be vague or too wide, 8
- objection to patent on ground of vagueness of, 8 (and see OBJECTIONS)
- law officer only could object to patent on ground of vagueness of, before Act, 9 (and see LAW OFFICER)
- comptroller only can now object to patent on ground of vagueness of, 9 (and see COMPTROLLER)
- should be no material variation between complete and, 9
- how far complete specification may vary from, 9
- should be no material variation between title and, 9
- how far title may vary from, 10
- cannot control title, 10
- construction of (see CONSTRUCTION OF SPECIFICATION)
- report on, to be made by examiner to comptroller, 16
- comptroller may require amendment of, 16
- if amendment required, applicant may appeal to law officer, 16 (and see LAW OFFICER)
- publication of, when publication of invention, 19
 - „ „ when not publication of invention, 19
- comparison of, with complete specification, referred to examiner, 19
- open to public inspection, when, 20, 184
- amendment of (see COMPLETE SPECIFICATION)
- entries as to, in register, whether allowed, *quære*, 37
- indexes of, to be prepared, 89 (and see INDEXES)
- sealed packet, delivered to comptroller in, when, 92
 - „ „ placed by comptroller in, when, 92
 - „ „ copy of, in, not published, 93 (and see SECRETARY OF STATE FOR WAR)
- certified copies of, admitted in evidence, 153
- discretion of comptroller as to amendment of, how exercised, 157 (and see DISCRETION)
- copies of, transmitted to certain places, 160 (and see COPIES)
- duplicates of, 160
- publishing of, 160

PUBLICATION,

- of provisional specification, publication of patent, when, 19
 - „ „ „ „ when not, 19
- of examiner's reports, 20

PUBLICATION—*continued.*

- of invention during exhibition, 88, 163 (and *see* EXHIBITION)
- of design during exhibition, 110, 163 (and *see* EXHIBITION)
 - „ prevents registration, when, 102
 - „ what is, 104, *n.*
- of copies of documents, rules for, Board of Trade may make, 160
(and *see* COPIES)
- of indexes of documents, 160
- of request for amendment of specification, 187
- of order of Court for rectification of register, 253
- communication of invention to Secretary for War, not deemed, 93
(and *see* SECRETARY OF STATE FOR WAR)

PUNISHMENT,

- for misdemeanor in Isle of Man 167, (and *see* PENALTY)

QUASI TRADE-MARKS,

- what are, 120, 144
- not under protection of Act, 144
- fraudulent use of restrained, 144

RECEIVER,

- in action for infringement (*see* INFRINGEMENT)

RECTIFICATION OF REGISTER, 106, 133, 138, 152, 153

- application for, made by whom, 153, 154
 - „ „ when, 156
 - „ „ on what grounds, 153, 154
 - „ when refused, 153
 - „ costs of, 153
 - „ questions decided by Court on, 153
 - „ issues of fact, trial of, directed, 153
 - „ damages given, 153
 - „ delay in, effect of, 156
 - „ “person aggrieved,” by, 153, 154
 - „ „ who is, 154
 - „ „ licensee, 154
 - „ „ foreigner, 154
- order for, notice of, to comptroller, 153
 - „ „ form of, 268
 - „ to be registered, 191, 230, 252
- devolution of interest, not, when, 155
 - „ „ how rectified, when, 155, *n.*

RECTIFICATION OF REGISTER—*continued.*

- co-partners, names of all in place of one, 155
- " assignment by registered partner to, when, 155
- mark registered without knowledge of proprietor, not, when, 155
- by striking out whole of entry, 155
- " part of entry, 155
- by adding note to entry, 255
- delay in application for, effect of, 156
- Scotland, Order of Court in, for, to be served on comptroller, 166
- " " to be acted on by comptroller, 166
- Ireland " to be served on comptroller, 166
- " " to be acted on by comptroller, 166

REFEREE,

- appointed in action for infringement (*see* INFRINGEMENT)

REGISTER,

of patents,

- Patent Office, to be kept at, 36
- entered in, what must be, 36, 189
- evidence, *primâ facie*, is, 36
- notice of trust, not to be entered in, 37, 151
- provisional specifications, entries in, as to, whether allowed, *quære*, 37
- infringement, action for, by assignee, whether entry in, essential to, 152
- inspection of, hours for, 152, 191
- certified copies of entries in, given, 152, 192
- " " fee for, 153, 192
- " " to be admitted in evidence, 153
- rectification of, 152 (*and see* RECTIFICATION OF REGISTER)
- falsification of entries in, misdemeanor, 157
- former register to be deemed continued in, 168
- assignments, request for entry of, in, 190
- " " signature of, 198
- " " particulars to be stated in, 190
- " " production of documents of title on, 190
- " " examined copies of documents to be left with, 190
- body corporate registered in corporate name, 191
- Privy Council, Orders of, to be entered in, 191
- " " form of application for entry of, in

REGISTER—*continued.*of patents—*continued.*

- Court, orders of, to be entered in, 191
- payment of fees on issue of certificate to be entered in, 191
- failure to pay fee, entry of, in, 191
- licences, entry of, in, 191
 - „ form of request to enter, in, 211
 - form of request to enter name in, 210
 - notice for alteration of address in, form of, 216
 - clerical errors in, correction of, 156
 - „ „ form of request for, 214
- of designs, proprietor's name erased from, when, 107
- inspection of, 108, 152
- information as to contents of, 108
- to be kept at Patent Office, 109
- what must be entered in, 109, 229
- prima facie* evidence, is, 109
- rectification of, 106 (and see RECTIFICATION OF REGISTER)
- notice of trust not to be entered in, 151
- certified copies of entries in, given, 152
 - „ „ fee for, 152
 - „ „ to be admitted in evidence, 153
- falsification of entries in, misdemeanor, 157
- former register to be deemed continued in, 168
- assignments, request for entry of, in, 229
 - „ „ form of, 241
 - „ „ signature of, 229
 - „ „ particulars to be stated in, 229
 - „ „ statutory declaration to accompany, 230
 - „ „ production of documents of title on, 230
- body corporate registered in corporate name, 230
- Court, order of, to be entered in, 230
- clerical errors in, correction of, 156
 - „ form of request for, 242
- certificate by comptroller as to entries in, 231
 - „ „ fee for entries in, 231
- search in, by comptroller, 231
- information by comptroller as to entries in, 231
 - „ „ fee for, 231

REGISTER—*continued.*

- of trade-marks, alterations in, 118
 - at Sheffield (*see* SHEFFIELD REGISTER)
 - rectification of, 133, 138 (*and see* RECTIFICATION OF REGISTER)
 - disclaimer of exclusive use, entered in, 136
 - to be kept at Patent Office, 144
 - what must be entered in, 144, 250
 - removal of trade-marks from (*see* REMOVAL OF TRADE-MARKS FROM REGISTER.)
 - marks registered at Sheffield to be entered in, 147
 - of Cutlers' Company, to be closed, when, 148
 - notice of trust not to be entered in, 151
 - inspection of, hours of, 151, 253
 - certified copies of entries in, given, 152
 - „ „ fee for, 153
 - „ „ to be admitted in evidence, 153
 - falsification of entries in, misdemeanor, 157
 - former register deemed continued in, 168
 - entries in, when made, 250
 - death of applicant, successor to goodwill may be entered in, 250
 - notice of entry in, to applicant, 250
 - „ form of request for, 276
 - assignments, request for entry of, in, 250
 - „ form of, 265
 - „ signature of, 251
 - „ particulars to be stated in, 251
 - „ statutory declaration to accompany, 251
 - „ form of, 265
 - „ production of documents of title with, 251
 - body corporate registered in corporate name, 251
 - orders of Court to be entered in, 252
 - removal of mark from (*see* REMOVAL OF TRADE-MARK FROM REGISTER.)
 - alteration in address of proprietor to be entered in, 252
 - „ „ fee for, 252
 - „ „ form of notice of application for, 267
 - alteration of mark in (*see* TRADE-MARKS)
 - cancellation of entry in, 156

REGISTER—*continued.*of trade-marks—*continued.*

cancellation of form of application for, 269

" statutory declaration to accompany, 156

" " " form of, 270

REGISTRATION,

of patents (*see* REGISTER),, designs (*see* DESIGNS),, trade-marks (*see* TRADE-MARKS)." " at Sheffield, effect of, 148 (*and see* SHEFFIELD REGISTER)

rules for practice on, Board of Trade may make, 160

false representation as to (*see* OFFENCES)

REMOVAL OF TRADE-MARK FROM REGISTER,

fourteen years from registration, 145

" notice to proprietor to be given before expiration of, 145

fee, payment of, prevented by, 145

,, if not paid, second notice to proprietor, 145

,, if not then paid, mark removed, 145

,, may be accepted after fourteen years, when, 145

,, additional, if paid after fourteen years, 145

restoration of trade-mark to register after, 145

fee for, 145

trade-mark deemed registered five years after, for what purpose, 145

record of, to be registered, 252

RENEWAL,

of patent (*see* EXTENSION OF PATENT { CONTINUANCE OF PATENT)

of trade-mark, 145

REPEAL,

of statutes, 167, 176

saving clauses as to, 167

of rules, 168, 192, 232, 256

saving clause as to 168, 192, 232, 256

REPORT,

by examiner to comptroller on application, 16

" " when rival applications, 17

" " on specification, 19

REPORT—continued.

- of examiners not open to public inspection, 20
 - „ when liable to production or inspection in legal proceedings, 20
 - „ when not liable to production or inspection in legal proceedings, 20
- of referee to Court, 69, 70
- of decisions on patent cases, to be issued, 89
- of comptroller, annual, to be laid before Parliament, 162
 - „ „ what to be included in, 162

REPRESENTATIVES (and see EXECUTORS)

- of inventor, may apply for patent, 2, 87, 113
 - „ copy of will to accompany application, 183
 - „ „ letters of administration, 183
 - „ could not have applied before Act, 2, 4
 - „ opposition of, to grant of patent, 21, 22 (and see

OPPOSITION TO GRANT OF PATENT)

- of applicant, grant of patent to, 24
- of original patentee, extension of term to, 43
- conditions in favour of, on extension of term, 43
- application by, for patent, made in what time, 87
 - „ „ to contain declaration, 87
- right of, to apply for patent, not lost by exhibition of invention, when, 88 (and see EXHIBITION)

REQUISITES,

- of valid patent (see PATENT)
- of trade-mark, 119

REVOCATION OF PATENT,

- power to disclaim, during proceedings for, 34
- trial of action for, postponed until disclaimer, 34
- to be entered in register, 36
- proceedings for, by scire facias abolished, 46 (and see SCIRE FACIAS)
- may be obtained on petition, 46
- petition for, may be presented by whom, 47, 48
 - „ particulars of objections must be delivered with, 47, 50 (and see PARTICULARS)
- petition for, on hearing of, defendant to begin, 47
 - „ „ defendant entitled to reply when, 48
- on ground of fraud, grant of patent to true inventor, after, 48
 - term for which such patent granted, 48

REVOCACTION OF PATENT—*continued.*

- what are grounds for, 46, 49
 - several patents granted for same invention, 49
 - grant of patent upon a false suggestion, 49
 - what is false suggestion, 49, 50
 - insufficient description, 50
 - grant of patent contrary to law, 49
 - other grounds, 49
- action for infringement stayed, pending proceedings for, 50
- costs of proceedings for, 50
- assessor, Court may obtain aid of, in proceedings for, when, 51
 - „ remuneration of, how determined, 52
 - „ „ how paid, 52
- Secretary for War, certificate of, stops proceedings for, 92
- Scotland, proceedings for, in, 165

ROYAL ARMS (*see OFFENCES*).

- as trade-mark, 302

RULES,

- general, may be made, 161
 - „ when to take effect, 161
 - „ to have force of Act, 161
- to be laid before Parliament, 161
- to be advertised twice by comptroller, 161
- Parliament may annul, 161
- anything done under rule until annulled, valid, 162
- included in comptroller's annual report, 162
- existing, saving for, 168
- patents (*see PATENTS RULES*)
- designs (*see DESIGNS RULES*)
- trade-marks (*see TRADE MARKS RULES*)
- Supreme Court, of (*see SUPREME COURT RULES, 1883*)
- repeal of, 168, 192, 232, 256
- law officer may make, as to procedure before him, 88
- for practice on appeals to law officer, 219 (*and see APPEALS*)
 - „ before Privy Council, 221 (*and see PRIVY COUNCIL*)
 - „ on petition for extension of term, Queen in Council
 - may make, 38
 - „ subject thereto present rules to be in force, 38
- made under Act, to apply to Sheffield Register, 148
- Board of Trade, power of, to make, 160

RULES—continued.

- Board of Trade, what forms altered by rules of, 161, 171
- „ „ may repeal, alter or amend, 168 (and see REPEAL)

SALARIES,

- appointed by Board of Trade, 151
- paid, how, 151
- account of, in comptroller's annual report, 162

SCIRE FACIAS,

- revocation of patent by, proceedings for, abolished, 46
- „ „ grounds for, how now available, 46
- nature of, 48
- fiat of Attorney-General necessary for, 48
- when proceedings for, could have been instituted, 48
 - when several patents granted for same invention, 49
 - „ patent granted upon a false suggestion, 49
 - „ what is a false suggestion, 49
 - „ patent granted contrary to law, 49

SCOTLAND,

- “injunction” means “interdict” in, 95
- certified copies of documents admitted in evidence in, 160
 - (and see COPIES)
- assessor in action for infringement in, 165
- mode of trial of action for infringement in, 165
- jurisdiction of Courts in, how affected by Act, 165
- jurisdiction of Courts in, general saving as to, 166
- “Court” in, definition of, 166
- “Court of Appeal” in, definition of, 166
- “Court of Appeal” in, meaning of, in action in, 165
- summary proceedings for, in 165
- revocation of patent, proceedings for, in, 165
 - „ „ service of writs and summonses in action, for, 165
- order of Court in, for rectification of register to be served on comptroller, 166
- order of Court in, for rectification of register to be acted on by comptroller, 166

SEAL,

- Patent Office, for, to be, 151 (and see SEALING OF PATENT)
- judicially noticed, impressions of, to be, 151

SEAL—continued.

- admitted in evidence, impressions of, to be, 151
- „ copies sealed with, to be, 153

SEALED PACKET (see SECRETARY OF STATE FOR WAR)**SEALING OF PATENT (and see SEAL)**

- second application made before, result of, 17, 18
- of second applicant, refused, when, 17
- opposition to (see OPPOSITION TO GRANT OF PATENT)
- by comptroller, 24
- effect of, 24
- must be done within what time, 24
 - exceptions, 24
- Lord Chancellor may extend time of, 25
- to be as of day of application, 25
- on one application, not prevents sealing on earlier, 5, 25, 27
- delay, right to, lost by, 25
- negligence, right to, lost by, 25
- protection of invention between application and (see PROVISIONAL PROTECTION).
- duplicate, when original lost or destroyed, 88

SECRETARY OF STATE FOR WAR,

- assignment to, of inventions in munitions of war, 91
- may be party to assignment, 91
- benefit of invention vested in, 91
- covenants in assignment enforced by, 91
- certificate of, that invention should be kept secret, 91
 - „ if given, before application left at Patent Office, application to be delivered to comptroller in sealed packet, 92
 - „ if given, after application left at Patent Office, application to be sealed by comptroller, 92
 - „ if given, no proceeding for revocation of patent, 92
- sealed packet, to be opened only under authority of, 92
 - „ to be delivered to any person under authority of, 92
 - „ on expiration of term to be delivered to any person authorized by, 92
 - „ no copy of contents of, to be published, 93
- may waive rights as to inventions, 93
- communication of invention to, not to prejudice patent rights, 93

SECURITY FOR COSTS (see COSTS).

SHEFFIELD MARKS (and see SHEFFIELD REGISTER; CUTLERS' COMPANY).

what are, 146

Sheffield register, to be entered in, 147

„ limit of time for entering in, 147

holder of, widow of, rights of, not prejudiced, 148

conterfeiting, summary punishment for, 149

„ penalty for, how recoverable, 149

SHEFFIELD REGISTER (and see CUTLERS' COMPANY)

register of trade-marks at, 118, 146

who may register in, 146

what may be registered in, 146

trade-marks entered before Act to be entered in, what, 146

„ used before Act to be entered in, what, 147

goods, trade-marks in respect of what, to be entered in, 146, 147

application for registration in, by whom made, 147

„ „ proceedings on, 255

„ „ to be made to Cutlers' Company, 147

„ „ may be sent by post, 158

„ „ to be notified to comptroller, 147

„ „ to be in duplicate, 254

„ „ comptroller may object to, 147

„ „ notice of objection to, 254

„ „ objection to, to be made within what time, 254

„ „ if no objection, to be proceeded with, 147

„ „ if objection, appeal to Court, 147

„ „ to be advertised by comptroller, when, 254

„ „ of certain marks to be notified to Cutlers' Company, 148

„ „ notice, how given, 255

registration in, notice of, to comptroller, 147

„ proceedings on, 255

registration by comptroller of marks registered in, 147

„ „ date and effect of, 148

provisions of Act to apply to, 148

„ of rules made under Act to apply to, 148, 255

notice of entry in, to be given to comptroller, 148

widow of holder of Sheffield Mark not to be prejudiced, 148

opposition to registration in, proceedings on, 255 (and see CUTLERS' COMPANY)

SHEFFIELD REGISTER—continued.

- all marks of Cutlers' Company not entered in, deemed abandoned, when, 148
- person registered in, as proprietor of two or more marks, 149
- body of persons registered in, as proprietors, 149
- counterfeiting marks entered in, punishment for, 149
- " " penalty for, how recoverable, 149
- notice of trust not to be entered in, 151
- inspection of, 152
- certified copies of entries in, given, 152
- " " fee for, 153
- rectification of (*see* RECTIFICATION OF REGISTER).
- falsification of entries in misdemeanor, 157
- forms to be used in, 255

SPECIAL CASE,

- when conflicting claims for registration of trade-mark, 252
- to be submitted to Court, 252
- how settled, 252
- form of request for settlement of, 274

SPECIFICATION,

- (*see* PROVISIONAL SPECIFICATION ; COMPLETE SPECIFICATION)
- construction of (*see* CONSTRUCTION OF SPECIFICATIONS)

STATUTES

- 21 Jac. 1, c. 3 (Statute of Monopolies), 96
- " s. 5..2, 3, *n.*
- " s. 6..95
- 31 Geo. 3, c. lviii. (Cutlers' Company's Act, 1791), 149
- 54 Geo. 3, c. 56 (Sculpture Copyright Act, 1814), 114
- 54 Geo. 3, c. cxix. s. 5 (Cutlers' Company's Act, 1814), 149
- 5 & 6 Will. 4, c. 62 (Statutory Declarations Act, 1835), 196-8, 241, 265, 270
- " " c. 88..33, 221
- " " s. 1..32, *n.*
- " " s. 2..221, 223, 224, 225
- " " s. 4..39, 222, 223, 224, 225
- 2 & 3 Vict. c. 67..39
- 5 & 6 Vict. c. 100, s. 3..102, *n.*
- " " s. 7..112
- " " ss. 14, 15, 16..168
- 6 & 7 Vict. c. 65..104
- " " ss. 7, 8, 9..168

STATUTES—*continued.*

- 7 & 8 Vict. c. 69.. 39
 13 & 14 Vict. c. 21, s. 4.. 19
 14 & 15 Vict. c. 93 (Petty Sessions (Ireland) Act, 1851), 170
 15 & 16 Vict. c. 83 (Pat. Law Amend. Act, 1852), 8, 9, 36, 45, 292
 " " s. 8.. 26
 " " s. 25.. 28, 94
 " " s. 26.. 90
 " " ss. 34, 35.. 168
 " " s. 38.. 154
 " " s. 43.. 74
 16 & 17 Vict. c. 115 (Pat. Law Amend. Act, 1853), 292
 21 & 22 Vict. c. 27.. 117, *n.*
 25 & 26 Vict. c. 42.. 117, *n.*
 25 & 26 Vict. c. 88 (Merchandise Marks Act, 1862), 164
 36 & 37 Vict. c. 66 (Judicature Act, 1873), 52, 62, 75, 117
 " " s. 56.. 52, *n.*
 " " s. 57.. 52, *n.*, 117 *n.*
 38 & 39 Vict. c. 77 (Judicature Act, 1875), 52, 62, 75, 117
 " " s. 25.. 68
 38 & 39 Vict. c. 91, s. 1 (Trade-Marks Reg. Act, 1875), 168
 " " s. 5.. 154
 " " s. 10.. 120, *n.*, 127, 129
 Summary Jurisdiction (Ireland) Acts, 170
 former statutes compared with present, 61, 108, 109, 126, 128, 130
 repeal of, 167, 176

STATUTORY DECLARATION (*see EVIDENCE*)

- on opposition to grant of patent, 24, 185
 cancelling entry in register, to accompany application for, 156
 form of, 270
 disability, persons under, made on behalf of, 159
 out of United Kingdom, how made, 183
 on opposition to amendment of specification, 188
 on petition for compulsory licenses, 189
 dispensed with, when, 192, 230, 253
 on request for registration of assignment, 230, 251
 form of, 265
 manner of making and subscribing in United Kingdom, 255
 " " British dominions, 255
 " " foreign countries, 255
 seal of officer taking, to prove itself, 255

SUMMARY PROCEEDINGS,

for offences under Act, 164, 165,

„ „ in Scotland, 165

„ „ in Isle of Man, 167

for counterfeiting marks in Sheffield Register, 149

summary conviction in Ireland, meaning of, 170

SUMMONS, 249 (and see TRADE-MARKS)**SUNDAY (see HOLIDAY.)****SUPREME COURT RULES, 1883 .. 52, 117**

Order xxxiii., r. 1 .. 117, *n.*

„ xxxiv., r. 2 .. 52, *n.*, 117, *n.*

„ xxxvi., r. 4 .. 52, *n.*

„ „ rr. 5, 7, 8 .. 117, *n*

„ xlix., r. 8 .. 68, *n*

„ l., r. 6 .. 68

„ lxxv., r. 1 .. 70

„ „ r. 2 .. 71

TENANT IN COMMON (see CO-OWNERS)**TERM OF PATENT,**

14 years from date, 27

ceases sooner if payments not made, 88 (and see PAYMENTS; FEES)

extension of (see EXTENSION OF PATENT)

TERMS (see CONDITIONS.)**THREATS OF LEGAL PROCEEDINGS (and see CIRCULARS)**

who may bring action for, 84

injunction to restrain, when granted, 84

damages for, when given, 84

previous law as to remedy for, 84

whether licensees can bring action for, *quære*, 86

TIME,

for leaving complete specification, 18

within which complete specification must be accepted, 20

„ „ opposition to grant may be made, 20

„ „ patent shall be sealed, 24

of duration of patent, 27

for notice of opposition to amendment of specification, 29

„ presenting petition for extension of term, 37, 223

TIME—*continued.*

- for which term of patent extended, 38
- within which application for patent must be made by representative of deceased inventor, 87
- „ „ application for patent of exhibited invention must be made, 89
- „ „ application for registration of exhibited design must be made, 110
- „ „ registration of trade-mark must be completed, 118
- „ „ to oppose registration of trade-mark, 131 (and see TRADE-MARKS)
- „ „ counter-statement must be delivered by applicant, 131
- „ „ opposer of registration must give security for costs, 131
- for removal of trade-mark from register, 145
- „ comptroller to object to registration at Sheffield, 147, 254
- „ closing Cutlers' register, 148
- „ for transmitting copies of documents to certain places, 160
- „ rules to be laid before Parliament, 161
- „ hearing evidence on opposition to grant of patent, 185
- „ „ „ „ amendment of specification, 188
- „ payment of fees for continuance of patent, 186
- enlargement of, for payments by patentee, 28
- „ „ application for, 187
- „ „ „ form of, 209
- „ in other cases, 187, 231, 254
- for appeal to law officer, 219
- „ „ Board of Trade, 228, 248

TITLE (and see PROVISIONAL SPECIFICATION; COMPLETE SPECIFICATION)

- provisional specification to commence with, 8
- complete specification to commence with, 8
- report of examiner on, 16
- to sufficiently indicate subject-matter of invention, 9, 16
- otherwise amendment of, required, 9, 16
- no material variance between specification and, 9
- how far specification may vary from, 10
- cannot be controlled by specification, 10
- of petitioner for extension, to be proved, 46

TRACINGS,

of design to accompany application for registration, 106, 227

„ comptroller may refuse, 106

„ size of, 227

„ amendment of, 230

TRADE-MARKS,

application for registration of, who may make, 115 (and see **APPLICANTS; INSTRUCTIONS FOR REGISTRATION OF TRADE-MARKS**)

application for registration of, by partnership, 246

„ „ by body corporate, 246

„ „ agent employed in, 246

„ „ comptroller, made to, 115

„ „ „ to acknowledge, 246

„ „ fee for, 304

„ „ to be sent to Patent Office, 115

„ „ may be sent by post, 115, 116, 158, 247

„ „ size of documents to be sent with,
246

„ „ contents of form of, 246

„ „ form of, 115, 174, 245, 260

„ „ nature of metal goods to be stated
in, 246

„ „ representations of mark, to be accom-
panied by, 115, 246

„ „ „ „ form of 261

„ „ series of marks, representations of, to
accompany, 247

„ „ foreign characters in, to be translated,
247

„ „ to state class of goods for which
trade-mark desired, 115 (and see
CLASSIFICATION OF GOODS)

„ „ opposition to, 116, 131, 249

„ „ limit of time for proceeding with, 118

„ „ advertisement of, 131, 248, 249

„ „ deemed abandoned, when, 131

„ „ mark removed from register deemed
registered for purpose of, when, 145

„ „ in Sheffield registry (see **SHEFFIELD
REGISTRY**)

„ „ for certain goods, notice of, by comp-
troller to Cutlers' Company, 148

TRADE-MARKS—*continued.*

- application for registration of, certificate as to, form of, 275 (and *see* CERTIFICATE)
- registration of, by comptroller 115 (and *see* REGISTER).
 - „ instructions for, 296
 - „ comptroller may refuse, 115, 151
 - „ „ grounds of refusal of, 116, 151
 - „ Board of Trade may order, on appeal from comptroller, 115
 - „ „ practice on appeal to, 117, 248
 - „ „ form of, 262
 - „ appeal as to, referred to Court, 116, 117, 248 (and *see* APPEAL)
 - „ order of Court as to, to be registered, 252
 - „ conditions on, as to user, 116, 117
 - „ transmission of fee for, form of, 263
 - „ alterations in, 118
 - „ restrictions on, 133, 302
 - „ Sheffield Registry, in, 148 (and *see* SHEFFIELD REGISTRY; CUTLERS' COMPANY)
 - „ opposition to, practice on, 116, 131, 249
 - „ right to, who has, 117
 - „ not completed within year, application deemed abandoned, 118
 - „ when used before 13th August, 1875.. 119
 - „ not absolutely necessary for protection, 120
 - „ must be for particular goods, 129
 - „ series of trade-marks, 130, 247
 - „ form of request for official notification of, 276
 - „ in any colour, 130
 - „ abroad, form of request for certificate of registration to obtain, 272
 - „ conflicting claims to, 133
 - „ certificate of (*see* CERTIFICATE)
 - „ restrictions on, 133-135
 - „ refusal of, grounds for, 120-124
 - „ equivalent to public user, 137
 - „ effect of, 137
 - „ *prima facie* evidence of exclusive right to use, 137
 - „ at end of five years' conclusive right to use, 137
 - „ absolute right not acquired five years after, 138
 - „ necessary before action for infringement of new mark, 138

TRADE-MARKS—*continued.*

registration of, refusal of, necessary before action for infringement of old mark, 138

„ whether essential to action for infringement by assignee, *quære*, 152

conditions of registration of,

trade-marks proper,

registration of, not necessary for protection, 120

requisites of, general, 121, 302

words cannot be claimed which

are merely descriptive, 121

do not suggest that article is made by particular maker, 121

have passed into common use without reference to maker, 123

do not identify maker, 124

contain false statements, 124

names of persons,

one cannot restrain another of same name from using, 124

unless public thereby deceived, 125

capable of registration, what are,

Old marks, *i.e.*, in use before 13th August, 1875,

single word, letter, figure, or combination, 119, 128

must be special and distinctive, 119, 120, 128

before Act single letter not registered, 129

actual user before date necessary, 119, 120

„ „ what is, 120, 129

what may be registered as, 124, 129, 302

additions to, may be entered on register, 136

infringement of, right of action for, registration

essential to, 120, 138

New marks, *i.e.*, not in use before 13th August, 1875,

what may be registered as, 302

name printed in distinctive manner, 119, 125

„ whether may be other than that of applicant, *quære*, 125, *n.*

written signature of individual or firm, 119, 126

distinctive device, &c., 119, 126

whether “wrapper” included, *quære*, 126

fancy words not in common use, 119, 127

„ „ instances of, 127

TRADE-MARKS—continued.

conditions of registration of—*continued.*

trade-marks proper—*continued.*

New marks—*continued.*

what may be registered as—*continued.*

place of origin of article, 127

initials accompanied or not by marks, 128

letters, words, or figures may be added to, 119, 128

additions to, may be entered on register, 136

infringement of, right of action for, registration essential to, 120, 138

registered, when old mark registered for other goods in same class, 130

incapable of registration, what are,

Old marks, *i.e.*, in use before 13th August, 1875..
120, 302

infringement of, right of action for, refusal to register, essential to, 120, 138

certificate of (*see* CERTIFICATE)

New marks, *i.e.*, not in use before 13th August, 1875.. 120, *n.*, 302

not protected by Act, 144.

infringement of, no action for, 144

fraudulent use of, restrained, 144

trade names,

what are, 119, 129

use to indicate business, 119, 129

no right of property in, 129, 139

right to prevent fraudulent use of, 129, 139

infringement of, 143

„ „ action for, fraud and deceit essential, 143

„ „ „ „ „ how proved, 143

„ „ what constitutes, 143

goods, must be registered for particular, 129

series of, registration of, 130, 249, 300

„ how assignable, 130

„ in general treated as registered separately, 130

colour, registration of, in any, 130

„ exclusive right of registered owner to, 130

advertisement of application for registration of, 131, 248

opposition to registration of, who may make, 131

„ „ „ within what time to be made, 131

TRADE-MARKS—*continued.*

- opposition to registration of, notice of, 131
 - ” ” ” ” form of, 264
 - ” ” ” ” copy of, sent to applicant, 131
 - ” ” ” counter-statement, applicant to send, 131
 - ” ” ” ” form of, 302
 - ” ” ” ” if not sent application deemed abandoned, 131
 - ” ” ” ” if sent copy given to opposer, 131
 - ” ” ” security for costs, opposer to give, when, 131
 - ” ” ” ” form of bond for, 303
 - ” ” ” ” if not given opposition deemed abandoned, 131
 - ” ” ” ” if given, applicant to be informed, 131
 - ” ” ” to stand for determination of Court, when deemed, 131, 132
 - ” ” ” how brought before Court, 249
 - ” ” ” summons for proceeding with registration to be issued, 249
 - ” ” ” ” to be issued, within what time, 249
 - ” ” ” ” if not issued, application deemed abandoned, 250
 - ” ” ” notice that matter brought before Court, how given, 250
 - ” ” ” order of Court disallowing, to be registered, 252
- assignment of (*see* ASSIGNMENTS; REGISTER)
 - ” only in connection with goodwill, 132
- determinable with goodwill, 132
 - ” by discontinuance of business, 132, *n.*
- partnership, become assets of, when, 132
 - ” rights of partners to, after dissolution of, 132
- conflicting claims to registration of, refused when, 133
 - ” ” ” ” statement from parties, controller may require, 251
 - ” ” ” ” submitted to Court, 133, 252
 - ” ” ” ” special case on, 252

TRADE-MARKS—*continued.*

restrictions on registration of—*continued.*

- conflicting claims to registration of, special case, how settled, 252
 " " " " " " form of request for
 settlement of, 274
- restrictions on registration of, 133, 302
 identical with one on register, registered, when, 133
 calculated to deceive, no registration of, 134, 135
 " " evidence as to, 134
- restrictions on registration of words part of, 135
 calculated to deceive, when, 135
 " " how may be, 135
 protection of Court, disentitled to, on any ground, no registra-
 tion when, 135
 contrary to law or morality, no registration when, 135, 151
- additions to, may be registered, 136
 in the case of old marks, 136
 " " new marks, 136
 common marks, although additions are, 136
 " " what are, 136, 137
 disclaimer of exclusive right to use, 136
 " " to be entered on register, 136
- effect of registration of, 137
 exclusive use of, right of first proprietor to, 137
 absolute right to, not acquired five years after registration, 138
 proprietors of, have rights of property in, 138, 141 (and *see* PRO-
 PRIETOR)
- restrictions on actions for infringements of, 138
 in case of new mark, registration necessary, 138
 " old mark, refusal of registration necessary, 138
 " " certificate of, granted, 138
 " " " " form of request for,
 266
- infringement of, action for, restrictions on, 138
 " " fraud and deceit based on, 138, 139
 " " but fraud and deceit not essential to,
 140
 " " innocent infringer liable to, 141
 " " what must be proved in, 141
 " " costs of, 141, *n.*
 " " interrogatories, what must be answered
 in, 81
 " " issues of fact in, how tried, 117

TRADE-MARKS—*continued.*

- infringement of, damages for, extend over what period, 67
 - „ injunction against, 142
 - „ „ „ *ex parte*, 78
 - „ what constitutes, 141
 - „ copy of whole mark is, 141
 - „ copy of part of mark is, when, 142
 - „ trader, rules as to liability of, as to, 142
 - „ similarity, what amounts to, 142
 - „ whether registration essential to action by assignee for, *quære*, 152
- quasi, what are, 120, 144
 - „ not protected by Act, 144
 - „ fraudulent use of, restrained, 144
- register of (*see REGISTER*).
- removal of, from Register (*see REMOVAL OF TRADE-MARK FROM REGISTER*)
- false representation as to registration of (*see OFFENCES*)
- fees payable in respect of (*see FEES*)
- Sheffield, registration of, at (*see SHEFFIELD REGISTER; CUTLER'S COMPANY*)
- proprietor of (*see PROPRIETOR*)
- contrary to law or morality, registration of, refused, 151
- cancellation of entry of, on register, 156 (*and see REGISTER*)
- alteration of, in register, 156
 - „ application for, to Court, 156
 - „ „ notice of, to comptroller, 157, 253
 - „ „ „ form of, 268
 - „ fee for, 157
 - „ Court may grant or refuse, 157
 - „ by comptroller, 157
 - „ representation of mark as altered to be supplied to comptroller, 253
- limitation of, on *ex parte* application, 157
- international arrangements for protection of, 162
 - by whom made, 162
 - registration of marks granted to certain persons in priority, 162
 - „ „ date of, 162
 - „ „ application for, to be made within what time, 162
 - „ „ „ how made, 163

TRADE-MARKS—continued.

- international arrangements for protection of—*continued.*
 - damages for infringement of, restriction on, 163
 - „ use of, not to invalidate registration, 163
 - „ what may be registered, 163
 - Order in Council as to what States applicable, 163
 - remain in force, how long, 163
- colonial arrangements for protection of, 163
 - when made, 163
 - provisions as to international arrangements to apply to, 164
 - Order in Council as to, 164
 - „ effect of, 164
 - „ may be revoked, 164
- Isle of Man, proceedings respecting, in, 166
- Rules (*see* TRADE-MARKS RULES)
- clerical errors in, amendment of (*see* AMENDMENT)
 - „ form of request for correction of, 271

TRADE-MARKS RULES, 1883.. 245 et seq.

- short title of, 245
- commencement of, 245
- interpretation of, 245
- fees payable under, 245, 257
- forms to be used under, 245, 260, *et seq.*, 296
- classification of goods under, 245, 278
- enlargement of time under, 254

TRADE NAMES (*see* TRADE-MARKS)**TRADE SECRETS,**

- referee appointed to report on, 69
- inspection of, by scientific person, 80
- hearing of, in *camera*, 70

TREASURY,

- consent of, to remuneration of expert, 21
 - „ to fees, 37, 110, 146
- direction of, as to levying fees, 37, 110, 146
- consent of, to reduction of fees, 37
- approval of, of terms for user of invention by officers of Crown, 51
- to provide Patent Office, 150
- approval of, to appointment of officers, 150
- salaries, concurrence of, as to, 151
- definition of, 169

TRUST,

- notice of, not to be entered on register, 37, 151
- „ not receivable by comptroller, 37, 151

TRUSTEES,

- in bankruptcy, rights of, 152, *n.*
- „ „ as to copyright, 110
- application for patent by, 2
- of bankrupt defendant, liability of, for costs, 75

VALIDITY,

- of patent, when raised on application for extension, 42
- „ „ when disputed, particulars as to, 53 (and see **INFRINGEMENT**)
- „ „ when questioned, certificate as to, 82 (and see **CERTIFICATE**)
- „ „ not prejudiced by communication to Secretary for War, 93 (and see **SECRETARY OF STATE FOR WAR**)
- „ „ requisites for (*see* **PATENT**)
- of designs, 105
- „ trade-marks, 302 (and *see* **TRADE-MARKS**)

VICE-CHANCELLOR of County Palatine of Lancaster included in
“judge,” 34, *n.*

WILL,

- copy of, to accompany application by representatives, 183

WITNESSES (and *see* **EXPERT**)

- scientific, allowance of, for expenses, 74
- „ inspection of trade secrets by, 80
- law officer may examine, on oath, 88, 220
- payment of, before law officer, 220

WORKMAN,

- grant of patent to (*see* **GRANT OF PATENT**)
- opposition of, to grant of patent to master, 22
- liability of, to action for infringement, 55
- form of injunction against infringement by, 64
- design invented by, master is proprietor of, 104

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,
STAMFORD STREET AND CHARING CROSS.

7487-110-1